Journal of the Senate

Number 23—Regular Session **Thursday, March 21, 2002**

CONTENTS

Bills on Third Reading 1224
Call to Order 1223, 1377, 1474
Claim Bill Calendar 1474
Consent Calendar 1377
Executive Business, Appointment Reports 1370
House Messages, Final Action 1497
House Messages, First Reading 1482
House Messages, Returning 1306, 1399
Motions 1225, 1370, 1376, 1430, 1482
Motions Relating to Committee Reference 1418, 1482
Point of Order 1392, 1399
Point of Order, Disposition 1393, 1401
Resolutions 1223
Special Order Calendar 1381, 1399, 1418
Vetoed Bill Consideration 1474
Vote, Abstention 1475, 1476, 1481
Votes Recorded 1375

CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—39:

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

Excused: Senator Dawson

PRAYER

The following prayer was offered by the Rev. Mark Moseley, Glen Springs Road Church of Christ, Gainesville:

Almighty Creator, we humbly thank you for the many blessings you have showered upon this great country and upon this great state. We pray today that you would bless the men and women who are defending our freedom across this world. May peace prevail.

We pray today that you would bless this body of men and women who honorably serve the people of this state. We ask that you give them the compassion to do good, the wisdom to do no harm. Amen.

PLEDGE

Senate Pages Elizabeth "Betsy" Manno of Orlando, Ashley Cook of Jacksonville and Larysha Seals of Laurel Hill, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

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

ADOPTION OF RESOLUTIONS

At the request of Senator Laurent—

By Senators Laurent and McKay—

SR 2686—A resolution honoring Dr. Catherine P. Cornelius, on the occasion of her retirement as President of South Florida Community College.

WHEREAS, Dr. Cornelius has devoted 39 years of service and commitment to higher education in this state, spending the last 18 years as President of South Florida Community College, and

WHEREAS, under the leadership of Dr. Cornelius, the enrollment of South Florida Community College has increased by nearly 300 percent, the college's main campus has more than doubled in size, five satellite centers have been established, the number of academic programs offered by the college has more than tripled, and partnerships have been established with five colleges or universities, and

WHEREAS, following its establishment in 1965, South Florida Community College has grown to become an institution that exerts a major positive influence upon the economy of Central and South Florida through its programs in economic and community development and collaborative partnerships with local agencies, businesses, and industries, and

WHEREAS, as a tribute to the many accomplishments of Dr. Cornelius and her years of service to the community college, the Board of Directors of the South Florida Community College Foundation, Inc., has created an endowed scholarship for needy and deserving students who are in the final 2 years of study in any one of the 15 Bachelor's Degree programs offered through the South Florida Community College University Center, NOW, THEREFORE,

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

That the Florida Senate commends Dr. Catherine P. Cornelius for her many years of service to higher education in this state and congratulates her on the establishment of the Catherine P. Cornelius Endowed Scholarship.

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

—**SR 2686** was introduced, read and adopted by publication.

At the request of Senator Lawson—

By Senator Lawson—

SR 2690—A resolution commending the North Florida Christian High School football team for its 2001 season.

WHEREAS, the North Florida Christian High School football team finished the 2001 season with a 12-2 win-loss record, and

WHEREAS, the North Florida Christian High School football team won its district championship with a 6-0 win-loss record and won the regional championship by outscoring opponents in three consecutive games by a combined score of 91 to 27, and

WHEREAS, the North Florida Christian High School football team defeated the southern champion, Ft. Meade, for the third consecutive year, to win the State Class A football championship, and

WHEREAS, The North Florida Christian High School football team is the first team in state Class A history to win four consecutive state championships, and

WHEREAS, the North Florida Christian High School football team is the second team in all class categories to win four consecutive state championships, and

WHEREAS, the North Florida Christian High School football team is the first team in this state to win 20 consecutive playoff games, and

WHEREAS, the North Florida Christian High School football team has played in the Class A state championship game in 6 of the last 7 years, and has won 5 of the last 6 class A state championships, and

WHEREAS, the North Florida Christian High School football team has brought honor and recognition to the North Florida Christian School, Tallahassee, and Leon County, NOW, THEREFORE,

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

That the North Florida Christian High School football team, Head Coach Tim Cokely, and the coaching staff are commended for their outstanding accomplishments in bringing the North Florida Christian School to prominence and excellence in high school football.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the North Florida Christian High School football team and to Coach Tim Cokely as a tangible token of the sentiments of the Florida Senate.

—**SR 2690** was introduced, read and adopted by publication.

At the request of Senator Smith—

By Senator Smith—

SR 342—A resolution commending the contributions to law and order made by correctional officers in Florida and recognizing these contributions by the formal designation of their job title as "Correctional Officers."

WHEREAS, correctional officers in this state risk their lives daily in the protection of the public, and

WHEREAS, our state's correctional officers maintain order in 134 state prisons in Florida, where they were responsible for the management of more than 71,000 state inmates during the past year, and

WHEREAS, twenty-six of Florida's correctional officers have lost their lives in the line of duty between 1928 and the present, and

WHEREAS, the Legislature and all Floridians recognize the significant role these officers play in preserving the public peace and in reducing crime, and

WHEREAS, the designation of correctional officers by their proper title affords them the dignity and respect due them for their important work and provides them with appropriate recognition by the Legislature and the public as law enforcement professionals, NOW, THEREFORE,

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

That the Legislature does pause in its deliberations to honor the state's correctional officers as law enforcement professionals and to hereafter recognize them by the title "Correctional Officers".

—**SR 342** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **HB 1943** and **SB 2502** was deferred.

CS for HB 1641—A bill to be entitled An act relating to law enforcement; amending s. 943.12, F.S.; requiring the Criminal Justice Standards and Training Commission to conduct inquiries of criminal justice training instructors; amending s. 943.13, F.S.; authorizing physician assistants to examine law enforcement officers as a condition of employment; amending s. 943.131, F.S.; revising provisions relating to minimum basic training for temporary employees and officers; amending s. 943.135, F.S.; deleting requirement to provide a remediation program for certain officers; amending s. 943.14, F.S.; revising provisions relating to commission-certified criminal justice training schools; authorizing employing agencies to submit information regarding fingerprints and criminal history checks; amending s. 943.17, F.S.; revising provisions relating to basic recruit, advanced, and career development programs; providing for a specialized training program; amending s. 943.173, F.S.; removing requirement that certain examinations be adopted by the commission; amending s. 943.175, F.S.; removing provisions relating to specialized training programs; amending s. 943.22, F.S.; clarifying authority for accreditation; amending s. 943.25, F.S.; prohibiting the assessment of costs for advanced and specialized training under certain circumstances; conforming a cross reference; amending s. 316.640, F.S.; revising provisions relating to required instruction for certain traffic officers; amending s. 790.065, F.S., relating to the sale and delivery of weapons and firearms; extending the date of repeal of such section; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Futch, **CS for HB 1641** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Holzendorf	Posey
Brown-Waite	Jones	Pruitt
Campbell	Klein	Rossin
Carlton	Latvala	Sanderson
Clary	Laurent	Saunders
Constantine	Lawson	Sebesta
Cowin	Lee	Silver
Crist	Meek	Smith
Dyer	Miller	Wasserman Schultz
Futch	Mitchell	Webster
Geller	Peaden	Wise

Nays—None

Vote after roll call:

Yea—Burt, Diaz de la Portilla, Garcia, King, Sullivan, Villalobos

---

Consideration of **CS for SB 1108**, **CS for SB 1116** and **CS for CS for SB 1654** was deferred.

HB 813—A bill to be entitled An act relating to Everglades restoration; amending s. 201.15, F.S.; providing for distribution of proceeds from excise taxes on documents to pay debt service on Everglades restoration bonds; creating s. 215.619, F.S.; authorizing the issuance of Everglades restoration bonds to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources for the purpose of implementing the Comprehensive Everglades Restoration Plan; providing procedures and limitations; providing for deposit of funds in the Save Our Everglades Trust Fund; amending s. 259.105, F.S.; specifying time period for transfer of certain Florida Forever Act funds into the Save Our Everglades Trust Fund; specifying use of funds; amending ss. 373.470 and 373.472, F.S.; authorizing the payment of debt service on Everglades restoration bonds from the Save Our Everglades Trust Fund; revising requirements for deposit of state and water management district funds into the Save Our Everglades Trust Fund; providing legislative intent that the issuance of Everglades restoration bonds is in the best interest of the state; amending s.

373.1502, F.S.; providing that certain project components shall be exempt from permit requirements; specifying land procurement procedures; providing effective dates.

—as amended March 15 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Brown-Waite, the Senate reconsidered the vote by which **Amendment 1 (931532)** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Brown-Waite, **HB 813** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—King, Sebesta, Sullivan, Villalobos

MOTION

On motion by Senator Lee, the rules were waived and the Secretary was directed to transmit all bills to the House of Representatives at the direction of the President.

Consideration of **HB 1993** and **CS for SB 2302** was deferred.

CS for CS for SB 1654—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for election; amending s. 35.06, F.S.; increasing the number of judges in specified district courts of appeal; providing for appointment by the Governor; providing effective dates.

—as amended March 14 was read the third time by title.

On motion by Senator Burt, **CS for CS for SB 1654** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Geller	Posey
Brown-Waite	Holzendorf	Pruitt
Burt	Jones	Sanderson
Campbell	Latvala	Saunders
Clary	Laurent	Sebesta
Constantine	Lawson	Silver
Cowin	Lee	Smith
Crist	Meek	Villalobos
Dyer	Miller	Wasserman Schultz
Futch	Mitchell	Webster
Garcia	Peaden	Wise

Nays—1

Rossin

Vote after roll call:

Yea—Carlton, Diaz de la Portilla, King, Klein, Sullivan

Consideration of **CS for SB 2132** was deferred.

On motion by Senator Garcia, by two-thirds vote **HB 1973** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1973—A bill to be entitled An act relating to retirement contribution rates; amending ss. 121.052, 121.055, and 121.071, F.S.; revising the contribution rates for the Elected Officers' Class, Senior Management Service Class, Regular Class, Special Risk Class, and Special Risk Administrative Support Class; recognizing excess actuarial assets of the Florida Retirement System Trust Fund to fund costs and rate reductions; amending s. 11 of chapter 2001-235, Laws of Florida, to reduce the amount of excess actuarial assets to be recognized to offset costs; amending s. 121.571, F.S.; delaying the administrative and educational contribution for the optional retirement program; repealing s. 23 of ch. 2000-169, Laws of Florida, relating to increased retirement contribution rates; requiring participating employers to pay additional contribution for implementation of the optional program and educational services for the retirement system; providing a declaration of important state interest; providing an effective date.

—a companion measure, was substituted for **CS for SB 590** as amended and read the second time by title.

Senator Garcia moved the following amendment:

Amendment 1 (923882)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Part III of chapter 121, Florida Statutes, consisting of sections 121.70, 121.71, 121.72, 121.73, 121.74, 121.75, 121.76, 121.77, and 121.78, Florida Statutes, is created to read:

Part III

Florida Retirement System Contribution Rates

121.70 Legislative purpose and intent.—

(1) This part provides for a uniform system for funding benefits provided under the Florida Retirement System defined benefit program established under part I of this chapter (referred to in this part as the defined benefit program) and under the Public Employee Optional Retirement Program established under part II of this chapter (referred to in this part as the optional retirement program). The Legislature recognizes and declares that the Florida Retirement System is a single retirement system, consisting of two retirement plans and other nonintegrated programs. Employers participating in the Florida Retirement System collectively shall be responsible for making contributions to support the benefits afforded under both plans. As provided in this part, employers participating in the Florida Retirement System shall make contributions based upon uniform contribution rates determined as a percentage of the total payroll for each class or subclass of Florida Retirement System membership, irrespective of which retirement plan individual employees may elect. This shall be known as a uniform or blended contribution rate system.

(2) In establishing a uniform contribution rate system, it is the intent of the Legislature to:

(a) Provide greater stability and certainty in financial planning and budgeting for Florida Retirement System employers by eliminating the fiscal instability that would be caused by dual rates coupled with employee-selected plan participation;

(b) Provide greater fiscal equity and uniformity for system employers by effectively distributing the financial burden and benefit of short-term system deficits and surpluses, respectively, in proportion to total system payroll; and

(c) Allow employees to make their retirement plan selection decisions free of circumstances that may cause employers to favor one plan choice over another.

121.71 Uniform rates; process; calculations; levy.—

(1) In conducting the system actuarial study required under s. 121.031, the actuary shall follow all requirements specified thereunder to determine, by Florida Retirement System employee membership class, the dollar contribution amounts necessary for the forthcoming fiscal year for the defined benefit program. In addition, the actuary shall determine, by Florida Retirement System membership class, based on an estimate for the forthcoming fiscal year of the gross compensation of employees participating in the optional retirement program, the dollar contribution amounts necessary to make the allocations required under ss. 121.72 and 121.73. For each employee membership class and subclass, the actuarial study shall establish a uniform rate necessary to fund the benefit obligations under both Florida Retirement System retirement plans, by dividing the sum of total dollars required by the estimated gross compensation of members in both plans.

(2) Based on the uniform rates set forth in subsection (3), employers shall make monthly contributions to the Division of Retirement, which shall initially deposit the funds into the Florida Retirement System Contributions Clearing Trust Fund. A change in a contribution rate is effective the first day of the month for which a full month's employer contribution may be made on or after the beginning date of the change.

(3) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows. Rates effective July 1, 2002, reflect an offset to normal employer costs of $1,237,000,000, resulting from recognition and usage of current available excess assets of the Florida Retirement System Trust Fund as determined pursuant to s. 121.031. Contribution rates that become effective July 1, 2003, reflect normal system costs.

Membership Class	*Percentage of Gross Compensation, Effective July 1, 2002*	*Percentage of Gross Compensation, Effective July 1, 2003*
Regular Class	*4.50%*	*9.87%*
Special Risk Class	*14.75%*	*22.89%*
Special Risk Administrative Support Class	*5.30%*	*12.58%*
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	*8.15%*	*15.43%*
Elected Officers' Class - Justices, Judges	*14.60%*	*20.54%*
Elected Officers' Class - County Elected Officers	*10.60%*	*17.52%*
Senior Management Class	*4.80%*	*11.68%*
DROP	*8.00%*	*11.56%*

121.72 Allocations to optional retirement program participant accounts; percentage amounts.—

(1) The allocations established in subsection (4) shall fund retirement benefits under the optional retirement program and shall be transferred monthly by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the third-party administrator for deposit in each participating employee's individual account based on the membership class of the participant.

(2) The allocations are stated as a percentage of each optional retirement program participant's gross compensation for the calendar month. A change in a contribution percentage is effective the first day of the month for which a full month's employer contribution may be made on or after the beginning date of the change. Contribution percentages may be modified by general law.

(3) Employer and participant contributions to participant accounts shall be accounted for separately. Participant contributions may be made only if expressly authorized by law. Interest and investment earnings on contributions shall accrue on a tax-deferred basis until proceeds are distributed.

(4) Effective July 1, 2002, allocations from the Florida Retirement System Contributions Clearing Trust Fund to optional retirement program participant accounts shall be as follows:

Membership Class	*Percentage of Gross Compensation*
Regular Class	*9.00%*
Special Risk Class	*20.00%*
Special Risk Administrative Support Class	*11.35%*
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	*13.40%*
Elected Officers' Class - Justices, Judges	*18.90%*
Elected Officers' Class - County Elected Officers	*16.20%*
Senior Management Service Class	*10.95%*

121.73 Allocations for optional retirement program participant disability coverage; percentage amounts.—

(1) The allocations established in subsection (3) shall be used to provide disability coverage for participants in the optional retirement program and shall be transferred monthly by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the disability account of the Florida Retirement System Trust Fund.

(2) The allocations are stated as a percentage of each optional retirement program participant's gross compensation for the calendar month. A change in a contribution percentage is effective the first day of the month for which a full month's employer contribution may be made on or after the beginning date of the change. Contribution percentages may be modified by general law.

(3) Effective July 1, 2002, allocations from the FRS Contribution Clearing Fund to provide disability coverage for participants in the optional retirement program, and to offset the costs of administering said coverage, shall be as follows:

Membership Class	*Percentage of Gross Compensation*
Regular Class	*0.25%*
Special Risk Class	*1.33%*
Special Risk Administrative Support Class	*0.45%*
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	*0.41%*
Elected Officers' Class - Justices, Judges	*0.73%*
Elected Officers' Class - County Elected Officers	*0.41%*
Senior Management Service Class	*0.26%*

121.74 Administrative and educational expenses.—Effective July 1, 2002, in addition to contributions required under s. 121.71, employers participating in the Florida Retirement System shall contribute an amount equal to 0.15 percent of the payroll reported for each class or subclass of Florida Retirement System membership, which amount shall be transferred by the Division of Retirement from the Florida Retirement System Contribution Clearing Trust Fund to the State Board of Administration's Administrative Trust Fund to offset the costs of administering the optional retirement program and the costs of providing educational services to participants in the defined benefit program and the optional retirement program. Approval of the Trustees of the State Board of Administration is required prior to the expenditure of these funds. Payments for third-party administrative or educational expenses shall be made only pursuant to the terms of the approved contracts for such services.

121.75 Allocation for defined benefit program.—After making the transfers required pursuant to ss. 121.71, 121.72, 121.73, and 121.74, the monthly balance of funds in the Florida Retirement System Contributions Clearing Trust Fund shall be transferred to the Florida Retirement System Trust Fund to pay the costs of providing defined benefit program

benefits and plan administrative costs under the defined benefit program.

121.76 Contributions for social security and for retiree health insurance subsidy.—Contributions required under this part shall be made or deducted, as may be appropriate, for each pay period and are in addition to employer and member contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund as provided under parts I and II of this chapter.

121.77 Deductions from participant accounts.—The State Board of Administration may authorize the third-party administrator to deduct reasonable fees and apply appropriate charges to optional retirement program participant accounts. In no event shall administrative and educational expenses exceed the portion of employer contributions earmarked for such expenses under this part, except for reasonable administrative charges assessed against participant accounts of persons for whom no employer contributions are made during the calendar quarter. Investment management fees shall be deducted from participant accounts, pursuant to the terms of the contract between the provider and the board.

121.78 Payment and distribution of contributions.—

(1) Contributions made pursuant to this part shall be paid by the employer to the Division of Retirement by electronic funds transfer no later than the 5th working day of the month immediately following the month during which the payroll period ended. Accompanying payroll data must be transmitted to the Division concurrent with the contributions.

(2) The division, the State Board of Administration, and the third-party administrator, as applicable, shall ensure that the contributions are distributed to the appropriate trust funds or participant accounts in a timely manner.

(3)(a) Employer contributions and accompanying payroll data received after the 5th working day of the month shall be considered late. The employer shall be assessed by the Division a penalty of 1 percent of the contributions due for each calendar month or part thereof that the contributions or accompanying payroll data are late. Proceeds from the 1-percent assessment against contributions made on behalf of participants of the defined benefit program shall be deposited in the Florida Retirement System Trust Fund, and proceeds from the 1-percent assessment against contributions made on behalf of participants of the optional retirement program shall be transferred to the third party administrator for deposit into participant accounts, as provided in paragraph (b).

(b) If contributions made by an employer on behalf of participants of the optional retirement program or accompanying payroll data are not received within the calendar month they are due and if that delinquency results in market losses to participants, the employer shall reimburse each participant's account for market losses resulting from the late contributions. The third-party administrator, hired by the board pursuant to s. 121.4501(8), shall calculate the market losses for each affected participant. When contributions made on behalf of participants of the optional retirement program or accompanying payroll data are not received within the calendar month due, the employer shall also pay the cost of the third-party administrator's calculation and reconciliation adjustments resulting from the late contributions. The third-party administrator shall notify the employer of the results of the calculations and the total amount due from the employer for such losses and the costs of calculation and reconciliation. The employer shall remit to the Division the amount due within 10 working days after the date of the penalty notice sent by the Division. The Division shall transfer said amount to the third-party administrator, who shall deposit proceeds from the 1-percent assessment and from individual market losses into participant accounts, as appropriate. The board is authorized to adopt rules to implement the provisions regarding late contributions, late submission of payroll data, the process for reimbursing participant accounts for resultant market losses, and the penalties charged to the employers.

(c) Delinquency fees may be waived by the division, with regard to defined benefit program contributions, and by the State Board of Administration, with regard to optional retirement program contributions, only when, in the opinion of the division or the board, as appropriate, exceptional circumstances beyond the employer's control prevented remittance by the prescribed due date notwithstanding the employer's good faith efforts to effect delivery. Such a waiver of delinquency may be granted an employer only one time each state fiscal year.

Section 2. Subsection (7) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(7) CONTRIBUTIONS.—

(a) The following table states the required retirement contribution rates for members of the Elected Officers' Class and their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
1. ~~Effective~~ July 1, 2001*, through June 30, 2002*		
Legislators	0%	15.14%
Governor, Lt. Governor, Cabinet Officers	0%	15.14%
State Attorneys, Public Defenders	0%	15.14%
Justices, Judges	0%	20.61%
County Elected Officers	0%	17.61%

2. Effective July 1, 2002, the required retirement contribution rates shall be specified in s. 121.71.

(b) The employer paying the salary of a member of the Elected Officers' Class shall contribute an amount as specified in this subsection *or s. 121.71, as appropriate,* which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.

(c) The following table states the required employer contribution on behalf of each member of the Elected Officers' Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to *each such* ~~the~~ member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 3. Subsection (3) of section 121.055, Florida Statutes, is amended to read:

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

(3)(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of a percentage of the member's gross compensation. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
1. ~~Effective~~ July 1, 2001*, through June 30, 2002*	0%	11.73%

2. Effective July 1, 2002, the required retirement contribution rate shall be as specified in s. 121.71.

(b) The employer paying the salary of a member of the Senior Management Service Class shall contribute an amount as specified in this section *or s. 121.71, as appropriate,* which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.

(c) The following table states the required employer contribution on behalf of each member of the Senior Management Service Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to *each such* ~~the~~ member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 4. Subsections (1), (2), (3), (4), and (5) of section 121.071, Florida Statutes, are amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) The following tables state the required retirement contribution rates for members of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class and their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

(a)*1.* Retirement contributions for regular members are as follows:

Dates of Contribution Rate Changes	Members	Employers
~~Effective~~ July 1, 2001*, through June 30, 2002*	0%	9.91%

2. Effective July 1, 2002, the retirement contributions for regular members shall be specified in s. 121.71.

(b)*1.* Retirement contributions for special risk members are as follows:

Dates of Contribution Rate Changes	Members	Employers
~~Effective~~ July 1, 2001*, through June 30, 2002*	0%	22.07%

2. Effective July 1, 2002, retirement contributions for special risk members shall be specified in s. 121.71.

(c)*1.* Retirement contributions for special risk administrative support members are as follows:

Dates of Contribution Rate Changes	Members	Employers
~~Effective~~ July 1, 2001*, through June 30, 2002*	0%	12.55%

2. Effective July 1, 2002, retirement contributions for special risk administrative support members shall be specified in s. 121.71.

(2)(a) Effective January 1, 1975, or October 1, 1975, as applicable, each employer shall accomplish the ~~increased~~ contribution required by subsection (1) by a procedure in which no employee's gross salary shall be reduced.

(b) Upon termination of employment for any reason other than retirement, a member shall be entitled to a full refund of the contributions he or she has made prior or subsequent to participation in the noncontributory plan, subject to the restrictions otherwise provided in this chapter.

(3) The employer paying the salary of a member shall contribute an amount as specified in this section *or s. 121.71, as appropriate*, which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage. Contributions for social security by each member and each employer, in the amount required for social security coverage as now or hereafter provided by the federal Social Security Act, shall be in addition to contributions specified in subsection (1).

(4) The following table states the required employer contribution on behalf of each member of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to *each such* ~~the~~ member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

(5) Contributions made in accordance with subsections (1), (2), (3), and (4)*, and s. 121.71* shall be paid by the employer into the system trust funds in accordance with rules adopted by the administrator pursuant to chapter 120. ~~Such contributions are due and payable no later than the 25th day of the month immediately following the month during which the payroll period ended. The department may, by rule, establish a different due date, which shall supersede the date specified herein; however, such due date may not be established earlier than the 20th day of the month immediately following the month during which the payroll period ended. Effective January 1, 1984, contributions made in accordance with subsection (3) shall be paid by the employer into the system trust fund in accordance with rules adopted by the administrator pursuant to chapter 120. For any payroll period ending any day of the month before the 16th day of the month, such contributions are due and payable no later than the 20th day of the month; and, for any payroll periods ending any day of the month after the 15th day of the month, such contributions are due and payable no later than the 5th day of the next month. Contributions received in the offices of the department after the prescribed date shall be considered delinquent unless, in the opinion of the department, exceptional circumstances beyond an employer's control prevented remittance by the prescribed due date notwithstanding such employer's good faith efforts to effect delivery; and, with respect to retirement contributions due under subsections (1) and (4), each employer shall be assessed a delinquent fee of 1 percent of the contributions due for each calendar month or part thereof that the contributions are delinquent. Such a waiver of the delinquency fee by the department may be granted an employer only one time each fiscal year. Delinquent social security contributions shall be assessed a delinquent fee as authorized~~

~~by s. 650.05(4). The delinquent fee assessable for an employer's first delinquency after July 1, 1984, shall be as specified in s. 650.05(4), and, beginning with the second delinquency in any fiscal year by the employer subsequent to July 1, 1984, all subsequent delinquency fees shall be assessed against the employer at twice the applicable percentage rate specified in s. 650.05(4).~~

Section 5. Effective July 1, 2002, paragraph (i) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(i) Contributions.—

1. All employers paying the salary of a DROP participant filling a regularly established position shall contribute *8.0* ~~11.56~~ percent of such participant's gross compensation *for the period of July 1, 2002, through June 30, 2003, and 11.56 percent of such compensation thereafter*, which shall constitute the entire employer DROP contribution with respect to such participant. Such contributions, payable to the System Trust Fund in the same manner as required in s. 121.071, shall be made as appropriate for each pay period and are in addition to contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund. Such employer, social security, and health insurance subsidy contributions are not included in the DROP.

2. The employer shall, in addition to subparagraph 1., also withhold one-half of the entire social security contribution required for the participant. Contributions for social security by each participant and each employer, in the amount required for social security coverage as now or hereafter provided by the federal Social Security Act, shall be in addition to contributions specified in subparagraph 1.

3. All employers paying the salary of a DROP participant filling a regularly established position shall contribute the percent of such participant's gross compensation required in s. 121.071(4), which shall constitute the employer's health insurance subsidy contribution with respect to such participant. Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 6. Subsections (1), (5), and (15) of section 121.4501, Florida Statutes, is amended to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employers shall contribute, as provided in this section *s. 121.71,* and s. 121.571, to the Public Employee Optional Retirement Program Trust Fund toward the funding of such optional benefits.

(5) CONTRIBUTIONS.—

(a) Each employer shall contribute on behalf of each participant in the Public Employee Optional Retirement Program*, as provided in part III of this chapter* ~~an amount based on a percentage of the employee's monthly compensation as set forth in s. 121.571~~. The state board, acting as plan fiduciary, shall ensure that all plan assets are held in a trust, pursuant to s. 401 of the Internal Revenue Code. ~~The employer shall forward all contributions under this program to the third-party administrator.~~ The fiduciary shall ensure that said contributions are allocated as follows:

1. The portion earmarked for participant accounts shall be used to purchase interests in the appropriate investment vehicles for the accounts of each participant as specified by the participant, or in accordance with paragraph (4)(d).

2. The portion earmarked for administrative and educational expenses shall be transferred to the board.

3. The portion earmarked for disability benefits shall be transferred to the department.

(b) Employers are responsible for notifying participants regarding maximum contribution levels permitted under the Internal Revenue Code. If a participant contributes to any other tax-deferred plan, he or she is responsible for ensuring that total contributions made to the optional program and to any other such plan do not exceed federally permitted maximums.

(15) STATEMENT OF FIDUCIARY STANDARDS AND RESPONSIBILITIES.—

(a) Investment of optional defined contribution retirement plan assets shall be made for the sole interest and exclusive purpose of providing benefits to plan participants and beneficiaries and defraying reasonable expenses of administering the plan. The program's assets are to be invested, on behalf of the program participants, with the care, skill, and diligence that a prudent person acting in a like manner would undertake. The performance of the investment duties set forth in this paragraph shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this subsection shall prevail.

(b) If a participant or beneficiary of the Public Employee Optional Retirement Program exercises control over the assets in his or her account, as determined by reference to regulations of the United States Department of Labor under s. 404(c) of the Employee Retirement Income Security Act of 1974 and all applicable laws governing the operation of the program, no program fiduciary shall be liable for any loss to a participant's or beneficiary's account which results from such participant's or beneficiary's exercise of control.

(c) Subparagraph (8)(b)4. and paragraph (15)(b) incorporate the federal law concept of participant control, established by regulations of the U.S. Department of Labor under section 404(c) of the Employee Retirement Income Security Act of 1974 (ERISA). The purpose of this paragraph is to assist employers and the State Board of Administration in maintaining compliance with section 404(c), while avoiding unnecessary costs and eroding participant benefits under the Public Employee Optional Retirement Program. Pursuant to 29 C.F.R. s. 2550.404c-1(b)(2)(i)(B)(1)(viii), the State Board of Administration or its designated agents shall deliver to participants of the Public Employee Optional Retirement Program a copy of the prospectus most recently provided to the plan, or shall provide such participants an opportunity to obtain this information, except that:

1. The requirement to deliver a prospectus shall be deemed to be satisfied by delivery of a fund profile that contains the information that would be included in a summary prospectus as described by Rule 498 under the Securities Act of 1933, 17 C.F.R. s. 230.498. When the transaction fees, expense information or other information provided by a mutual fund in the prospectus does not reflect terms negotiated by the State Board of Administration or its designated agents, the aforementioned

requirement is deemed to be satisfied by delivery of a separate document described by Rule 498 substituting accurate information; and

2. Delivery shall be deemed to have been effected if delivery is through electronic means and the following standards are satisfied:

a. Electronically-delivered documents are prepared and provided consistent with style, format, and content requirements applicable to printed documents;

b. Each participant is provided timely and adequate notice of the documents that are to be delivered and their significance thereof, and of the participant's right to obtain a paper copy of such documents free of charge;

c.(I) Participants have adequate access to the electronic documents, at locations such as their worksites or public facilities, and have the ability to convert the documents to paper free of charge by the State Board of Administration, and the Board or its designated agents take appropriate and reasonable measures to ensure that the system for furnishing electronic documents results in actual receipt, or

(II) Participants have provided consent to receive information in electronic format, which consent may be revoked; and

d. The State Board of Administration, or its designated agent, actually provides paper copies of the documents free of charge, upon request.

Section 7. Section 121.571, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 121.571, F.S., for present text.)

121.571 Contributions.—Contributions to the Public Employee Optional Retirement Program shall be made as follows:

(1) NONCONTRIBUTORY PLAN.—Each employer shall accomplish the contributions required by s. 121.71 by a procedure in which no employee's gross salary shall be reduced.

(2) CONTRIBUTION RATES GENERALLY.—Contributions to fund the retirement and disability benefits provided under this part shall be based on the uniform contribution rates established by s. 121.71 and on the membership class or subclass of the participant. Such contributions shall be allocated as provided in ss. 121.72 and 121.73.

(3) CONTRIBUTIONS FOR SOCIAL SECURITY COVERAGE AND FOR RETIREE HEALTH INSURANCE SUBSIDY.—Contributions required under this section shall be in addition to employer and member contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund as provided in ss. 112.363, 121.052, 121.055, and 121.071, as appropriate.

Section 8. Section 11 of chapter 2001-235, Laws of Florida, is amended to read:

Section 11. It is the intent of the Legislature that the costs attributable to the additional cost-of-living increase for special risk retirees and Deferred Retirement Option Program participants as provided under section 2 shall be funded by recognition of excess actuarial assets, amortized over 30 years with the payments assumed to remain relatively stable when expressed as a percentage of payroll. For fiscal year 2001-2002, the payment shall be $9.3 million. For fiscal year 2002-2003, the payment shall be *$15.1* ~~$19~~ million, and, thereafter, payments shall increase by 5 percent per year. If insufficient funds are available to fund this additional cost through recognition of excess actuarial assets in fiscal year 2002-2003 and any year thereafter, and there remains an unfunded actuarial liability attributable to the one-time cost-of-living increase provided under section 2, the payroll contribution rate for the Special Risk Class of the Florida Retirement System shall be increased by .93 percent effective July 1 of that year, unless the Legislature provides an alternative funding mechanism before that date.

Section 9. *Section 23 of chapter 2000-169, Laws of Florida, is hereby repealed.*

Section 10. *The contribution rates proposed in this act shall be in addition to all other changes to such contribution rates which may be enacted into law to take effect on July 1, 2002. The Division of Statutory Revision is directed to adjust the contribution rates set forth herein accordingly.*

Section 11. *The Legislature finds that a proper and legitimate state purpose is served when employees, officers, retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees, officers, and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner, as required by Section 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.*

Section 12. Except as otherwise provided herein, this act shall take effect June 30, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to the Florida Retirement System; creating part III of chapter 121, F.S., consisting of ss. 121.70, 121.71, 121.72, 121.73, 121.74, 121.75, 121.76, 121.77, 121.78, F.S.; providing legislative purpose and intent to establish a uniform contribution rate system for the Florida Retirement System; providing for establishment of uniform rates; providing allocations to Public Employee Optional Retirement Program accounts; providing for allocations to provide disability coverage for Public Employee Optional Retirement Program participants; providing administrative and educational expenses; providing for transfer of remaining balance to Florida Retirement System Trust Fund to fund the benefit costs under the Florida Retirement System Pension Plan and administrative costs authorized under part I of chapter 121, F.S.; providing for contributions for Social Security and for the retiree health insurance subsidy; granting the State Board of Administration authority to allow the third-party administrator to make deductions from participant accounts; providing for payment and distribution of contributions; amending ss. 121.052, 121.055, 121.071, 121.571, F.S., to conform to the uniform contribution rate system; amending s. 121.091, F.S.; reducing contribution rates for DROP payroll; amending s. 121.4501, F.S.; conforming references; providing guidance to assist employers and the State Board of Administration in maintaining compliance with section 404(c) of ERISA; providing a directive to statute editors; amending section 11 of chapter 2001-235, Laws of Florida, to revise annual payment amount to cover the cost for the special January 2002 benefit increase provided for certain retirees and DROP participants; repealing section 23 of chapter 2000-169, Laws of Florida, relating to contribution rate increases scheduled to take effect on July 1, 2002, which are redundant; providing legislative intent regarding other rate changes; providing a declaration of important state interest; providing an effective date.

Senator Garcia moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (093494)(with title amendment)—On page 26, between lines 8 and 9, insert:

Section 12. Paragraph (h) of subsection (1), subsection (3), and paragraph (c) of subsection (6) of section 121.055, Florida Statutes, as amended by chapter 2001-262, Laws of Florida, are amended to read:

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

(1)

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

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to

designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

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

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

(I) Heads an organizational unit; or

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

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

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

(3)(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of a percentage of the member's gross compensation. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
Effective July 1, 2001	0%	11.73%

(b) The employer paying the salary of a member of the Senior Management Service Class shall contribute an amount as specified in this section which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.

(c) The following table states the required employer contribution on behalf of each member of the Senior Management Service Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions *and accompanying payroll data are due and payable no later than the 5th working day of the month immediately following the month during which the payroll period ended and* shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

(6)

(c) Participation.—

1. Any eligible employee who is employed on or before February 1, 1987, may elect to participate in the optional annuity program in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the department and the personnel officer of the employer on or before May 1, 1987. Any eligible employee who is employed on or before February 1, 1987, and who fails to make an election to participate in the optional annuity program by May 1, 1987, shall be deemed to have elected membership in the Senior Management Service Class.

2. Any employee who becomes eligible to participate in the optional annuity program by reason of initial employment commencing after February 1, 1987, may, within 90 days after the date of commencement of employment, elect to participate in the optional annuity program. Such election shall be made in writing and filed with the personnel officer of the employer. Any eligible employee who does not within 90 days after commencement of such employment elect to participate in the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

3. A person who is appointed to a position in the Senior Management Service Class and who is a member of an existing retirement system or the Special Risk or Special Risk Administrative Support Classes of the Florida Retirement System may elect to remain in such system or class in lieu of participation in the Senior Management Service Class or optional annuity program. Such election shall be made in writing and filed with the department and the personnel officer of the employer within 90 days of such appointment. Any eligible employee who fails to make an election to participate in the existing system, the Special Risk Class of the Florida Retirement System, the Special Risk Administrative Support Class of the Florida Retirement System, or the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

4. *Except as provided in subparagraph 5.,* an employee's election to participate in the optional annuity program is irrevocable as long as such employee continues to be employed in an eligible position and continues to meet the eligibility requirements set forth in this paragraph.

5. Effective from July 1, 2002, through September 30, 2002, any active employee in a regularly established position who has elected to participate in the Senior Management Service Optional Annuity Program has one opportunity to choose to move from the Senior Management Service Optional Annuity Program to the Florida Retirement System defined benefit program.

a. The election must be made in writing and must be filed with the department and the personnel officer of the employer before October 1, 2002, or, in the case of an active employee who is on a leave of absence on July 1, 2002, within 90 days after the conclusion of the leave of absence. This election is irrevocable.

b. The employee will receive service credit under the defined benefit program of the Florida Retirement System equal to his or her years of service under the Senior Management Service Optional Annuity Program. The cost for such credit shall be an amount representing the present value of that employee's accumulated benefit obligation for the affected period of service.

c. The employee must transfer the total accumulated employer contributions and earnings on deposit in his or her Senior Management Service Optional Annuity Program account. If the transferred amount is not sufficient to pay the amount due, the employee must pay a sum representing the remainder of the amount due. In no case may the employee retain any employer contributions or earnings thereon from the Senior Management Service Optional Annuity Program account.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 28, line 1, after the semicolon (;) insert: revising provisions governing contributions to the Senior Management Service Optional Annuity Program;

Amendment 1B (924992)—On page 26, line 10, delete "June 30," and insert: June 1,

Amendment 1 as amended was adopted.

On motion by Senator Garcia, by two-thirds vote **HB 1973** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Geller	Posey
Brown-Waite	Holzendorf	Pruitt
Burt	Jones	Sanderson
Campbell	Klein	Saunders
Carlton	Latvala	Sebesta
Clary	Laurent	Silver
Constantine	Lawson	Smith
Cowin	Lee	Villalobos
Crist	Meek	Webster
Dyer	Miller	Wise
Futch	Mitchell	
Garcia	Peaden	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, King, Rossin, Sullivan, Wasserman Schultz

---

CS for SB 1464—A bill to be entitled An act relating to growth management; creating s. 163.3246, F.S.; creating a Local Government Comprehensive Planning Certification Program to be administered by the Department of Community Affairs; defining the purpose of the certification area to designate areas that are appropriate for urban growth within a 10-year timeframe; providing for certification criteria; specifying the contents of the certification agreement; providing evaluation criteria; authorizing the Department of Community Affairs to adopt procedural rules; providing for the revocation of certification agreements; providing for the rights of affected persons to challenge local government compliance with certification agreements; eliminating state and regional review of certain local comprehensive plan amendments within certified areas; providing exceptions; providing for the periodic review of a local government's certification by the Department of Community Affairs; requiring the submission of biennial reports to the Governor and Legislature; providing for review of the certification program by the Office of Program Policy Analysis and Government Accountability; amending s. 163.3191, F.S.; requiring local governments within coastal high-hazard areas to address certain issues in the evaluation and appraisal of their comprehensive plans; amending s. 163.3187, F.S.; providing for plan amendment relating to certain roadways in specified counties under certain conditions; providing an effective date.

—as amended March 20 was read the third time by title.

SENATOR LEE PRESIDING

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

Amendment 1 (150744)—On page 14, lines 26-29, delete those lines and insert: *allowable densities or intensities of any land.*

On motion by Senator Constantine, **CS for SB 1464** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Brown-Waite	Dyer	Latvala
Burt	Futch	Laurent
Campbell	Garcia	Lawson
Carlton	Geller	Lee
Clary	Holzendorf	Meek
Constantine	Jones	Miller
Cowin	King	Mitchell
Crist	Klein	Peaden
Posey	Saunders	Wasserman Schultz
Pruitt	Sebesta	Webster
Rossin	Silver	Wise
Sanderson	Smith	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Sullivan, Villalobos

CS for HB 1683—A bill to be entitled An act relating to switched network access rates; amending s. 364.10, F.S.; revising provisions for Lifeline Assistance Plan service; providing for certification and maintenance of claims by Office of Public Counsel; requiring certain local exchange telecommunications companies to provide specified materials relating to the plan; requiring state agencies to provide such material to affected applicants; exempting plan beneficiaries from certain rate increases under certain circumstances; providing for notification; amending s. 364.163, F.S.; revising provisions relating to caps on rates; deleting provisions relating to recovery of costs of government programs; revising provisions relating to rate changes; providing for adjustments in long distance revenues and pass-through to customers; maintaining continuing oversight by the commission; creating s.364.164, F.S.; providing findings; providing for petition to the commission for reduction of access rates; providing for final order; providing for criteria; providing for establishment of revenue category mechanisms; providing for notification; providing for revenue neutrality; providing for notice; providing limitations on adjustments; providing for pricing units; maintaining exemptions; providing definitions; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for HB 1683** was passed and certified to the House. The vote on passage was:

Yeas—26

Campbell	Klein	Sanderson
Clary	Latvala	Saunders
Diaz de la Portilla	Laurent	Silver
Futch	Lawson	Smith
Garcia	Meek	Villalobos
Geller	Peaden	Wasserman Schultz
Holzendorf	Posey	Webster
Jones	Pruitt	Wise
King	Rossin	

Nays—9

Brown-Waite	Cowin	Miller
Burt	Crist	Mitchell
Carlton	Lee	Sebesta

Vote after roll call:

Yea—Constantine, Sullivan

Nay—Dyer

Yea to Nay—Clary, Peaden

Consideration of **CS for SB 660** was deferred.

CS for CS for HB 1057—A bill to be entitled An act relating to driving or boating under the influence of alcohol or controlled substances; amending s. 316.193, F.S.; reducing the number of convictions required for a felony DUI; requiring mandatory placement of an ignition interlock device under certain circumstances; revising conditions for conviction in cases of accident, serious bodily injury, or death; removing a cross reference; amending s. 316.1932, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 316.1933, F.S.; requiring a person to submit to a blood test under certain circumstances; amending s. 316.1937, F.S.; requiring placement of an ignition interlock device under certain

circumstances; directing the court regarding requirements for ignition interlock devices; creating s. 316.1939, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; amending s. 322.271, F.S.; providing for the privilege of driving with an ignition interlock device while a license is revoked or suspended, under certain circumstances; amending s. 327.35, F.S.; reducing the number of convictions required for a felony BUI; revising conditions for conviction in cases of accident, serious bodily injury, or death; conforming cross references; amending s. 327.352, F.S.; providing for notification that refusal to submit to a test of breath, blood, or urine under certain circumstances is a misdemeanor; amending s. 327.353, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; creating s. 327.359, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; creating s. 397.6755, F.S.; providing for evidence and criteria for involuntary admission and treatment; providing funding; amending s. 921.0022, F.S.; revising provisions relating to certain DUI offenses; including certain BUI offenses within the offense severity ranking chart; amending s. 938.07, F.S.; providing for application of a fee to persons found guilty of boating under the influence; conforming a cross reference; amending s. 943.05, F.S.; providing for adoption of rules and forms for making DUI arrests; providing an appropriation; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Burt, **CS for CS for HB 1057** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Sullivan

THE PRESIDENT PRESIDING

CS for SB 2206—A bill to be entitled An act relating to services for persons who have disabilities; amending ss. 20.15, 20.171, 229.003, 229.004, and 229.0073, F.S.; conforming organizational provisions to the transfer of the Division of Vocational Rehabilitation and the Division of Blind Services from the Department of Labor and Employment Security to the Department of Education; providing for establishment and oversight of the divisions within the reorganized state education system; amending s. 413.20, F.S.; revising definitions under pt. II of ch. 413, F.S., relating to vocational rehabilitation programs; creating s. 413.201, F.S.; providing that the Department of Education is the designated state agency for implementing federal vocational rehabilitation requirements; creating s. 413.202, F.S.; providing that the Division of Vocational Rehabilitation is the designated administrative unit for such implementation; creating s. 413.203, F.S.; providing legislative intent and procedure with respect to conflicting laws; creating s. 413.206, F.S.; requiring the Division of Vocational Rehabilitation to develop a 5-year plan relating to general vocational rehabilitation programs; providing requirements for the contents of the plan; requiring annual reports; creating s. 413.207, F.S.; providing quality assurance and performance requirements for the Division of Vocational Rehabilitation; creating s. 413.208, F.S.; providing for service providers' quality assurance and fitness for their responsibilities; amending s. 413.23, F.S.; revising provisions relating to the federally required state plan for administration of vocational rehabilitation services; amending s. 413.395, F.S.; clarifying reporting requirements of the Florida Independent Living Council; revising references to conform to changes made by the act; amending s. 413.401, F.S.; revising references to conform to changes made by the act; amending s. 413.405, F.S.; renaming the Rehabilitation Advisory Council as the Florida Rehabilitation Council; revising council membership and duties; requiring the council to submit reports to the Governor, Legislature, and United States Secretary of Education; amending ss. 11.45, 90.6063, 215.311, 394.75, 395.404, 410.0245, 410.604, 413.034, 413.051, 413.064, 413.066, 413.067, 413.091, 413.092, 413.445, 413.615, 944.012, F.S.; revising provisions and references to conform to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of the progress of the Division of Vocational Rehabilitation and to prepare a report; repealing pt. III of ch. 413, F.S., and s. 445.024(8), F.S., relating to creation and duties of the Occupational Access and Opportunity Commission; providing an effective date.

—was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **CS for SB 2206** to **CS for CS for HB 1825**.

Pending further consideration of **CS for SB 2206** as amended, on motion by Senator Mitchell, by two-thirds vote **CS for CS for HB 1825** was withdrawn from the Committees on Education; and Appropriations.

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

CS for CS for HB 1825—A bill to be entitled An act relating to services for persons who have disabilities; amending ss. 20.15, 20.171, 229.003, 229.004, and 229.0073, F.S.; conforming organizational provisions to the transfer of the Division of Vocational Rehabilitation and the Division of Blind Services from the Department of Labor and Employment Security to the Department of Education; providing for establishment and oversight of the divisions within the reorganized state education system; amending s. 413.20, F.S.; revising definitions under pt. II of ch. 413, F.S., relating to vocational rehabilitation programs; creating s. 413.201, F.S.; providing that the Department of Education is the designated state agency for implementing federal vocational rehabilitation requirements; creating s. 413.202, F.S.; providing that the Division of Vocational Rehabilitation is the designated administrative unit for such implementation; creating s. 413.203, F.S.; providing legislative intent and procedure with respect to conflicting laws; creating s. 413.206, F.S.; requiring the Division of Vocational Rehabilitation to develop a 5-year plan relating to general vocational rehabilitation programs; providing requirements for the contents of the plan; requiring annual reports; creating s. 413.207, F.S.; providing quality assurance and performance requirements for the Division of Vocational Rehabilitation; creating s. 413.208, F.S.; providing for service providers' quality assurance and fitness for their responsibilities; amending s. 413.23, F.S.; revising provisions relating to the federally required state plan for administration of vocational rehabilitation services; amending s. 413.395, F.S.; clarifying reporting requirements of the Florida Independent Living Council; revising references to conform to changes made by the act; amending s. 413.405, F.S.; renaming the Rehabilitation Advisory Council as the Florida Rehabilitation Council; revising council membership and duties; requiring the council to submit reports to the Governor, Legislature, and United States Secretary of Education; amending ss. 11.45, 90.6063, 215.311, 394.75, 395.404, 410.0245, 410.604, 413.034, 413.051, 413.064, 413.066, 413.067, 413.091, 413.092, 413.401, 413.445, 413.615, and 944.012, F.S.; revising language and references to conform to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of the progress of the Division of Vocational Rehabilitation and to prepare a report; repealing pt. III of ch. 413, F.S., and s. 445.024(8), F.S., relating to creation and duties of the Occupational Access and Opportunity Commission; providing an effective date.

—a companion measure, was substituted for **CS for SB 2206** as amended and by two-thirds vote read the second time by title. On motion by Senator Mitchell, by two-thirds vote **CS for CS for HB 1825** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Burt	Carlton
Brown-Waite	Campbell	Clary

Constantine	Klein	Rossin
Cowin	Latvala	Sanderson
Crist	Laurent	Saunders
Diaz de la Portilla	Lawson	Sebesta
Dyer	Lee	Silver
Futch	Meek	Smith
Garcia	Miller	Villalobos
Geller	Mitchell	Wasserman Schultz
Jones	Posey	Webster
King	Pruitt	Wise

Nays—None

Vote after roll call:

Yea—Holzendorf, Peaden, Sullivan

SB 2502—A bill to be entitled An act implementing the 2002-2003 General Appropriations Act; providing legislative intent; amending s. 240.35, F.S.; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions relating to an annual report; amending s. 240.209, F.S.; prohibiting State University System employees from enrolling in tuition-free courses; providing accounting requirements for the state universities for the 2002-2003 fiscal year; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funding between certain services; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under the authority of the commission or the Department of Juvenile Justice; amending s. 25.402, F.S.; revising uses of the County Article V Trust Fund; amending s. 581.1845, F.S.; prescribing the amount of compensation for trees taken in canker eradication programs; amending s. 252.373, F.S.; providing for use of the Emergency Management, Preparedness, and Assistance Trust Fund; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent; amending s. 375.041, F.S.; providing for use of moneys in the Land Acquisition Trust Fund; amending s. 403.709, F.S.; providing for use of moneys in the Solid Waste Management Trust Fund; amending s. 403.7095, F.S.; prescribing conditions on solid waste management and recycling grants; providing for extension of time for repayment of specified loans; amending s. 287.161, F.S.; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps scholarship program; amending s. 601.155, F.S.; exempting products made from certain citrus fruit from the equalizing excise tax; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information by the Agency for Workforce Innovation; providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2002-2003 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; limiting expenditures for noncommercial sustained announcements and public-service announcements; providing effective dates.

—as amended March 14 was read the third time by title.

Senator King moved the following amendment:

Amendment 1 (151812)(with title amendment)—On page 22, between lines 11 and 12, insert:

Section 18. *From the funds in Specific Appropriations 2396 through 2417A, the Department of Business and Professional Regulation is authorized to transfer no more than 34 positions and the resources identified in the reengineering issue from Compliance and Enforcement, no more than 12 positions and the resources identified in the reengineering issues from Standards and Licensure, and no more than 20 positions and the resources identified in the reengineering issue from tax collection to begin implementation of the on-line licensing and reengineering project. To ensure current service delivery levels pertaining to regulation, licensing, compliance, enforcement, and tax collection, the department is authorized to retain positions in the current programs as necessary to facilitate migration to the new business process. The transfer must be completed prior to June 30, 2003. The Executive Office of the Governor is authorized to establish positions in excess in the current programs to meet these requirements, subject to the provisions of section 216.177, Florida Statutes.*

Section 19. *In order to implement Specific Appropriations 2418-2432A of the 2002-2003 General Appropriations Act:*

(1) Any other provision of law to the contrary notwithstanding, the Division of Florida Land Sales, Condominiums, and Mobile Homes shall be organized with at least three bureaus to be known as the Bureau of Condominiums, the Bureau of Mobile Homes, and the Bureau of Timeshares.

(2) No more than 10 percent of the moneys deposited in the trust fund of the Division of Florida Land Sales, Condominiums, and Mobile Homes shall be transferred to the office of the Secretary of Business and Professional Regulation or to other parts of the Department of Business and Professional Regulation during any fiscal year without the prior specific authorization by the Legislature in the General Appropriations Act.

This section expires July 1, 2003.

Section 20. *In order to implement Specific Appropriations 2396-2416 of the 2002-2003 General Appropriations Act:*

(1) Any other provision of law to the contrary notwithstanding, the Division of Alcoholic Beverages and Tobacco shall be organized with at least three bureaus to be known as the Bureau of Licensing, the Bureau of Auditing, and the Bureau of Law Enforcement.

(2) No more than 10 percent of the moneys deposited in the trust fund of the Division of Alcoholic Beverages and Tobacco shall be transferred to the office of the Secretary of Business and Professional Regulation or to other parts of the Department of Business and Professional Regulation during any fiscal year without the prior specific authorization by the Legislature in the General Appropriations Act.

This section expires July 1, 2003.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 15, following the first semicolon (;) insert: authorizing the Department of Business and Professional Regulation to transfer positions and resources; providing for the organization of the Division of Florida Land Sales, Condominiums, and Mobile Homes; prohibiting the transfer of certain funds without prior authorization of the Legislature; providing for the organization of the Division of Florida Land Sales, Condominiums, and Mobile Homes and the Division of Alcoholic Beverages and Tobacco; prohibiting the transfer of certain funds without prior authorization of the Legislature;

On motion by Senator Carlton, further consideration of **SB 2502** with pending **Amendment 1 (151812)** was deferred.

CS for SB 1428—A bill to be entitled An act relating to land trusts; amending s. 689.071, F.S.; prescribing additional entities that receive an ownership interest in trust property when named trustee; amending s. 475.01, F.S.; clarifying that ch. 475, F.S., applies to real estate brokers acting as trustees; providing exceptions; amending s. 689.21, F.S.; revising provisions governing the time within which a disclaimer of interest in certain property may be made; providing for the effect of disclaimer of tenancy-by-the-entirety property; providing for the extent of disclaimed interest in tenancy-by-the-entirety property; providing an effective date.

—was read the third time by title.

Senator Posey moved the following amendment:

Amendment 1 (335504)(with title amendment)—On page 1, line 18, insert:

Section 1. Paragraph (j) of subsection (1) of section 475.01, Florida Statutes, is amended to read:

475.01 Definitions.—

(1) As used in this part:

(j) "Salesperson" means a person who performs any act specified in the definition of "broker," but who performs such act under the *employment* ~~direction, control, or management~~ of another person. A salesperson renders a professional service and is a professional within the meaning of s. 95.11(4)(a). *Nothing in this definition shall be construed to limit a salesperson from registering as an officer or director of a brokerage corporation or a general partner of a brokerage partnership. A salesperson may also form a partnership, limited liability company, limited liability partnership, or corporation with brokers and other salespersons. However, any partnership, limited liability company, limited liability partnership, or corporation formed by a salesperson must include the salesperson's registered employer as a member or a partner.*

Section 2. Subsections (4) and (5) of section 475.011, Florida Statutes, are amended to read:

475.011 Exemptions.—This part does not apply to:

(4) Any salaried employee of an owner, or of a registered broker for an owner, of an apartment community who works in an onsite rental office of the apartment community in a leasing capacity*, provided the salaried employee works without any other compensation being paid in addition to the salary*;

(5) Any person employed for a salary as a manager of a condominium or cooperative apartment complex as a result of any activities or duties which the person may have in relation to the renting of individual units within such condominium or cooperative apartment complex if rentals arranged by the person are for periods no greater than 1 year*, provided the person works without any other compensation being paid in addition to the salary*;

Section 3. Section 475.15, Florida Statutes, is amended to read:

475.15 Registration and licensing of general partners, members, officers, and directors of a firm.—Each partnership, limited liability partnership, limited liability company, or corporation which acts as a broker shall register with the commission and shall renew the licenses or registrations of its members, officers, and directors for each license period. However, if the ~~partnership is a limited partnership, only the general partners must be licensed brokers or brokerage corporations registered pursuant to this part. If the~~ license or registration of at least one active broker member is not in force, the registration of a corporation, limited liability company, limited liability partnership, or partnership is canceled automatically during that period of time.

Section 4. Subsection (1) of section 475.22, Florida Statutes, is amended to read:

475.22 Broker to maintain office and sign at entrance of office; registered office outside state; broker required to cooperate in investigation.—

(1) Each active broker shall maintain an office, which shall consist of at least one enclosed room in a building of stationary construction. Each active broker shall maintain a sign on or about the entrance of her or his principal office and each branch office, which sign may be easily observed and read by any person about to enter such office ~~and shall be of such form and minimum dimensions as shall be prescribed by the commission~~. *Each sign shall contain the name of the broker, together with the trade name, if any. For a partnership or corporation, the sign shall contain the name of the firm or corporation or trade name of the firm or corporation, together with the name of at least one of the brokers. At a minimum, the words "licensed real estate broker" or "lic. real estate broker" shall appear on the office entrance signs.*

Section 5. Paragraphs (d), (h), and (k) of subsection (1) of section 475.25, Florida Statutes, are amended to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed $1,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(d)1. Has failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract of title, mortgage, conveyance, lease, or other document or thing of value, including a share of a real estate commission if a civil judgment relating to the practice of the licensee's profession has been obtained against the licensee and said judgment has not been satisfied in accordance with the terms of the judgment within a reasonable time, or any secret or illegal profit, or any divisible share or portion thereof, which has come into the licensee's hands and which is not the licensee's property or which the licensee is not in law or equity entitled to retain under the circumstances. However, if the licensee~~, in good faith,~~ entertains doubt as to what person is entitled to the accounting and delivery of the escrowed property, ~~or if conflicting demands have been made upon the licensee for the escrowed property, which property she or he still maintains in her or his escrow or trust account,~~ the licensee shall promptly notify the commission of such doubts or conflicting demands and shall promptly:

a. Request that the commission issue an escrow disbursement order determining who is entitled to the escrowed property;

b. With the consent of all parties, submit the matter to arbitration;

c. By interpleader or otherwise, seek adjudication of the matter by a court; or

d. With the written consent of all parties, submit the matter to mediation. The department may conduct mediation or may contract with public or private entities for mediation services. However, the mediation process must be successfully completed within 90 days following the last demand or the licensee shall promptly employ one of the other escape procedures contained in this section. Payment for mediation will be as agreed to in writing by the parties. The department may adopt rules to implement this section.

In the alternative, a licensee may promptly disburse property from a licensee's escrow account without notifying the commission or employing one of the procedures listed in sub-subparagraphs a.-d. and, notwithstanding any civil liability that may exist, no administrative complaint may be filed against a licensee solely because the licensee disbursed escrowed property without first notifying the commission or employing one of the procedures listed in sub-subparagraphs a.-d. ~~If the licensee promptly employs one of the escape procedures contained herein, and if she or he abides by the order or judgment resulting therefrom, no administrative complaint may be filed against the licensee for failure to account for, deliver, or maintain the escrowed property. If the buyer of a residential condominium unit delivers to a licensee written notice of the buyer's intent to cancel the contract for sale and purchase, as authorized by s. 718.503, or if the buyer of real property in good faith fails to satisfy the terms in the financing clause of a contract for sale and purchase, the licensee may return the escrowed property to the purchaser without notifying the commission or initiating any of the procedures listed in sub-subparagraphs a.-d.~~

2. Has failed to deposit money in an escrow account when the licensee is the purchaser of real estate under a contract where the contract requires the purchaser to place deposit money in an escrow account to be applied to the purchase price if the sale is consummated.

(h) Has shared a commission with, or paid a fee or other compensation to, a person not properly licensed as a broker, broker-salesperson, or salesperson under the laws of this state, for the referral of real estate business, clients, prospects, or customers, or for any one or more of the services set forth in s. 475.01(1)(a). For the purposes of this section, it is immaterial that the person to whom such payment or compensation is given made the referral or performed the service from within this state

or elsewhere; however, a licensed broker of this state may pay a referral fee or share a real estate brokerage commission with a broker licensed or registered under the laws of a foreign state so long as the foreign broker does not violate any law of this state. *However, when a broker has compensated a salesperson or a legal entity formed and controlled by a salesperson, that salesperson may compensate persons associated with the salesperson or legal entity.*

(k) Has failed, if a broker, to immediately place, upon receipt, any money, fund, deposit, check, or draft entrusted to her or him by any person dealing with her or him as a broker in *an* escrow *account* ~~with a title company, banking institution, credit union, or savings and loan association located and doing business~~ in this state *in a manner consistent with the broker's fiduciary obligations and requirements of timely disbursement*, ~~or to deposit such funds in a trust or escrow account maintained by her or him with some bank, credit union, or savings and loan association located and doing business in this state,~~ wherein the funds shall be kept *and, with the written consent of the parties to a transaction, invested in a manner not inconsistent with s. 18.10(2),* until disbursement thereof is properly authorized; or has failed, if a salesperson, to immediately place with her or his registered employer any money, fund, deposit, check, or draft entrusted to her or him by any person dealing with her or him as agent of the registered employer. The commission shall establish rules to provide for records to be maintained by the broker ~~and the manner in which such deposits shall be made~~. *A broker may place and maintain up to $5,000 of personal or brokerage business funds in the broker's escrow account and shall be provided a reasonable amount of time to correct escrow account errors if there is no shortage of funds and such errors pose no significant threat to economically harm the public. It is the intent of the Legislature that, in the event of legal proceedings concerning a broker's escrow account, the disbursement of escrowed funds shall not be delayed due to any dispute over the personal or brokerage funds that may be present in the escrow account.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to real estate; amending s. 475.01, F.S.; revising a definition; amending s. 475.011, F.S.; clarifying application of certain exemptions; amending s. 475.15, F.S.; deleting a provision requiring only general partners of a limited partnership to be registered; amending s. 475.22, F.S.; specifying certain sign requirements; amending s. 475.25, F.S.; revising certain provisions relating to disciplinary actions; providing an alternative procedure for disbursing moneys from an escrow account; authorizing salespersons to compensate certain associated persons under certain circumstances; authorizing brokers to place and maintain moneys in an escrow account under certain circumstances; providing procedures for withdrawal of moneys from the account; providing legislative intent; amending s.

On motion by Senator Garcia, further consideration of **CS for SB 1428** with pending **Amendment 1 (335504)** was deferred.

CS for SB's 1416 and 1884—A bill to be entitled An act relating to the Office of Inspector General within the Office of the Commissioner of Education; amending ss. 229.003, 229.0073, F.S.; establishing the Office of Inspector General within the Office of the Commissioner of Education; providing for the organization of the Office of Inspector General; providing the responsibilities of the Office of Inspector General; requiring the Office of Inspector General to conduct, coordinate, or request investigations; providing the powers, duties, and responsibilities of the Office of Inspector General; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Garcia, **CS for SB's 1416 and 1884** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Sullivan, Wasserman Schultz, Wise

SB 1572—A bill to be entitled An act relating to funds of the Department of Education; amending s. 229.085, F.S.; eliminating provisions exempting funds held in trust for student organizations from requirements governing the deposit and disbursement of funds; eliminating provisions limiting the employment period for certain personnel administering grants or projects; eliminating a provision allowing an employee to retain his or her status as a career service employee if the employee is appointed to a position under the Projects, Contracts, and Grants Trust Fund; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Miller, **SB 1572** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Sebesta, Sullivan, Wise

CS for CS for SB 1562—A bill to be entitled An act relating to public records and meetings; creating s. 240.213(6), F.S.; providing that the claims files of self-insurance programs adopted under this section are exempt from public-disclosure requirements; reenacting and amending s. 240.237, F.S.; providing that certain university and college student records as prescribed by the university and college board of trustees are exempt from public-disclosure requirements; reenacting and amending s. 240.253, F.S.; providing that university and college boards of trustees adopt rules relating to employee records; providing that certain university and college employee records are exempt from public-disclosure requirements; providing findings of public necessity; providing an effective date.

—as amended March 20 was read the third time by title.

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

Yeas—35

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

Nays—1

Campbell

Vote after roll call:

Yea—Sullivan, Wise

Yea to Nay—Posey, Smith

CS for SB 1560—A bill to be entitled An act relating to education; redesignating the title of ch. 239, F.S.; reenacting and amending s. 239.101, F.S.; revising legislative intent; reenacting and amending s. 239.105, F.S.; defining terms; conforming provisions; reenacting and amending s. 239.113, F.S.; revising provisions governing the registration of adult students; reenacting and amending s. 239.115, F.S.; revising provisions governing funding of adult and technical education programs; reenacting and amending s. 239.116, F.S.; revising provisions governing cost accounting and reporting; reenacting and amending s. 239.117, F.S.; revising provisions governing postsecondary student fees; repealing provisions related to fee exemptions and waivers; providing a limit upon the proportion of fee revenue which may be waived; extending a deadline for fee schedules to be submitted to the State Board of Education; authorizing fees for certain courses to vary by course and by section; authorizing the use of certain fee revenues to provide child care; authorizing a single account for revenue produced by the financial aid fee, capital improvement fee, technology fee, and activity and service fee; establishing the amount that may be charged for the fee; regulating collection and use of the fee revenue; establishing a limit upon the amount of fee revenue that may be bonded; deleting redundant provisions for the fee revenue collected for financial aid, capital improvement, technology, and activity and services; eliminating an obsolete reference to a penalty; abolishing a restriction upon programs and courses that may generate a technology fee; repealing s. 239.121, F.S., relating to occupational specialists; reenacting and amending s. 239.125, F.S., relating to computer-assisted student advising; repealing s. 239.201, F.S., relating to career education instruction; reenacting and amending s. 239.205, F.S.; revising provisions governing the adoption of rules relating to career education programs; requiring development of certain program standards and industry benchmarks; defining terms; reenacting and amending s. 239.209, F.S.; revising provisions governing the management and information system; eliminating obsolete provisions; reenacting and amending s. 239.213, F.S.; revising provisions governing vocational-preparatory instruction; eliminating a testing requirement for certain students; repealing s. 239.221, F.S., relating to eye-protection devices; repealing s. 239.225, F.S., relating to the vocational improvement program; repealing s. 239.229, F.S., relating to vocational standards; reenacting and amending s. 239.233, F.S., simplifying reporting requirements; reenacting and amending s. 239.241, F.S.; revising provisions governing dual enrollment and early admission; reenacting and amending s. 239.245, F.S.; revising provisions relating to public information concerning career and technical education programs; authorizing certain family literacy programs; eliminating certain requirements for a program for adults with disabilities; repealing s. 239.251, F.S., relating to the Florida Education Technology Foundation; reenacting and amending s. 239.301, F.S.; revising provisions governing adult general education; repealing s. 239.305, F.S., relating to adult literacy; repealing s. 239.309, F.S., relating to adult literacy centers; reenacting and amending s. 239.401, F.S.; authorizing community education programs to be conducted by certain educational agencies; reenacting and amending s. 239.501, F.S.; revising provisions governing the Florida Literacy Corps; abolishing certain requirements relating to college credit for participating in literacy tutorial services; eliminating obsolete provisions; repealing s. 239.505, F.S., relating to the Florida Constructive Youth Program; reenacting and amending s. 239.513, F.S.; revising provisions governing workforce literacy programs; eliminating a restriction; reenacting and amending s. 239.514, F.S.; creating the Capitalization Incentive Grant Program; authorizing certain grants moneys for upgrading programs; requiring the Department of Education, rather than the Postsecondary Education Planning commission, to make certain selections; reenacting and amending s. 239.5141, F.S.; prescribing duties of the Department of Education with respect to adult and technical education; repealing obsolete provisions relating to certain management information; conforming provisions; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding; providing an effective date.

—as amended March 20 was read the third time by title.

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

Yeas—36

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

Nays—1

Holzendorf

Vote after roll call:

Yea—Wise

SB 1984—A bill to be entitled An act relating to trust funds; creating s. 246.143, F.S.; creating the Institutional Assessment Trust Fund within the Department of Education; providing for the trust fund to be used for the operations of the Commission for Independent Education; providing for sources of funds; providing for an annual carryforward of funds; authorizing the commission to establish a contingency fund and a Student Protection Fund within the Institutional Assessment Trust Fund; providing for sources of funds; providing for funds in the Student Protection Fund to be used to assist students in completing their education under certain circumstances; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Miller, **SB 1984** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Latvala
Brown-Waite	Dyer	Laurent
Burt	Futch	Lawson
Campbell	Garcia	Lee
Carlton	Geller	Meek
Clary	Holzendorf	Miller
Constantine	Jones	Mitchell
Cowin	King	Peaden
Crist	Klein	Posey

Pruitt	Sebesta	Villalobos
Rossin	Silver	Wasserman Schultz
Sanderson	Smith	Webster
Saunders	Sullivan	

Nays—None

Vote after roll call:

Yea—Wise

Consideration of **CS for SB 2022** was deferred.

SB 1540—A bill to be entitled An act relating to reorganization within the Department of Education; reenacting and amending s. 20.15, F.S., which creates the Department of Education; providing for the head of the department and for its executive director; prescribing powers and duties of the State Board of Education; prescribing powers and duties of the Commissioner of Education; renaming the Divisions of Public Schools and Universities, creating the Division of Vocational Rehabilitation, and abolishing the Divisions of Workforce Development, Professional Educators, Administration, Financial Services, Support Services, and Technology; providing for appointment of division directors, councils, committees, and boards; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Miller, **SB 1540** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Wise

CS for SB 1590—A bill to be entitled An act relating to education; reenacting and amending s. 230.64, F.S.; eliminating obsolete references to "area" with respect to technical centers operated by school districts; reenacting and amending s. 241.002, Florida Statutes, changing the term "distance learning" to "distance education"; eliminating obsolete references to the State Board of Community Colleges and the Board of Regents; requiring certain allocations to the Division of Community Colleges and the Division of Colleges and Universities; reenacting and amending ss. 241.003, 241.004, F.S.; conforming terms to changes made by the act; reenacting s. 244.01, F.S.; revising provisions governing state policy for regional education; reenacting s. 244.02, F.S.; revising provisions governing the southern regional compact; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding; repealing s. 244.03, F.S., relating to distribution among certain states of copies of a 1948 law; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Miller, **CS for SB 1590** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for SB 1586—A bill to be entitled An act relating to education governance; amending s. 39.0015, F.S.; authorizing the State Board of Education to adopt rules relating to child abuse prevention training; amending s. 112.19, F.S.; providing for the State Board of Education to adopt rules and procedures relating to educational benefits provisions for officers killed in the line of duty; amending s. 112.191, F.S.; providing for the State Board of Education to adopt rules and procedures relating to educational benefits provisions for firefighters killed in the line of duty; amending s. 220.187, F.S., relating to corporate tax credit contributions; providing for the State Board of Education to adopt rules; repealing s. 229.001, F.S., which provides for a short title; amending s. 229.002, F.S., relating to the policy and guiding principles for education; removing references to the changes in education governance; establishing legislative policy for decentralized authority to the schools, community colleges, universities, and other institutions; repealing s. 229.003(1),(2), (3), (4), F.S., relating to education governance reorganization; amending s. 229.0031, F.S.; replacing references to the Florida Board of Education with references to the State Board of Education; repealing s. 229.004, F.S., relating to the Florida Board of Education, Commissioner of Education and Secretary of Education; repealing s. 229.005, F.S., relating to governance officers and others; repealing s. 229.006, F.S., relating to the Education Governance Reorganization Transition Task Force; repealing s. 229.0061, F.S., relating to guidelines for implementing Florida's K-20 education system; amending s. 229.007, F.S.; replacing references to the Florida Board of Education with the State Board of Education; eliminating references to the Chancellors; repealing s. 229.0072, F.S., relating to the education reorganization implementation process; repealing s. 229.0073, F.S., relating to the reorganization of the Department of Education; amending s. 229.011, F.S.; providing that public education is a function of the state; reenacting and amending s. 229.012, F.S.; deleting references to the composition and organization of the elected State Board of Education; establishing the composition and organization of the appointed board; reenacting and amending s. 229.053, F.S.; providing changes to the powers and duties of the State Board of Education; providing for the removal of a member of the State Board of Education for cause; providing additional penalties for violations of s. 286.011, F.S.; providing for the appointment of a new member; repealing s. 229.133, F.S., relating to rulemaking by the State Board of Education for career education programs; reenacting and amending s. 229.512, F.S.; revising the powers and duties of the Commissioner of Education; eliminating certain duties; providing responsibilities for community college, college, and university boards of trustees; repealing s. 229.513, F.S., relating to the Commissioner of Education's review of rules and statutes for school district facilities and related matters; repealing s. 229.515, F.S., relating to rulemaking authority to implement certain provisions of the school code; creating s. 229.516, F.S.; providing for additional duties for the Commissioner; reenacting and amending s. 229.551, F.S., relating to educational management; providing references to the K-20 education system and colleges and state universities; eliminating references to the State University System and

the Board of Regents and obsolete dates; providing the State Board of Education and the commissioner with specific functions; providing a technical reference for the public records exemption for tests and related documents developed by the Department of Education; changing references from the common course designation and numbering system to the statewide course numbering system; establishing the Articulation Coordinating Committee; providing for the appointment of members; providing for the adoption of rules; amending s. 229.555, F.S.; providing requirements for postsecondary institutions and boards of trustees for community colleges, colleges, and universities; providing responsibilities for the commissioner; amending s. 229.565, F.S.; eliminating references to commissioner's rules; amending s. 229.57, F.S., relating to the student assessment program; eliminating the high school competency test requirement; removing obsolete references; directing the Governor to appoint a validity panel to make recommendations on the impacts of specific accommodations; repealing s. 229.5701, F.S., relating to monitoring and reporting on the methodology for identifying student learning gains; amending s. 229.59, F.S.; replacing the reference to rulemaking by the Commissioner of Education with the State Board of Education; reenacting and amending s. 229.592, F.S., relating to implementation of the state system of school improvement and education accountability; revising the waiver process; providing for the State Board of Education to authorize the commissioner to waive certain board rules; removing the requirement for the commissioner to bring pending waivers to the board; revising the status of provisions for schools designated with certain performance grade categories; repealing s. 229.601, F.S., relating to the Florida Career Education Act; amending s. 229.602, F.S.; removing reference to an obsolete date; transferring and renumbering s. 229.604, F.S., relating to the transition to teaching program; transferring and renumbering s. 229.6041, F.S., relating to grants for career changing professionals; transferring and renumbering s. 229.6042, F.S., relating to training program implementation; transferring and renumbering s. 229.6043, F.S., relating to requirements for teacher preparation programs; amending s. 229.805, F.S., relating to educational television; replacing rulemaking by the Commissioner of Education with the State Board of Education; extending the Department of Education's educational television and other media services to universities; amending s. 229.8051, F.S., relating to the public broadcasting system; replacing rulemaking by the Commissioner of Education with the State Board of Education; creating s. 229.8076, F.S.; establishing the Office of Nonpublic Schools and Home Education Programs within the Department of Education; specifying the responsibilities of the office; requiring the Commissioner of Education to appoint an executive director for the office; specifying duties; amending s. 229.8333, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; reenacting s. 229.8341, F.S.; allowing regional diagnostic and learning resource centers to provide services for infants and preschool children; repealing s. 229.8343, F.S., requiring the Department of Education to develop a model rule for denying participation in sports or other extracurricular activities to certain persons who were delinquent in paying a child support obligation; amending ss. 233.015, 233.056, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; revising the reference to the Division of Public Schools and Community Education with the Division of Public Schools; amending s. 233.058, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending ss. 233.39, 236.02, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending s. 236.025, F.S.; replacing rulemaking of the Department of Education with the State Board of Education; amending s. 236.081, F.S.; replacing rulemaking by the commissioner with the State Board of Education; removing an obsolete reference; amending ss. 236.1225, 237.081, 237.211, 237.40, 316.615, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending ss. 411.224, 446.609, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; amending s. 489.125, F.S.; replacing rulemaking by the commissioner with the State Board of Education; amending ss. 937.023, 984.05, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; repealing s. 229.0074(3), F.S., relating to the Commission for Independent Education; amending s. 228.041, F.S.; revising definitions in the school code; correcting references; replacing references to rulemaking; amending s. 228.055, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; amending ss. 228.062, 228.195, 230.23, F.S.; replacing rulemaking by the Commissioner with the State Board of Education; amending s. 230.2316, F.S.; eliminating the eligibility for waivers of law by second chance schools; providing for programs to operate under rules adopted by the state board; providing general rulemaking authority for the state board; amending s. 230.23161, F.S.; providing rulemaking authority to the State Board of Education rather than the Department of Education; amending ss. 230.23166, 231.700, 232.01, F.S.; providing for the adoption of rules by the State Board of Education rather than the Commissioner of Education; amending s. 232.0315, F.S.; providing rulemaking authority to the State Board of Education rather than the Department of Education; amending ss. 232.23, 232.245, 232.25, 234.02, 234.301, F.S.; providing rulemaking authority to the State Board of Education rather than the Commissioner of Education; amending s. 229.567, F.S.; providing for school readiness uniform screening; amending s. 229.0074, F.S.; eliminating the Division of Independent Education and the appointment of members to the Commission for Independent Education; amending s. 229.58, F.S.; requiring the establishment of technical center school advisory councils; amending s. 229.8075, F.S.; requiring the Department of Education to use certain data; allowing the use of certain data; providing for rules; repealing s. 229.8052, F.S., relating to the state satellite network; repealing s. 229.008, F.S., relating to the boards of trustees of the state universities; repealing s. 229.0081, F.S., relating to the powers and duties of university boards of trustees; repealing s. 229.0082, F.S., relating to the powers and duties of university presidents; repealing s. 229.76, F.S., relating to functions of the Department of Education; eliminating the requirement for the Department of Education to be located in the Office of the Commissioner of Education and statutory duties for the department; repealing s. 229.8065, F.S., relating to expenditures for Knott Data Center and projects, contracts, and grants programs; amending s. 233.17, F.S.; conforming a statutory cross-reference; requiring the Secretary for the Florida Board of Education to make recommendations; requiring a report; creating s. 229.136, F.S.; providing for the preservation of rules of the State Board of Education, the Commissioner of Education, and the Department of Education; specifying those rules of the Department of Education and the Commissioner of Education that become rules of the State Board of Education and those rules of the elected State Board of Education that become the rules of the appointed State Board of Education; transferring rules of the State Board of Education, the Commissioner of Education, and the Department of Education to the appointed State Board of Education; providing for the preservation of validity of judicial or administrative actions; providing for the substitution of parties; creating the "Education Investment Act"; providing definitions; providing legislative intent for certain investments and enhancements; authorizing certain programs; authorizing improved curriculum; requiring improved counseling ratios in certain schools; authorizing academic preparation tools, including test preparation study skills and advanced writing programs for certain students; authorizing the development of programs through the Internet; providing for separation of open enrollment programs within schools for certain purposes; authorizing expanded student assistance programs at universities; authorizing fee waivers for students and former students of certain schools; authorizing rules of the Board of Education; authorizing state-funded test-preparation courses for certain students; requiring school districts to develop a plan for a foreign-language curriculum; requiring the Department of Education to prepare a summary of the plans; prohibiting a district school board official from employing or appointing a relative; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding; amending s. 229.05371, F.S.; specifying notification requirements for parents of students receiving John M. McKay Scholarships; eliminating a date for notification by private schools; amending s. 229.05371, F.S.; providing for an alternative calculation of the matrix level for a scholarship for a limited time; providing that district school boards and county supervisors of elections should jointly provide a program of voter education for high-school seniors; providing guidelines for the content of the educational program; repealing s. 3(7), ch. 2000-321, L.O.F., relating to repeal of certain sections of the Florida Statutes; providing effective dates.

—as amended March 20 was read the third time by title.

On motion by Senator Miller, **CS for CS for SB 1586** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Campbell	Constantine
Brown-Waite	Carlton	Cowin
Burt	Clary	Crist

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

Nays—None

Consideration of **CS for SB 658** was deferred.

CS for SB's 2488 and 2314—A bill to be entitled An act relating to public school student progression; amending s. 232.245, F.S.; revising guidelines for allocation of school district remedial and supplemental instruction resources; prescribing content of academic improvement plans; prescribing guidelines for remedial reading instruction; requiring parental notification of reading deficiency; prohibiting social promotion and providing standards for exemptions from mandatory-retention requirements; requiring reports by district school boards; providing powers and duties of the State Board of Education with respect to enforcement of mandatory retention; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Sullivan, **CS for SB's 2488 and 2314** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Holzendorf

On motion by Senator Posey, by two-thirds vote **HB 1427** was withdrawn from the Committees on Criminal Justice; and Appropriations.

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

HB 1427—A bill to be entitled An act relating to sheriffs; amending s. 30.09, F.S.; providing an exception from bonding requirements for special deputies in the event of certain terrorist acts; amending s. 30.49, F.S.; revising provisions relating to submission of budgets by sheriffs; providing an effective date.

—a companion measure, was substituted for **CS for SB 1190** and by two-thirds vote read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1427** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

Consideration of **CS for SB 982** was deferred.

On motion by Senator Crist, by two-thirds vote **HB 287** was withdrawn from the Committees on Criminal Justice; and Rules and Calendar.

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

HB 287—A bill to be entitled An act relating to public records and public meeting exemptions for the Florida Violent Crime and Drug Control Council; amending s. 943.031, F.S., which provides exemptions from public records and public meeting requirements for meetings of the council during which active criminal investigative information or active criminal intelligence information is discussed, and for recordings of, and notes generated during, such meetings; reenacting such exemptions and removing the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; removing duplicative language; providing an effective date.

—a companion measure, was substituted for **SB 396** and read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 287** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for SB 438—A bill to be entitled An act relating to piracy of transportation; amending s. 860.16, F.S.; specifying the elements constituting the offenses of aggravated aircraft piracy; providing penalties; creating s. 860.161, F.S.; providing definitions; specifying the elements constituting the offense of vessel piracy; providing a penalty; specifying the offenses constituting the offenses of aggravated vessel piracy; providing penalties; creating s. 860.162, F.S.; providing definitions; specify-

ing the elements constituting the offense of ground transport piracy; providing a penalty; specifying the elements constituting the offenses of aggravated ground transport piracy; providing penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Brown-Waite, **CS for CS for SB 438** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for CS for HB 519—A bill to be entitled An act relating to nursing shortage solutions; providing a short title; amending s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program; revising provisions relating to loan repayment; providing a restriction on participation in the program; amending s. 240.4076, F.S., relating to the Nursing Scholarship Program; revising eligibility provisions; revising provisions relating to repayment of a scholarship under certain circumstances; deleting obsolete language; creating the Sunshine Workforce Solutions Grant Program; providing for grants to fund the establishment of exploratory programs in nursing or programs of study in nursing in the public schools; providing requirements and procedures for application and selection; amending s. 464.009, F.S.; revising provisions relating to eligibility for licensure by endorsement to practice professional or practical nursing; providing for future repeal; amending s. 464.019, F.S.; revising rulemaking authority of the Board of Nursing relating to approval of nursing programs; exempting certain nursing programs from certain board rules under certain circumstances; requiring board review of a nursing program under certain circumstances; amending s. 464.022, F.S.; providing an exemption from licensure for a nurse licensed in a territory of the United States; providing an appropriation to the Department of Health to provide grants to hospitals for nurse retention and recruitment activities; requiring matching of appropriated funds; providing for rules; providing eligibility criteria; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Saunders, **CS for CS for CS for HB 519** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Garcia, by two-thirds vote **CS for HB 1323** was withdrawn from the Committees on Governmental Oversight and Productivity; and Appropriations.

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

CS for HB 1323—A bill to be entitled An act relating to the Florida Minority Business Loan Mobilization Program; creating s. 288.706, F.S.; providing legislative findings and intent; creating the Florida Minority Business Loan Mobilization Program for certain purposes; providing for program administration by the Department of Management Services; authorizing state agencies to disburse a certain amount of a contract award to assist certain minority business enterprise vendors in obtaining working capital financing; authorizing professional services vendors to apply for a specified percentage of a base contract amount; specifying procedures for the program; providing for working capital agreements and lines of credit; providing requirements and limitations; providing requirements for prime contract vendors; providing requirements for subcontract vendors; providing contracting state agency requirements and limitations; authorizing the department to adopt rules; requiring the department to maintain a listing of participating financial institutions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2338** and by two-thirds vote read the second time by title. On motion by Senator Garcia, by two-thirds vote **CS for HB 1323** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Holzendorf, Wasserman Schultz

CS for HB 777—A bill to be entitled An act relating to public records; creating s. 288.1067, F.S.; creating a public records exemption for specified business information received under the capital investment tax credit program, qualified defense contractors tax refund program, qualified target industry tax refund program, high impact sector performance program, and quick action closing fund program; specifying that the exemption does not preclude publication of aggregate data or release of names of qualifying businesses and refund amounts; providing that the public records exemption applies to qualified aviation-industry businesses; amending s. 213.053, F.S.; authorizing release of certain additional information in administering certain tax credit or exemption programs; amending ss. 443.171 and 443.1715, F.S.; including the refund program for aviation-industry businesses within certain exceptions to certain public records exemptions; providing a statement of public necessity; providing contingent effect; providing effective dates.

—as amended March 20 was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for HB 777** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	King	Sanderson
Burt	Klein	Saunders
Campbell	Latvala	Sebesta
Carlton	Laurent	Silver
Clary	Lawson	Smith
Constantine	Lee	Sullivan
Cowin	Meek	Villalobos
Crist	Miller	Wasserman Schultz
Diaz de la Portilla	Mitchell	Webster
Dyer	Peaden	Wise
Futch	Pruitt	
Geller	Rossin	

Nays—2

Jones	Posey

Vote after roll call:

Yea—Brown-Waite, Garcia, Holzendorf

Yea to Nay—Campbell, Latvala

On motion by Senator Sebesta, by two-thirds vote **CS for HB 261** was withdrawn from the Committees on Transportation; and Appropriations.

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

CS for HB 261—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; changing the turnpike district into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; providing exceptions to said exemptions; giving the secretary authority to promulgate rules under certain conditions that will assist the turnpike enterprise in using best business practices; amending s. 206.46, F.S.; increasing the debt service cap with respect to the State Transportation Trust Fund; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; authorizing the department's Motor Carrier Compliance officers, and duly appointed agents holding a safety inspector certification from the Commercial Vehicle Safety Alliance, to stop commercial motor vehicles for inspection of the vehicle and driver's records; providing that other law enforcement officers may enforce commercial motor vehicle regulations under certain conditions; requiring that unsafe vehicles and drivers be removed from service under certain conditions; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; providing for the discretion of the department to detain commercial vehicles until certain penalties are paid; amending s. 334.044, F.S.; providing for officers employed by the department's Office of Motor Carrier Compliance and specifying duties and responsibilities of said officers; authorizing appointment of part-time and auxiliary officers; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; providing an exemption for a turnpike enterprise project; revising provisions for design-build contracts; amending s. 337.185, F.S.; clarifying application of limitation on certain claims brought before the State Arbitration Board; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; prohibiting the department from exercising its powers of eminent domain solely to acquire property for business opportunities on the Florida Turnpike; deleting obsolete language; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 339.135, F.S.; including reference to turnpike enterprise with respect to the tentative work program; revising language with respect to the tentative work program; amending s. 553.80, F.S.; providing for self-regulation of certain construction; creating s. 339.141, F.S.; creating the Regional Transportation Act; providing program purpose; creating the Regional Transportation Advisory Council; providing for membership, meetings, and staff support of the council; providing duties; requiring recommendation of regional transportation projects; providing criteria and procedures for approval of Regional Transportation Act grant projects; providing for approval by the department secretary, who then submits the list to the Legislature; providing for funding; providing for allocation of funds from the State Transportation Trust Fund; limiting application of certain requirements; creating s. 339.142, F.S.; providing for designation as a regional transportation corridor; providing a definition; designating certain infrastructure as such corridors; authorizing the council to designate such corridors; creating s. 339.143, F.S.; creating Regional Transportation Act grants; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; amending s. 339.2817, F.S.; adding new criteria to the COunty Incentive Grant Program;amending s. 339.08, F.S.; revising provisions relating to use of moneys in the State Transportation Trust Fund; correcting references; amending s. 339.1371, F.S.; deleting provisions for funding the Transportation Outreach Program; amending s. 215.211, F.S.; clarifying intent to use certain local-option fuel tax revenues; specifying funding for the County Incentive Grant Program and the Small County Outreach Program; repealing s. 339.137, F.S., relating to the Transportation Outreach Program; providing funds for certain county incentive programs; creating the "Florida High-Speed Rail Authority Act"; creating s. 341.8201, F.S.; providing a short title; creating s. 341.8202, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, design, financing, construction, and operation of a high-speed rail system in the state; creating s. 341.8203, F.S.; providing definitions; amending s. 341.821, F.S., relating to the creation of the Florida High-Speed Rail Authority; removing obsolete provisions; amending s. 341.822, F.S.; revising and providing additional powers and duties of the authority; amending s. 341.823, F.S.; revising the criteria for assessment and recommendations with respect to the establishment of the high-speed rail system; requiring the authority to establish specified requirements; requiring the authority to develop a specified plan, study, and estimates; amending s. 341.824, F.S.; specifying types of technical, scientific, or other assistance to be provided by the Department of Community Affairs and the Department of Environmental Protection; creating s. 341.827, F.S.; providing for determination of service areas and the order of system segment construction; creating s. 341.828, F.S.; authorizing the authority to utilize existing permitting processes; requiring cooperation between the authority and metropolitan planning organizations; creating s. 341.829, F.S.; requiring the authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, to develop and implement a process to mitigate and resolve conflicts between the system and growth management requirements and environmental standards; providing time limits for the filing of and response to specified complaints; creating s. 341.830, F.S.; authorizing the authority to employ specified procurement methods; providing for the adoption of rules; authorizing the authority to procure commodities and services for the designing, building, financing, maintenance, operation, and implementation of a high-speed rail system; creating s. 341.831, F.S.; authorizing the authority to prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system; providing for the establishment of qualifying criteria; creating s. 341.832, F.S.; authorizing the authority to develop and execute a request for qualifications process; creating s. 341.833, F.S.; authorizing the authority to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system; creating s. 341.834, F.S.; providing for award of a conditional contract; providing contract requirements; prohibiting transfer of system property without written approval; creating s. 341.835, F.S.; authorizing the authority to purchase, lease, exchange, or acquire land, property, or buildings necessary to

secure or utilize rights-of-way for high-speed rail system facilities; providing that the authority is not subject to specified liability; authorizing the authority and the Department of Environmental Protection to enter into certain interagency agreements; providing for the disposal of interest in property; authorizing agents and employees of the authority to enter upon certain property; authorizing the authority to accept donations of real property; creating s. 341.836, F.S.; authorizing the authority to undertake the development of associated developments; providing requirements of associated developments; creating s. 341.837, F.S.; providing for payment of expenses incurred in carrying out the act; creating s. 341.838, F.S.; authorizing the authority to fix, revise, charge, collect, and adjust rates, rents, fees, charges, and revenues, and to enter into contracts; providing for annual review by the authority of rates, rents, fees, and charges; providing for uses of revenues; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, approval, or consent; creating s. 341.840, F.S.; providing tax exemptions for property acquired or used by the authority or specified income; creating s. 341.841, F.S.; requiring the authority to prepare and submit a report; providing for an annual audit; creating s. 341.842, F.S.; providing construction of the act; amending s. 288.109, F.S.; removing a cross reference; amending s. 334.30, F.S.; removing a cross reference; amending s. 337.251, F.S.; removing a cross reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the "Florida High-Speed Rail Transportation Act"; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental review process of application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens' Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be conducted by local governments; repealing s. 341.348, F.S., relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for SB 502** as amended and by two-thirds vote read the second time by title.

Senator Sebesta moved the following amendment:

Amendment 1 (162936)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (c) and (d) of subsection (3), paragraph (a) of subsection (4), and subsection (6) of section 20.23, Florida Statutes, are amended, and paragraph (f) is added to subsection (4) of that section, to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(3)

(c) The secretary shall appoint an Assistant Secretary for Transportation Policy, an Assistant Secretary for Finance and Administration, and an Assistant Secretary for District Operations, each of whom shall serve at the pleasure of the secretary. The positions are responsible for developing, monitoring, and enforcing policy and managing major technical programs. The responsibilities and duties of these positions include, but are not limited to, the following functional areas:

1. Assistant Secretary for Transportation Policy.—

a. Development of the Florida Transportation Plan and other policy planning;

b. Development of statewide modal systems plans, including public transportation systems;

c. Design of transportation facilities;

d. Construction of transportation facilities;

e. Acquisition and management of transportation rights-of-way; and

f. Administration of motor carrier compliance and safety.

2. Assistant Secretary for District Operations.—

a. Administration of the *seven* ~~eight~~ districts; and

b. Implementation of the decentralization of the department.

3. Assistant Secretary for Finance and Administration.—

a. Financial planning and management;

b. Information systems;

c. Accounting systems; *and*

d. Administrative functions.~~; and~~

~~e. Administration of toll operations.~~

(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of:

a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;

b. Performing statewide activities which it is more cost-effective to perform in a central location;

c. Assessing and ensuring the accuracy of information within the department's financial management information systems; and

d. Performing other activities of a statewide nature.

2. The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

a. The Office of Administration;

b. The Office of Policy Planning;

c. The Office of Design;

d. The Office of Highway Operations;

e. The Office of Right-of-Way;

~~f. The Office of Toll Operations;~~

f.~~g.~~ The Office of Information Systems; and

g.~~h.~~ The Office of Motor Carrier Compliance.

3. Other offices may be established in accordance with s. 20.04(7). The heads of such offices are exempt from part II of chapter 110. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.

4. During the construction of a major transportation improvement project or as determined by the district secretary, the department may provide assistance to a business entity significantly impacted by the project if the entity is a for-profit entity that has been in business for 3 years prior to the beginning of construction and has direct or shared access to the transportation project being constructed. The assistance program shall be in the form of additional guarantees to assist the impacted business entity in receiving loans pursuant to Title 13 C.F.R. part 120. However, in no instance shall the combined guarantees be greater than 90 percent of the loan. The department shall adopt rules to implement this subparagraph.

(4)(a) The operations of the department shall be organized into *seven* ~~eight~~ districts, ~~including a turnpike district,~~ each headed by a district secretary*, and a turnpike enterprise headed by an executive director*. The district secretaries shall report to the Assistant Secretary for District Operations. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, *and* Hillsborough~~, and Leon~~ Counties. The *headquarters of the* turnpike *enterprise shall be located in* ~~district must be relocated to~~ Orange County ~~in the year 2000~~. In order to provide for efficient operations and to expedite the decision-making process, the department shall provide for maximum decentralization to the districts. However, before making a decision to centralize or decentralize department operations ~~or relocate the turnpike district~~, the department must first determine if the decision would be cost-effective and in the public's best interest. The department shall periodically evaluate such decisions to ensure that they are appropriate.

(f)1. The responsibility for the turnpike system shall be delegated by the secretary to the executive director of the turnpike enterprise, who shall serve at the pleasure of the secretary. The executive director shall report directly to the secretary, and the turnpike enterprise shall operate pursuant to ss. 338.22-338.241.

2. To facilitate the most efficient and effective management of the turnpike enterprise, including the use of best business practices employed by the private sector, the turnpike enterprise, except as provided in s. 287.055, is exempt from the department's policies, procedures, and standards, subject to the secretary's authority to apply any such policies, procedures, and standards to the turnpike enterprise when he or she considers it appropriate.

(6) To facilitate the efficient and effective management of the department in a businesslike manner, the department shall develop a system for the submission of monthly management reports to the Florida Transportation Commission and secretary from the district secretaries *and the executive director of the turnpike enterprise*. The commission and the secretary shall determine which reports are required to fulfill their respective responsibilities under this section. A copy of each such report shall be submitted monthly to the appropriations and transportation committees of the Senate and the House of Representatives. Recommendations made by the Auditor General in his or her audits of the department that relate to management practices, systems, or reports shall be implemented in a timely manner. However, if the department determines that one or more of the recommendations should be altered or should not be implemented, it shall provide a written explanation of such determination to the Legislative Auditing Committee within 6 months after the date the recommendations were published.

Section 2. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other provisions of law, from the revenues deposited into the State Transportation Trust Fund a maximum of 7 percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the 7 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt service not to exceed *$200* ~~$135~~ million. Such transfer shall be payable primarily from the motor and diesel fuel taxes transferred to the State Transportation Trust Fund from the Fuel Tax Collection Trust Fund.

Section 3. Paragraph (b) of subsection (1) and subsection (8) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on *October 1, 2001* ~~March 1, 1999~~.

(8) *For the purpose of enforcing this section, any law enforcement officer* ~~Any agent~~ of the Department of Transportation *or duly appointed agent who holds a current safety-inspector certification from the Commercial Vehicle Safety Alliance, may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records.* ~~described in s. 316.545(9), any member of the Florida Highway Patrol, or any person employed by a sheriff's office or municipal police department who is authorized to enforce the traffic laws of this state pursuant to s. 316.640 may enforce the provisions of this section. Any officer of the Department of Transportation described in s. 316.545(9), any member of the Florida Highway Patrol, or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640, who has reason to believe that a vehicle or driver is operating in an unsafe condition, may require the driver to stop and submit to an inspection of the vehicle or the driver's records. Any person who fails to comply with an officer's request to submit to an inspection under this subsection is guilty of a violation of s. 843.02 if the driver resists the officer without violence or a violation of s. 843.01 if the driver resists the officer with violence.~~ If the vehicle *or driver* is found to be *operating* in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the

continued operation would ~~probably~~ present an unduly hazardous operating condition, the officer may *require the vehicle or the driver, or both, to be removed from service under the North American Uniform Out-of-Service Criteria until the condition has been corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer may* give written notice *requiring correction* ~~to require proper repair and adjustment~~ of the *condition* ~~vehicle~~ within 14 days.

(a) Any member of the Florida Highway Patrol, or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640, who has reason to believe that a vehicle or driver is operating in an unsafe condition may, as provided in subsection (10), enforce the provisions of this section.

(b) Any person who fails to comply with an officer's request to submit to an inspection under this subsection is guilty of a violation of s. 843.02 if the driver resists the officer without violence or of a violation of s. 843.01 if the driver resists the officer with violence.

Section 4. Paragraph (a) of subsection (3) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(3)(a) A civil penalty of $50 may be assessed for a violation of *49 C.F.R. s. 390.21* ~~s. 316.3027~~.

Section 5. Subsection (2) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(2) HEIGHT LIMITATION.—No vehicle may exceed a height of 13 feet 6 inches, inclusive of load carried thereon. However, an automobile transporter may~~, with a permit from the Department of Transportation,~~ measure a height not to exceed 14 feet, inclusive of the load carried thereon.

Section 6. Subsection (3) of section 337.185, Florida Statutes, is amended to read:

337.185 State Arbitration Board.—

(3) A hearing may be requested by the department or by a contractor who has a dispute with the department which, under the rules of the board, may be the subject of arbitration. *The request is to be made to the board within 820 days after the final acceptance of the work for all contracts entered into after June 30, 1993.* The board shall conduct the hearing within 45 days of the request. The party requesting the board's consideration shall give notice of the hearing to each member. If the board finds that a third party is necessary to resolve the dispute, the board may vote to dismiss the claim, which may thereafter be pursued in accordance with the laws of the State of Florida.

Section 7. Present subsections (6) and (7) of section 316.535, Florida Statutes, are redesignated as subsections (7) and (8), respectively, and amended, and a new subsection (6) is added to that section, to read:

316.535 Maximum weights.—

(6) Dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special-type work or use, when operated as a single unit, are subject to all safety and operational requirements of law, except that any such vehicle need not conform to the axle-spacing requirements of this section if the vehicle's total gross load, including the weight of the vehicle, does not exceed 20,000 pounds per axle plus scale tolerances and does not exceed 550 pounds per inch width tire surface plus scale tolerances. A vehicle operating pursuant to this section must not exceed a gross weight, including the weight of the vehicle and scale tolerances, of 70,000 pounds. Any vehicle that violates the weight provisions of this section shall be penalized as provided in s. 316.545.

(7)~~(6)~~ The Department of Transportation shall adopt rules to implement this section, shall enforce this section and the rules adopted hereunder, and shall publish and distribute tables and other publications as deemed necessary to inform the public.

(8)~~(7)~~ Except as *otherwise* ~~hereinafter~~ provided, *a* ~~no~~ vehicle or combination of vehicles *which exceeds* ~~exceeding~~ the gross weights specified in subsections (3), (4), ~~and~~ (5)*, and (6) may not* ~~shall be permitted to~~ travel on the public highways within the state.

Section 8. Paragraph (a) of subsection (2) and paragraph (a) of subsection (4) of section 316.545, Florida Statutes, are amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(2)(a) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to *s. 316.535(7)* ~~s. 316.535(6)~~ shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits.

(4)(a) *A* ~~No~~ commercial vehicle, as defined in s. 316.003(66), *may not* ~~shall~~ be operated over the highways of this state unless it has been properly registered under ~~the provisions of~~ s. 207.004. *If* ~~Whenever~~ any law enforcement officer identified in s. 207.023(1), upon inspecting the vehicle or combination of vehicles, determines that the vehicle is in violation of s. 207.004, a penalty in the amount of $50 shall be assessed, and the vehicle *may* ~~shall~~ be detained until payment is collected by the law enforcement officer.

Section 9. Subsection (31) is added to section 334.044, Florida Statutes, to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(31) In order to fulfill the department's mission to provide a safe and efficient transportation system, the department's Office of Motor Carrier Compliance may employ sworn law enforcement officers, certified in accordance with chapter 943, to enforce the traffic and criminal laws of this state. Such officers have full law enforcement powers granted to other peace officers of this state, including the power to make arrests, carry firearms, serve court process, and seize vehicles defined as contraband under s. 319.33, illegal drugs, stolen property, and the proceeds of illegal activities. Officers appointed under this section have the primary responsibility for enforcing laws relating to size and weight of commercial motor vehicles; safety; traffic; tax and registration of commercial motor vehicles; interdiction of vehicles defined as contraband under s. 319.33, illegal drugs; stolen property; and violations that threaten the overall security and safety of this state's transportation infrastructure and the motoring public. The division may also appoint part-time or auxiliary law enforcement officers under chapter 943 and may provide their compensation in accordance with law.

Section 10. Section 334.175, Florida Statutes, is amended to read:

334.175 Certification of project design plans and surveys.—All design plans and surveys prepared by or for the department shall be signed, sealed, and certified by the professional engineer*,* ~~or~~ surveyor*,* ~~or~~ architect*, or landscape architect* in responsible charge of the project work. Such professional engineer, surveyor, ~~or~~ architect*, or landscape architect* must be duly registered in this state.

Section 11. Section 337.025, Florida Statutes, is amended to read:

337.025 Innovative highway projects; department to establish program.—The department is authorized to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, prior to using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than $120 million in contracts annually for the purposes authorized by this section. *However, the annual limitation on contracts which is provided in this section does not apply to turnpike enterprise projects, nor may turnpike enterprise projects be counted toward the department's annual limitation.*

Section 12. Paragraph (c) of subsection (3) and paragraph (c) of subsection (6) of section 337.11, Florida Statutes, are amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(3)

(c) No advertisement for bids shall be published and no bid solicitation notice shall be provided until title to all necessary rights-of-way and easements for the construction of the project covered by such advertisement or notice has vested in the state or a local governmental entity, and all railroad crossing and utility agreements have been executed. *The turnpike enterprise is exempt from this paragraph with respect to a turnpike enterprise project.* Title to all necessary rights-of-way shall be deemed to have been vested in the State of Florida when such title has been dedicated to the public or acquired by prescription.

(6)

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the ~~threshold~~ amount *of $120,000* ~~provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts for construction and maintenance without advertising and receiving competitive bids. ~~However, if legislation is enacted by the Legislature which changes the category thresholds, the threshold amount shall remain at $60,000.~~ The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

Section 13. Effective July 1, 2003, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by section 4 of chapter 2001-350, Laws of Florida, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the *right-of-way services and* design and construction phases of a building, a major bridge, *a limited access facility* or a rail corridor project into a single contract. Such contract is referred to as a design-build contract. *Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project have vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.*

Section 14. Effective July 1, 2005, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by sections 2 and 4 of chapter 2001-350, Laws of Florida, and by this act, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the ~~rights-of-way services and~~ design and construction phases of a building, a major bridge, a limited access facility or a rail corridor project into a single contract. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project have vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 15. Section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(1) The department, any transportation or expressway authority or, in the absence of an authority, a county or counties may continue to collect the toll on a revenue-producing project after the discharge of any bond indebtedness related to such project and may increase such toll. All tolls so collected shall first be used to pay the annual cost of the operation, maintenance, and improvement of the toll project.

(2) If the revenue-producing project is on the State Highway System, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the revenue-producing project is located, except as provided in s. 348.0004.

(3) Notwithstanding any other law to the contrary, pursuant to s. 11, Art. VII of the State Constitution, and subject to the requirements of subsection (2), the Department of Transportation may request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley, *Sunshine Skyway Bridge, Beeline East Expressway, and Pinellas Bayway* to fund transportation projects *located within the county or counties in which the facility is located and* contained in the ~~1993-1994 Adopted Work Program or in any subsequent~~ adopted work program of the department.

(4) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located, except as provided in s. 348.0004.

(5) Selection of projects on the State Highway System for construction, maintenance, or improvement with toll revenues shall be, with the concurrence of the department, consistent with the Florida Transportation Plan.

(6) Notwithstanding the provisions of subsection (1), and not including high occupancy toll lanes or express lanes, no tolls may be charged for use of an interstate highway where tolls were not charged as of July 1, 1997.

(7) This section does not apply to the turnpike system as defined under the Florida Turnpike *Enterprise* Law.

Section 16. Section 338.22, Florida Statutes, is amended to read:

338.22 Florida Turnpike Law; short title.—Sections 338.22-338.241 may be cited as the "Florida Turnpike *Enterprise* Law."

Section 17. Section 338.221, Florida Statutes, is amended to read:

338.221 Definitions of terms used in ss. 338.22-338.241.—As used in ss. 338.22-338.241, the *term* ~~following words and terms have the following meanings, unless the context indicates another or different meaning or intent~~:

(1) "Bonds" or "revenue bonds" means notes, bonds, refunding bonds or other evidences of indebtedness or obligations, in either temporary or definitive form, issued by the Division of Bond Finance on behalf of the department and authorized under the provisions of ss. 338.22-338.241 and the State Bond Act.

(2) "Cost," as applied to a turnpike project, includes the cost of acquisition of all land, rights-of-way, property, easements, and interests acquired by the department for turnpike project construction; the cost of such construction; the cost of all machinery and equipment, financing charges, fees, and expenses related to the financing; establishment of reserves to secure bonds; interest prior to and during construction and for such period after completion of construction as shall be determined by the department; the cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues; other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing any such turnpike project; administrative expenses; and such other expenses as may be necessary or incident to the acquisition or construction of a turnpike project, the financing of such acquisition or construction, and the placing of the turnpike project in operation.

(3) "Feeder road" means any road no more than 5 miles in length, connecting to the turnpike system which the department determines is necessary to create or facilitate access to a turnpike project.

(4) "Owner" includes any person or any governmental entity that has title to, or an interest in, any property, right, easement, or interest authorized to be acquired pursuant to ss. 338.22-338.241.

(5) "Revenues" means all tolls, charges, rentals, gifts, grants, moneys, and other funds coming into the possession, or under the control, of the department by virtue of the provisions hereof, except the proceeds from the sale of bonds issued under ss. 338.22-338.241.

(6) "Turnpike system" means those limited access toll highways and associated feeder roads and other structures, appurtenances, or rights previously designated, acquired, or constructed pursuant to the Florida Turnpike *Enterprise* Law and such other additional turnpike projects as may be acquired or constructed as approved by the Legislature.

(7) "Turnpike improvement" means any betterment necessary or desirable for the operation of the turnpike system, including, but not limited to, widenings, the addition of interchanges to the existing turnpike system, resurfacings, toll plazas, machinery, and equipment.

(8) "Economically feasible" means:

(a) For a proposed turnpike project, that, as determined by the department before the issuance of revenue bonds for the project, the estimated net revenues of the proposed turnpike project, excluding feeder roads and turnpike improvements, will be sufficient to pay at least 50 percent of the debt service on the bonds by the end of the *12th* ~~5th~~ year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the *22nd* ~~15th~~ year of operation. In implementing this paragraph, up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.

(b) For turnpike projects, except for feeder roads and turnpike improvements, financed from revenues of the turnpike system, such project, or such group of projects, originally financed from revenues of the turnpike system, that the project is expected to generate sufficient revenues to amortize project costs within 15 years of opening to traffic.

This subsection does not prohibit the pledging of revenues from the entire turnpike system to bonds issued to finance or refinance a turnpike project or group of turnpike projects.

(9) "Turnpike project" means any extension to or expansion of the existing turnpike system and new limited access toll highways and associated feeder roads and other structures, interchanges, appurtenances, or rights as may be approved in accordance with the Florida Turnpike *Enterprise* Law.

(10) "Statement of environmental feasibility" means a statement by the Department of Environmental Protection of the project's significant environmental impacts.

Section 18. Section 338.2215, Florida Statutes, is created to read:

338.2215 Florida Turnpike Enterprise; legislative findings, policy, purpose, and intent.—It is the intent of the Legislature that the turnpike enterprise be provided additional powers and authority in order to maximize the advantages obtainable through fully leveraging the Florida Turnpike System asset. The additional powers and authority will provide the turnpike enterprise with the autonomy and flexibility necessary to enable it to more easily pursue innovations as well as best practices found in the private sector in management, finance, organization, and operations. The additional powers and authority are intended to improve cost-effectiveness and timeliness of project delivery, increase revenues, expand the turnpike system's capital program capability, and improve the quality of service to its patrons, while continuing to protect the turnpike system's bondholders and further preserve, expand, and improve the Florida Turnpike System.

Section 19. Section 338.2216, Florida Statutes, is created to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(1)(a) In addition to the powers granted to the department, the Florida Turnpike Enterprise has full authority to exercise all powers granted to it under this chapter. These powers include, but are not limited to, the authority to plan, construct, maintain, repair, and operate the Florida Turnpike System.

(b) It is the express intent of this part that the Florida Turnpike Enterprise be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage the Florida Turnpike System; to expend funds to publicize, advertise, and promote the advantages of using the turnpike system and its facilities; and to cooperate, coordinate, partner, and contract with other entities, public and private, to accomplish these purposes.

(c) The executive director of the turnpike enterprise shall appoint a staff, which is exempt from part II of chapter 110, among them a chief financial officer who must be a proven effective administrator with demonstrated experience in financial management, including management of a large bonded capital program and must hold an active license to practice public accounting in this state under chapter 473.

(d) The Office of Toll Operations shall be headed by a manager, who shall be appointed by and serve at the pleasure of the turnpike enterprise executive director. The position shall be classified at a level equal to a division director.

(2) The department may employ procurement methods available to the Department of Management Services under chapter 255 or chapter 287 and under any rule adopted under either of those chapters solely for the benefit of the turnpike enterprise.

(3)(a) Effective July 1, 2002, the turnpike enterprise shall be a single budget entity and shall develop a budget pursuant to chapter 216. The budget for the turnpike enterprise must be submitted to the Legislature with the department's budget.

(b) Notwithstanding the provisions of s. 216.301 and in accordance with s. 216.351, the Executive Office of the Governor shall, on July 1 of each year, certify forward all unexpended funds appropriated or provided under this section for the turnpike enterprise. Of the unexpended funds certified forward, any unencumbered amounts shall be carried forward.

The funds carried forward must not exceed 5 percent of the total operating budget of the turnpike enterprise. Funds carried forward under this section may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified-forward funds remaining undisbursed on December 31 of each year shall be carried forward.

(4) The powers conferred upon the turnpike enterprise under ss. 338.22-338.241 are in addition and supplemental to the existing powers of the department and the turnpike enterprise, and these powers may not be construed as abrogating any provision of any other law, general or local; but ss. 338.22-338.241 supersede such other laws as are inconsistent with the exercise of the powers provided under those sections and provide a complete method for the exercise of the powers granted under those sections.

Section 20. Subsection (4) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(4) The department is authorized, with the approval of the Legislature, to use federal and state transportation funds to lend or pay a portion of the operating, maintenance, and capital costs of turnpike projects. ~~Federal and state transportation funds included in an adopted work program, or the General Appropriations Act, for a turnpike project do not have to be reimbursed to the State Transportation Trust Fund, or used in determining the economic feasibility of the proposed project.~~ For operating and maintenance loans, the maximum net loan amount in any fiscal year shall not exceed *1.5* ~~0.5~~ percent of state transportation tax revenues for that fiscal year.

Section 21. Subsection (2) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike projects for which such bonds shall have been issued, except as provided in the State Bond Act. Such proceeds shall be disbursed and used as provided by ss. 338.22-338.241 and in such manner and under such restrictions, if any, as the Division of Bond Finance may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. All revenues and bond proceeds from the turnpike system received by the department pursuant to ss. 338.22-338.241, the Florida Turnpike *Enterprise* Law, shall be used only for the cost of turnpike projects and turnpike improvements and for the administration, operation, maintenance, and financing of the turnpike system. No revenues or bond proceeds from the turnpike system shall be spent for the operation, maintenance, construction, or financing of any project which is not part of the turnpike system.

Section 22. Section 338.234, Florida Statutes, is amended to read:

338.234 Granting concessions or selling along the turnpike system.—

~~(1)~~ The department may *enter into contracts or licenses with any person for the sale of* ~~grant concessions or sell~~ services or products *or business opportunities on* ~~along~~ the turnpike system*, or the turnpike enterprise may sell services, products, or business opportunities on the turnpike system,* which benefit the traveling public *or provide additional revenue to the turnpike system*. Services*, business opportunities,* and products authorized *to be sold* include, but are not limited to, ~~the sale of~~ motor fuel, *vehicle* towing and maintenance services; ~~the sale of~~ food with attendant nonalcoholic beverages; *lodging, meeting rooms, and other business services opportunities; advertising and other promotional opportunities, which advertising and promotions must be consistent with the dignity and integrity of the state;* ~~the sale of~~ state lottery tickets *sold* by authorized retailers; *games of amusement that* ~~the granting of concessions for amusement devices which~~ operate by the application of skill, not including games of chance as defined in s. 849.16 or other illegal gambling games; ~~the sale of~~ Florida citrus, goods promoting the state or handmade goods produced within the state; *and* ~~the granting of concessions for equipment which provides~~ travel information*,* ~~or~~ tickets, reservations, or other related services*. However, the department, pursuant to the grants of authority to the turnpike enterprise under this section, shall not exercise the power of eminent domain solely for the purpose of acquiring real property in order to provide business service or opportunities, such as lodging and meeting room space on the turnpike system.*~~; and the granting of concessions which provide banking and other business services. The department may also provide information centers on the plazas for the benefit of the public.~~

~~(2) The department may provide an opportunity for governmental agencies to hold public events at turnpike plazas which educate the traveling public as to safety, travel, and tourism.~~

Section 23. Subsection (3) of section 338.235, Florida Statutes, is amended to read:

338.235 Contracts with department for provision of services on the turnpike system.—

(3) The department may enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, nonexclusive, and nondiscriminatory basis, turnpike property and other turnpike structures, for the placement of wireless facilities by any wireless provider of mobile services as defined in 47 U.S.C. s. 153(n) or s. 332(d), and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The department and a wireless provider may negotiate the reduction or elimination of a fee in consideration of *goods and services* ~~service~~ provided to the department by the wireless provider. All such fees collected by the department shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund and may be used to construct, maintain, or support the system.

Section 24. Subsection (2) of section 338.239, Florida Statutes, is amended to read:

338.239 Traffic control on the turnpike system.—

(2) Members of the Florida Highway Patrol are vested with the power, and charged with the duty, to enforce the rules of the department. *Approved expenditures* ~~Expenses~~ incurred by the Florida Highway Patrol in carrying out its powers and duties under ss. 338.22-338.241 may be treated as a part of the cost of the operation of the turnpike system, and the Department of Highway Safety and Motor Vehicles shall be reimbursed by the *turnpike enterprise* ~~Department of Transportation~~ for such expenses incurred on the turnpike *system* ~~mainline, which is that part of the turnpike system extending from the southern terminus in Florida City to the northern terminus in Wildwood including all contiguous sections~~. *Florida Highway Patrol Troop K shall be headquartered with the turnpike enterprise and shall be the official and preferred law enforcement troop for the turnpike system. The Department of Highway Safety and Motor Vehicles may, upon request of the executive director of the turnpike enterprise and approval of the Legislature, increase the number of authorized positions for Troop K, or the executive director of the turnpike enterprise may contract with the Department of Highway Safety and Motor Vehicles for additional troops to patrol the turnpike system.*

Section 25. Section 338.241, Florida Statutes, is amended to read:

338.241 Cash reserve requirement.—The budget for the turnpike system shall be so planned as to provide for a cash reserve *at the end of each fiscal year* of not less than *5* ~~10~~ percent of the unpaid balance of all turnpike system contractual obligations, excluding bond obligations, to be paid from revenues.

Section 26. Section 338.251, Florida Statutes, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties *and the turnpike enterprise*.

(1) The department is authorized to advance funds for preliminary engineering, traffic and revenue studies, environmental impact studies,

financial advisory services, engineering design, right-of-way map preparation, other appropriate project-related professional services, and advanced right-of-way acquisition to expressway authorities, *the turnpike enterprise,* counties, or other local governmental entities that desire to undertake revenue-producing road projects.

(2) No funds shall be advanced pursuant to this section unless the following is documented to the department:

(a) The proposed facility is consistent with the adopted transportation plan of the appropriate metropolitan planning organization and the Florida Transportation Plan.

(b) A proposed 2-year budget detailing the use of the cash advance and a project schedule consistent with the budget.

(3) Prior to receiving any moneys for advance right-of-way acquisition, it shall be shown that such right-of-way will substantially appreciate prior to construction and that savings will result from its advance purchase. Any such request for moneys for advance right-of-way acquisition shall be accompanied by a preliminary engineering study, environmental impact study, traffic and revenue study, and right-of-way maps along with either a negotiated contract for purchase of the right-of-way, such contract to include a clause stating that it is subject to funding by the department or the Legislature, or an appraisal of the subject property for purpose of condemnation proceedings.

(4) Each advance pursuant to this section shall require repayment out of the initial bond issue revenue or, at the discretion of the governmental entity *or the turnpike enterprise* ~~of the facility~~, repayment shall begin no later than 7 years after the date of the advance, provided repayment shall be completed no later than 12 years after the date of the advance. However, such election shall be made at the time of the initial bond issue, and, if repayment is to be made during the time period referred to above, a schedule of such repayment shall be submitted to the department.

(5) No amount in excess of $1.5 million annually shall be advanced to any one governmental entity pursuant to this section without specific appropriation by the Legislature.

(6) Funds may not be advanced for funding final design costs beyond 60 percent completion until an acceptable plan to finance all project costs, including the reimbursement of outstanding trust fund advances, is approved by the department.

(7) The department may advance funds sufficient to defray shortages in toll revenues of facilities receiving funds pursuant to this section for the first 5 years of operation, up to a maximum of $5 million per year, to be reimbursed to this fund within 5 years of the last advance hereunder. Any advance under this provision shall require specific appropriation by the Legislature.

(8) No expressway authority, county, or other local governmental entity *or the turnpike enterprise* shall be eligible to receive any advance under this section if the expressway authority, county, or other local governmental entity *or the turnpike enterprise* has failed to repay any previous advances as required by law or by agreement with the department.

(9) Repayment of funds advanced, including advances made prior to January 1, 1994, shall not include interest. However, interest accruing to local governmental entities *and the turnpike enterprise* from the investment of advances shall be paid to the department.

(10) Any repayment of prior or future advances made from the State Transportation Trust Fund which were used to fund any project phase of a toll facility, shall be deposited in the Toll Facilities Revolving Trust Fund. However, when funds advanced to the Seminole County Expressway Authority pursuant to this section are repaid to the Toll Facilities Revolving Trust Fund by or on behalf of the Seminole County Expressway Authority, those funds shall thereupon and forthwith be appropriated for and advanced to the Seminole County Expressway Authority for funding the design of and the advanced right-of-way acquisition for that segment of the Seminole County Expressway extending from U.S. Highway 17/92 to Interstate Highway 4. Notwithstanding subsection (6), when funds previously advanced to the Orlando-Orange County Expressway Authority are repaid to the Toll Facilities Revolving Trust Fund by or on behalf of the Orlando-Orange County Expressway Authority, those funds may thereupon and forthwith be appropriated for and advanced to the Seminole County Expressway Authority for funding that segment of the Seminole County Expressway extending from U.S. Highway 17/92 to Interstate Highway 4. Any funds advanced to the Tampa-Hillsborough County Expressway Authority pursuant to this section which have been or will be repaid on or after July 1, 1998, to the Toll Facilities Revolving Trust Fund on behalf of the Tampa-Hillsborough County Expressway Authority shall thereupon and forthwith be appropriated for and advanced to the Tampa-Hillsborough County Expressway Authority for funding the design of and the advanced right-of-way acquisition for the Brandon area feeder roads, capital improvements to increase capacity to the expressway system, and Lee Roy Selmon Crosstown Expressway System Widening as authorized under s. 348.565.

(11) The department shall adopt rules necessary for the implementation of this section, including rules for project selection and funding.

Section 27. Paragraph (a) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike *enterprise* ~~district~~, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052.

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Intrastate Highway System established pursuant to s. 338.001. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term "new discretionary highway capacity funds" means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

Section 28. Paragraph (c) of subsection (4) and subsection (5) of section 339.12, Florida Statutes, are amended to read.

339.12 Aid and contributions by governmental entities for department projects; federal aid.—

(4)

(c) The department may enter into agreements under this subsection for a project or project phase not included in the adopted work program. As used in this paragraph, the term "project phase" means acquisition of rights-of-way, construction, construction inspection, and related support phases. The project or project phase must be a high priority of the governmental entity. Reimbursement for a project or project phase must be made from funds appropriated by the Legislature pursuant to s. 339.135(5). All other provisions of this subsection apply to agreements entered into under this paragraph. The total amount of project agreements for projects or project phases not included in the adopted work program may not at any time exceed *$150* ~~$100~~ million.

(5) The department and the governing body of a governmental entity may enter into an agreement by which the governmental entity agrees to perform a highway project or project phase in the department's adopted work program that is not revenue producing or any public transportation project in the adopted work program. By specific provision in the written agreement between the department and the governing body

of the governmental entity, the department may agree to *compensate* ~~reimburse~~ the governmental entity *for* the actual cost for the project *of the* ~~or~~ project phase contained in the adopted work program. *Compensation* ~~Reimbursement~~ to the governmental entity for such project or project phases must be made from funds appropriated by the Legislature, and *compensation* ~~reimbursement~~ for the cost of the project or project phase is to begin in the year the project or project phase is scheduled in the work program as of the date of the agreement.

Section 29. Subsection (5) of section 337.408, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section to read:

337.408 Regulation of benches, transit shelters, *street light poles,* and waste disposal receptacles within rights-of-way.—

(5) Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, and waste disposal receptacles as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertisements may be installed on street light poles on roads on the State Highway System in accordance with height, size, setback, spacing distance, duration of display, safety, traffic control, and permitting requirements established by administrative rule of the Department of Transportation. Public service messages and advertisements shall be subject to bilateral agreements, where applicable, to be negotiated with the owner of the street light poles, which shall consider, among other things, power source rates, design, safety, operational and maintenance concerns, and other matters of public importance. For the purposes of this section, the term "street light poles" does not include electric transmission or distribution poles. The department shall have authority to establish administrative rules to implement this subsection. No advertising on light poles shall be permitted on the Interstate Highway System. No permanent structures carrying advertisements attached to light poles shall be permitted on the National Highway System.

Section 30. Paragraph (d) of subsection (2) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(d) Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body of an authority shall consist of up to 13 members, and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Seven voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Five voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority. If the governing board of an authority includes any member originally appointed by the governing body of the county as a nonvoting member, when the term of such member expires, that member shall be replaced by a member appointed by the Governor until the governing body of the authority is composed of seven members appointed by the governing body of the county and five members appointed by the Governor. *The qualifications, terms of office, and obligations and rights of members of the authority shall be determined by resolution or ordinance of the governing body of the county in a manner that is consistent with subsections (3) and (4).*

Section 31. Section 348.0008, Florida Statutes, is amended to read:

348.0008 Acquisition of lands and property.—

(1) For the purposes of the Florida Expressway Authority Act, an expressway authority may acquire *such rights, title, or interest in* private or public property and *such* property rights, including *easements,* rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any of the purposes of the Florida Expressway Authority Act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of an expressway system, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the expressway system or in a transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may also condemn any material and property necessary for such purposes.

(2) An authority and its authorized agents, contractors, and employees are authorized to enter upon any lands, waters, and premises, upon giving reasonable notice to the landowner, for the purpose of making surveys, soundings, drillings, appraisals, environmental assessments including phase I and phase II environmental surveys, archaeological assessments, and such other examinations as are necessary for the acquisition of private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings or as are necessary for the authority to perform its duties and functions; and any such entry shall not be deemed a trespass or an entry that would constitute a taking in an eminent domain proceeding. An expressway authority shall make reimbursement for any actual damage to such lands, water, and premises as a result of such activities.

(3)~~(2)~~ The right of eminent domain conferred by the Florida Expressway Authority Act must be exercised by each authority in the manner provided by law.

(4)~~(3)~~ When an authority acquires property for an expressway system or in a transportation corridor as defined in s. 334.03, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This subsection does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. An authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

Section 32. Subsection (1) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(1) Except as provided in paragraphs *(a)-(f)* ~~(a)-(e)~~, each local government and each legally constituted enforcement district with statutory authority shall regulate building construction and, where authorized in the state agency's enabling legislation, each state agency shall enforce the Florida Building Code required by this part on all public or private buildings, structures, and facilities, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9).

(a) Construction regulations relating to correctional facilities under the jurisdiction of the Department of Corrections and the Department of Juvenile Justice are to be enforced exclusively by those departments.

(b) Construction regulations relating to elevator equipment under the jurisdiction of the Bureau of Elevators of the Department of Business and Professional Regulation shall be enforced exclusively by that department.

(c) In addition to the requirements of s. 553.79 and this section, facilities subject to the provisions of chapter 395 and part II of chapter 400 shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of chapter 395 and part II of chapter 400 and the certification requirements of the Federal Government.

(d) Building plans approved pursuant to s. 553.77(6) and state-approved manufactured buildings, including buildings manufactured and assembled offsite and not intended for habitation, such as lawn

storage buildings and storage sheds, are exempt from local code enforcing agency plan reviews except for provisions of the code relating to erection, assembly, or construction at the site. Erection, assembly, and construction at the site are subject to local permitting and inspections.

(e) Construction regulations governing public schools, state universities, and community colleges shall be enforced as provided in subsection (6).

(f) The Florida Building Code as it pertains to toll-collection facilities under the jurisdiction of the turnpike enterprise of the Department of Transportation shall be enforced exclusively by the turnpike enterprise.

The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on July 1, 1998. However, nothing contained in this subsection shall operate to limit such agencies from adjusting their fee schedule in conformance with existing authority.

Section 33. Paragraphs (a) and (d) of subsection (2) and subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a *two-thirds vote* ~~majority~~ of the members of the county governing authority *or pursuant to ordinance enacted by a majority of the members of the county governing authority* and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax *or pursuant to ordinance enacted by a two-thirds vote of the members of the county governing authority*.

(d)1. The proceeds of the surtax authorized by this subsection *and approved by referendum* and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 75,000 that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011(1), and charter counties may, in addition, use the proceeds and any interest accrued thereto to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred for such refunding bonds prior to July 1, 1999, is ratified.

2. The proceeds of the surtax where the surtax is levied by a two-thirds vote of the governing body of the county and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county for infrastructure located within the urban service area that is identified in the local government comprehensive plan of the county or municipality and is identified in that local government's capital improvements element adopted pursuant to s. 163.3177(3) or that is identified in the school district's educational facilities plan adopted pursuant to s. 235.185.

3.~~2.~~ For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

4.~~3.~~ Notwithstanding any other provision of this subsection, a discretionary sales surtax imposed or extended after the effective date of this act may provide for an amount not to exceed 15 percent of the local option sales surtax proceeds to be allocated for deposit to a trust fund within the county's accounts created for the purpose of funding economic development projects of a general public purpose targeted to improve local economies, including the funding of operational costs and incentives related to such economic development. *If applicable,* the ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

. . . . FOR THE	. . . . CENTS TAX
. . . . AGAINST THE	. . . . CENTS TAX

(c) As an alternative method of levying the discretionary sales surtax, the district school board may levy, pursuant to resolution adopted by a two-thirds vote of the members of the school board, a discretionary sales surtax at a rate not to exceed 0.5 percent when the following conditions are met:

1. The district school board and local governments in the county where the school district is located have adopted an interlocal agreement and public educational facilities element as required by chapter 163;

2. The district school board has adopted a district educational facilities plan pursuant to s. 235.185; and

3. The district's use of surtax proceeds for new construction must not exceed the cost-per-student criteria established for the SIT Program in s. 235.216(2).

(d)~~(c)~~ The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a

useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.

(e)~~(d)~~ Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f)~~(e)~~ Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 34. *Section 59 of chapter 99-385, Laws of Florida, is repealed.*

Section 35. Subsection (3) of section 73.071, Florida Statutes, is amended to read:

73.071 Jury trial; compensation; severance damages; business damages.—

(3) The jury shall determine solely the amount of compensation to be paid, which compensation shall include:

(a) The value of the property sought to be appropriated;

(b) Where less than the entire property is sought to be appropriated, any damages to the remainder caused by the taking, including, when the action is by the Department of Transportation, county, municipality, board, district or other public body for the condemnation of a right-of-way, and the effect of the taking of the property involved may damage or destroy an established business of more than 4 years' standing *before January 1, 2005, or the effect of the taking of the property involved may damage or destroy an established business of more than 5 years' standing on or after January 1, 2005*, owned by the party whose lands are being so taken, located upon adjoining lands owned or held by such party, the probable damages to such business which the denial of the use of the property so taken may reasonably cause; any person claiming the right to recover such special damages shall set forth in his or her written defenses the nature and extent of such damages; and

(c) Where the appropriation is of property upon which a mobile home, other than a travel trailer as defined in s. 320.01, is located, whether or not the owner of the mobile home is an owner or lessee of the property involved, and the effect of the taking of the property involved requires the relocation of such mobile home, the reasonable removal or relocation expenses incurred by such mobile home owner, not to exceed the replacement value of such mobile home. The compensation paid to a mobile home owner under this paragraph shall preclude an award to a mobile home park owner for such expenses of removal or relocation. Any mobile home owner claiming the right to such removal or relocation expenses shall set forth in his or her written defenses the nature and extent of such expenses. This paragraph shall not apply to any governmental authority exercising its power of eminent domain when reasonable removal or relocation expenses must be paid to mobile home owners under other provisions of law or agency rule applicable to such exercise of power.

Section 36. Section 341.8201, Florida Statutes, is created to read:

341.8201 Short title.—Sections 341.8201-341.843 may be cited as the "Florida High-Speed Rail Authority Act."

Section 37. Section 341.8202, Florida Statutes, is created to read:

341.8202 Legislative findings, policy, purpose, and intent.—

(1) The intent of this act is to implement the purpose of s. 19, Art. X of the State Constitution, which directs the Legislature, the Cabinet and the Governor to proceed with the development, either by the state or an approved private entity, of a high-speed monorail, fixed guideway, or magnetic levitation system, capable of speeds in excess of 120 miles per hour. The development of such a system, which will link Florida's five largest urban areas as defined in this act, includes acquisition of right-of-way and the financing of design and construction with construction beginning on or before November 1, 2003. Further, this act promotes the various growth management and environmental protection laws enacted by the Legislature and encourages and enhances the establishment of a high-speed rail system. The Legislature further finds that:

(a) The implementation of a high-speed rail system in the state will result in overall social and environmental benefits, improvements in ambient air quality, better protection of water quality, greater preservation of wildlife habitat, less use of open space, and enhanced conservation of natural resources and energy.

(b) A high-speed rail system, when developed in conjunction with sound land use planning, becomes an integral part in achieving growth management goals and encourages the use of public transportation to augment and implement land use and growth management goals and objectives.

(c) Development and utilization of a properly designed, constructed, and financed high-speed rail system and associated development can act as a catalyst for economic growth and development, mitigate unduly long and traffic-congested commutes for day-to-day commuters, create new employment opportunities, serve as a positive growth management system for building a better and more environmentally secure state, and serve a paramount public purpose by promoting the health, safety, and welfare of the citizens of the state.

(d) Transportation benefits of a high-speed rail system include improved travel times and more reliable travel, which will increase productivity and energy efficiency in the state.

(2) The Legislature further finds that:

(a) Access to timely and efficient modes of passenger transportation is necessary for travelers, visitors, and day-to-day commuters, to the quality of life in the state, and to the economy of the state.

(b) Technological advances in the state's transportation system can significantly and positively affect the ability of the state to attract and provide efficient services for domestic and international tourists and therefore increase revenue of the state.

(c) The geography of the state is suitable for the construction and efficient operation of a high-speed rail system.

(d) The public use of the high-speed rail system must be encouraged and assured in order to achieve the public purpose and objectives set forth in this act. In order to encourage the public use of the high-speed rail system and to protect the public investment in the system, it is necessary to provide an environment surrounding each high-speed rail station which will allow the development of associated development for the purpose of creating revenue in support of and for the high-speed rail system, enhance the safe movement of pedestrians and traffic into and out of the area, ensure the personal safety of high-speed rail system and related facility users and their personal property while the users are in the area of each station, and eliminate all conditions in the vicinity which constitute economic and social impediments and barriers to the use of the high-speed rail system and associated development.

(e) Areas surrounding certain proposed high-speed rail stations can, as a result of existing conditions, crime, and traffic congestion, pose a serious threat to the use of the high-speed rail system, reduce revenue from users, discourage pedestrian and traffic ingress and egress, retard sound growth and development, impair public investment, and consume an excessive amount of public revenues in the employment of police and other forms of public protection to adequately safeguard the high-speed rail system and its users. Such areas may require redevelopment, acquisition, clearance, or disposition, or joint public and private development to provide parking facilities, retail establishments, restaurants, hotels, or office facilities associated with or ancillary to the high-speed rail system and rail stations and to otherwise provide for an environment that will encourage the use of, and safeguard, the system.

(f) The powers conferred by this act are for public uses and purposes as established by s. 19, Art. X of the State Constitution for which public funds may be expended, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination to implement the intent of s. 19, Art. X of the State Constitution.

(g) Urban and social benefits include revitalization of economically depressed areas, the redirection of growth in a carefully and comprehensively planned manner, and the creation of numerous employment opportunities within inner-city areas.

(h) The provisions contained in this act are a declaration of legislative intent that the state develop a high-speed rail system to help solve transportation problems and eliminate their negative effect on the citizens of this state, and therefore serves a public purpose.

(i) Joint development is a necessary planning, financing, management, operation, and construction mechanism to ensure the continued future development of an efficient and economically viable high-speed rail system in this state.

(3) It is the intent of the Legislature to authorize the authority to implement innovative mechanisms required to effect the joint public-private venture approach to planning, locating, permitting, managing, financing, constructing, operating, and maintaining a high-speed rail system for the state, including providing incentives for revenue generation, operation, construction, and management by the private sector.

Section 38. Section 341.8203, Florida Statutes, is created to read:

341.8203 Definitions.—As used in this act, unless the context clearly indicates otherwise, the term:

(1) "Associated development" means property, equipment, buildings, or other ancillary facilities which are built, installed, or established to provide financing, funding, or revenues for the planning, building, managing, and operation of a high-speed rail system and which are associated with or part of the rail stations. The term includes property, including air rights, necessary for joint development, such as parking facilities, retail establishments, restaurants, hotels, offices, or other commercial, civic, residential, or support facilities, and may also include property necessary to protect or preserve the rail station area by reducing urban blight or traffic congestion or property necessary to accomplish any of the purposes set forth in this subsection which are reasonably anticipated or necessary.

(2) "Authority" means the Florida High-Speed Rail Authority and its agents.

(3) "Central Florida" means the counties of Lake, Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard, Hernando, Pasco, Hillsborough, Pinellas, and Polk.

(4) "DBOM contract" means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, and maintain a high-speed rail system.

(5) "DBOM & F contract" means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, maintain, and finance a high-speed rail system.

(6) "High-speed rail system" means any high-speed fixed guideway system for transporting people or goods, which system is capable of operating at speeds in excess of 120 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the authority. The term includes a corridor and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, stations, platforms, switches, yards, parking facilities, power relays, switching houses, rail stations, associated development, and any other facilities or equipment used or useful for the purposes of high-speed rail system design, construction, operation, maintenance, or the financing of the high-speed rail system.

(7) "Joint development" means the planning, managing, financing, or constructing of projects adjacent to, functionally related to, or otherwise related to a high-speed rail system pursuant to agreements between any person, firm, corporation, association, organization, agency, or other entity, public or private.

(8) "Northeast Florida" means the counties of Nassau, Duval, Clay, St. Johns, Putnam, Alachua, Marion, and Flagler.

(9) "Northwest Florida" means the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon, Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee, Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford, and Levy.

(10) "Rail station," "station," or "high-speed rail station" means any structure or transportation facility that is part of a high-speed rail system designed to accommodate the movement of passengers from one mode of transportation to another at which passengers board or disembark from transportation conveyances and transfer from one mode of transportation to another.

(11) "Selected person or entity" means the person or entity to whom the authority awards a contract under s. 341.834 to establish a high-speed rail system pursuant to this act.

(12) "Southeast Florida" means the counties of Broward, Monroe, Miami-Dade, Indian River, St. Lucie, Martin, Okeechobee, and Palm Beach.

(13) "Southwest Florida" means the counties of Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte, Glades, Lee, Hendry, and Collier.

(14) "Urban areas" means Central Florida, Northeast Florida, Northwest Florida, Southeast Florida, and Southwest Florida.

Section 39. Section 341.821, Florida Statutes, is amended to read:

341.821 Florida High-Speed Rail Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Florida High-Speed Rail Authority," hereinafter referred to as the "authority."

(2)(a) The governing board of the authority shall consist of nine voting members appointed as follows:

1. Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.

2. Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.

3. Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.

(b) The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years. ~~Initial appointments must be made within 30 days after the effective date of this act.~~

(c) A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.

(d) The Secretary of Transportation shall be a nonvoting ex officio member of the board.

(e) The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.

(f) The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.

(3) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.

(4) The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

Section 40. Section 341.822, Florida Statutes, is amended to read:

341.822 Powers and duties.—

(1) The authority created and established by this act shall *locate,* plan, *design, finance, construct, maintain, own, operate,* administer, and manage the ~~preliminary engineering and preliminary environmental assessment of the intrastate~~ high-speed rail system in the state.~~, hereinafter referred to as "intrastate high-speed rail."~~

(2) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may *only* ~~not~~ incur debt *in accordance with levels authorized by the Legislature*.

(3) The authority shall have perpetual succession as a body politic and corporate.

(4) The authority is authorized to seek *and obtain* federal matching funds or any other funds to fulfill the requirements of this act *either directly or through the Department of Transportation*.

(5) The authority may employ an executive director~~, permanent or temporary,~~ as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

Section 41. Section 341.823, Florida Statutes, is amended to read:

341.823 Criteria for assessment and recommendations.—

(1) The following criteria shall apply *to the establishment of the high-speed rail system* ~~in developing the preliminary engineering, preliminary environmental assessment, and recommendations~~ required by this act:

(a) The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;

(b) The initial segments of the system will be developed and operated between *the* St. Petersburg *area*, *the* Tampa *area*, and *the* Orlando *area*, with future service to *the* Miami *area*;

(c) The authority is to develop a *program* ~~model~~ that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, *maintenance,* ~~and~~ operation*, and financing* of the system;

(2) The authority shall *establish requirements* ~~make recommendations~~ concerning:

(a) The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;

(b) The preferred routes between the cities *and urban areas* designated *in accordance with s. 341.8203* ~~in paragraph (1)(b)~~;

(c) The preferred locations for the stations in the cities *and urban areas* designated *in accordance with s. 341.8203* ~~in paragraph (1)(b)~~;

(d) The preferred locomotion technology to be employed ~~from constitutional choices of monorail, fixed guideway, or magnetic levitation~~; *and*

~~(e) Any changes that may be needed in state statutes or federal laws which would make the proposed system eligible for available federal funding; and~~

(e)~~(f)~~ Any other issues the authority deems relevant to the development of a high-speed rail system.

(3) The authority shall develop a marketing plan, a detailed planning-level ridership study, and an estimate of the annual operating and maintenance cost for the system and all other associate expenses.

~~(3) When preparing the operating plan, the authority shall include:~~

~~(a) The frequency of service between the cities designated in paragraph (1)(b);~~

~~(b) The proposed fare structure for passenger and freight service;~~

~~(c) Proposed trip times, system capacity, passenger accommodations, and amenities;~~

~~(d) Methods to ensure compliance with applicable environmental standards and regulations;~~

~~(e) A marketing plan, including strategies that can be employed to enhance the utilization of the system;~~

~~(f) A detailed planning-level ridership study;~~

~~(g) Consideration of nonfare revenues that may be derived from:~~

~~1. The sale of development rights at the stations;~~

~~2. License, franchise, and lease fees;~~

~~3. Sale of advertising space on the trains or in the stations; and~~

~~4. Any other potential sources deemed appropriate.~~

~~(h) An estimate of the total cost of the entire system, including, but not limited to, the costs to:~~

~~1. Design and build the stations and monorail, fixed guideway, or magnetic levitation system;~~

~~2. Acquire any necessary rights-of-way;~~

~~3. Purchase or lease rolling stock and other equipment necessary to build, operate, and maintain the system.~~

~~(i) An estimate of the annual operating and maintenance costs for the system and all other associated expenses.~~

~~(j) An estimate of the value of assets the state or its political subdivisions may provide as in-kind contributions for the system, including rights-of-way, engineering studies performed for previous high-speed rail initiatives, land for rail stations and necessary maintenance facilities, and any expenses that may be incurred by the state or its political subdivisions to accommodate the installation of the system.~~

~~(k) An estimate of the funding required per year from state funds for the next 30 years for operating the preferred routes between the cities designated in paragraph (1)(b).~~

~~Whenever applicable and appropriate, the authority will base estimates of projected costs, expenses, and revenues on documented expenditures or experience derived from similar projects.~~

Section 42. Section 341.824, Florida Statutes, is amended to read:

341.824 Technical, scientific, or other assistance.—

(1) The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.

(2) The Department of Community Affairs shall, if requested, provide assistance to local governments in analyzing the land use and comprehensive planning aspects of the high-speed rail system. The Department of Community Affairs shall assist the authority with the resolution of any conflicts between the system and adopted local comprehensive plans.

(3) The Department of Environmental Protection shall, if requested, provide assistance to local governments and other permitting agencies in analyzing the environmental aspects of the high-speed rail system. The Department of Environmental Protection shall assist the authority and the contractor in expediting the approval of the necessary environmental permits for the system.

Section 43. Section 341.827, Florida Statutes, is created to read:

341.827 Service areas; segment designation.—

(1) The authority shall determine in which order the service areas, as designated by the Legislature, will be served by the high-speed rail system.

(2) The authority shall plan and develop the high-speed rail system so that construction proceeds as follows:

(a) The initial segments of the system shall be developed and operated between the St. Petersburg area, the Tampa area, the Lakeland/Winter Haven area, and the Orlando area, with future service to the Miami area.

(b) Construction of subsequent segments of the high-speed rail system shall connect the metropolitan areas of Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft. Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft. Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala, Tallahassee, and Pensacola.

(c) Selection of segments of the high-speed rail system to be constructed subsequent to the initial segments of the system shall be prioritized by the authority, giving consideration to the demand for service, financial participation by local governments, financial participation by the private sector, and the available financial resources of the authority.

Section 44. Section 341.828, Florida Statutes, is created to read:

341.828 Permitting.—

(1) The authority, for the purposes of permitting, may utilize one or more permitting processes provided for in statute, including, but not limited to, the metropolitan planning organization long-range transportation planning process as defined in s. 339.175 (6) and (7), in conjunction with the Department of Transportation's work program process as defined in s. 339.135, or any permitting process now in effect or that may be in effect at the time of permitting and will provide the most timely and cost-effective permitting process.

(2) The authority shall work in cooperation with metropolitan planning organizations in areas where the high-speed rail system will be located. The metropolitan planning organizations shall cooperate with the authority and include the high-speed rail system alignment within their adopted long-range transportation plans and transportation improvement programs for the purposes of providing public information, consistency with the plans, and receipt of federal and state funds by the authority to support the high-speed rail system.

(3) For purposes of selecting a route alignment, the authority may use the project development and environment study process, including the efficient transportation decisionmaking system process as adopted by the Department of Transportation.

Section 45. Section 341.829, Florida Statutes, is created to read:

341.829 Conflict prevention, mitigation, and resolution.—

(1) The authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, shall develop and implement, within 180 days after the effective date of this act, a process to prevent, mitigate, and resolve, to the maximum extent feasible, any conflicts or potential conflicts of a high-speed rail system with growth management requirements and environmental standards.

(2) Any person who disagrees with the alignment decision must file a complaint with the authority within 20 days after the authority's final adoption of the alignment.

(3) The authority must respond to any timely filed complaint within 60 days after the complaint is filed with the authority.

Section 46. Section 341.830, Florida Statutes, is created to read:

341.830 Procurement.—

(1) The authority may employ procurement methods under chapters 255, 287, and 337 and under any rule adopted under such chapters. To enhance the effective and efficient operation of the authority, and to enhance the ability of the authority to use best business practices, the authority may, pursuant to ss. 120.536(1) and 120.54, adopt rules for and employ procurement methods available to the private sector.

(2) The authority is authorized to procure commodities and the services of a qualified person or entity to design, build, finance, operate, maintain, and implement a high-speed rail system, including the use of a DBOM or DBOM & F method using a request for proposal, a request for qualifications, or an invitation to negotiate.

Section 47. Section 341.831, Florida Statutes, is created to read:

341.831 Prequalification.—

(1) The authority may prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system. The authority may establish qualifying criteria that may include, but not be limited to, experience, financial resources, organization and personnel, equipment, past record or history of the person or entity, ability to finance or issue bonds, and ability to post a construction or performance bond.

(2) The authority may establish the qualifying criteria in a request for qualification without adopting the qualifying criteria as rules.

Section 48. Section 341.832, Florida Statutes, is created to read:

341.832 Request for qualifications.—

(1) The authority is authorized to develop and execute a request for qualifications process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for qualifications. The authority shall develop criteria for selection of a person or entity that shall be included in any request for qualifications.

(2) The authority may issue a request for qualifications without adopting a rule.

Section 49. Section 341.833, Florida Statutes, is created to read:

341.833 Request for proposals.—

(1) The authority is authorized to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for proposals. The authority shall develop criteria for selection of a person or entity that shall be included in any request for proposals.

(2) In the request for proposals, the authority shall specify the minimum period of time for the contract duration. A person or entity may propose a longer period of time for the contract and provide justification of the need for an extended contract period. If the authority extends the

time period for the contract, such time period shall be extended for all persons or entities if so requested.

Section 50. Section 341.834, Florida Statutes, is created to read:

341.834 Award of contract.—

(1) The authority may award a contract subject to such terms and conditions, including, but not limited to, compliance with any applicable permitting requirements, and any other terms and conditions the authority considers appropriate.

(2) The contract shall authorize the contractor to provide service between stations as established by the contract. The contractor shall coordinate its facilities and services with passenger rail providers, commuter rail authorities, and public transit providers to provide access to and from the high-speed rail system.

(3) The contractor shall not convey, lease, or otherwise transfer any high-speed rail system property, any interest in such property, or any improvement constructed upon such property without written approval of the authority.

Section 51. Section 341.835, Florida Statutes, is created to read:

341.835 Acquisition of property; rights-of-way; disposal of land.—

(1) The authority may purchase, lease, exchange, or otherwise acquire any land, property interests, or buildings or other improvements, including personal property within such buildings or on such lands, necessary to secure or utilize rights-of-way for existing, proposed, or anticipated high-speed rail system facilities.

(2) Title to any property acquired in the name of the authority shall be administered by the authority under such terms and conditions as the authority may require.

(3) When the authority acquires property for a high-speed rail system, or any related or ancillary facilities, by purchase or donation, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

(4) In acquiring property or property rights for any high-speed rail system or related or ancillary facilities, the authority may acquire an entire lot, block, or tract of land if the interests of the public will be best served by such acquisition, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper or for the specific related or ancillary facilities.

(5) The authority, by resolution, may dispose of any interest in property acquired pursuant to this section on terms and conditions the authority deems appropriate.

(6) The authority and its employees and agents shall have the right to enter upon properties which may be determined to be necessary for the construction, reconstruction, relocation, maintenance, and operation of a proposed high-speed rail system and associated development and related or ancillary facilities as described in subsection (1) for the purposes of surveying and soil and environmental testing.

(7) The authority is authorized to accept donations of real property from public or private entities for the purposes of implementing a high-speed rail system.

Section 52. Section 341.836, Florida Statutes, is created to read:

341.836 Associated development.—

(1) The authority, alone or as part of a joint development, may undertake development of associated developments to be a source of revenue for the establishment, construction, operation, or maintenance of the high-speed rail system. Such associated developments must be associated with a rail station and have pedestrian ingress to and egress from the rail station; be consistent, to the extent feasible, with applicable local government comprehensive plans and local land development regulations; and otherwise be in compliance with the provisions of this act.

(2) This act does not prohibit the authority, the selected person or entity, or a party to a joint venture with the authority or its selected person or entity from obtaining approval, pursuant to any other law, for any associated development that is reasonably related to the high-speed rail system.

Section 53. Section 341.837, Florida Statutes, is created to read:

341.837 Payment of expenses.—All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act, or from other legally available sources.

Section 54. Section 341.838, Florida Statutes, is created to read:

341.838 Rates, rents, fees, and charges.—

(1) The authority is authorized to fix, revise, charge, and collect rates, rents, fees, charges, and revenues for the use of and for the services furnished, or to be furnished, by the system and to contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. Such rates, rents, fees, and charges shall be reviewed annually by the authority and may be adjusted as set forth in the contract setting such rates, rents, fees, or charges. The funds collected hereunder shall, with any other funds available, be used to pay the cost of all administrative expenses of the authority, and the cost of designing, building, operating, and maintaining the system and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for.

(2) Rates, rents, fees, and charges fixed, revised, charged, and collected pursuant to this section shall not be subject to supervision or regulation by any department, commission, board, body, bureau, or agency of this state other than the authority.

Section 55. Section 341.839, Florida Statutes, is created to read:

341.839 Alternate means.—The foregoing sections of this act shall be deemed to provide an additional and alternative method for accomplishing the purposes authorized therein, and shall be regarded as supplemental and additional to powers conferred by other laws. Except as otherwise expressly provided in this act, none of the powers granted to the authority under the provisions of this act shall be subject to the supervision or require the approval or consent of any municipality or political subdivision or any commission, board, body, bureau, or official.

Section 56. Section 341.840, Florida Statutes, is created to read:

341.840 Tax exemption.—The exercise of the powers granted by this act will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and as the design, building, operation, maintenance, and financing of a system by the authority or its agent or the owner or lessee thereof, as herein authorized, constitutes the performance of an essential public function, neither the authority, its agent, nor the owner of such system shall be required to pay any taxes or assessments upon or in respect to the system or any property acquired or used by the authority, its agent, or such owner under the provisions of this act or upon the income therefrom, any security therefor, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, the counties, and the municipalities and other political subdivisions in the state.

Section 57. Section 341.841, Florida Statutes, is created to read:

341.841 Report; audit.—The authority shall prepare an annual report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1. The authority shall provide for an annual financial audit, as defined in s. 11.45, of its accounts and records conducted by an independent certified public accountant. The audit report shall include a management letter as defined in s. 11.45. The cost of the audit shall be paid from funds available to the authority pursuant to this act.

Section 58. Section 341.842, Florida Statutes, is created to read:

341.842 Liberal construction.—This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

Section 59. Subsection (10) of section 288.109, Florida Statutes, is amended to read:

288.109 One-Stop Permitting System.—

(10) Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; *and* the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425~~; and the High Speed Rail Transportation Siting Act, ss. 341.3201-341.386~~.

Section 60. Subsection (6) of section 334.30, Florida Statutes, is amended to read:

334.30 Private transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(6) ~~Notwithstanding s. 341.327,~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.

Section 61. Subsection (9) of section 337.251, Florida Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(9) ~~Notwithstanding s. 341.327,~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under this section may operate at any safe speed.

Section 62. Section 341.501, Florida Statutes, is amended to read:

341.501 High-technology transportation systems; joint project agreement or assistance.—Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, private or public entities, or consortia thereof, to facilitate the research, development, and demonstration of high-technology transportation systems, including, but not limited to, systems using magnetic levitation technology. ~~The provisions of the Florida High-Speed Rail Transportation Act, ss. 341.3201-341.386, do not apply to actions taken under this section, and~~ The department may, subject to s. 339.135, provide funds to match any available federal aid for effectuating the research, development, and demonstration of high-technology transportation systems.

Section 63. *Sections 341.3201, 341.321, 341.322, 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331, 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337, 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365, 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465, 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364, 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375, 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are repealed.*

Section 64. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; transferring the Office of Toll Operations to the turnpike enterprise; redesignating the turnpike district as the turnpike enterprise; amending s. 206.46, F.S.; increasing the rights-of-way bond cap; amending s. 316.302, F.S.; updating federal references; revising out-of-service requirements for commercial motor vehicles; providing a penalty; amending s. 316.3025, F.S.; updating a cross-reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 337.185, F.S.; clarifying application of limitation on certain claims brought before the State Arbitration Board; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; conforming provisions; amending s. 334.044, F.S.; providing powers and duties for department law enforcement officers; amending s. 334.175, F.S.; adding state-registered landscape architects to the list of design professionals who sign, seal, and certify certain Department of Transportation project plans; amending s. 337.025, F.S.; eliminating the cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S., relating to design-build contract; adding, for a specified period, rights-of-way services to activities that may be part of a design-build contract; providing restrictions; amending s. 338.165, F.S.; conforming provisions; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; conforming provisions to the redesignation; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165, 338.227, F.S.; conforming provisions; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; prohibiting the department from exercising its powers of eminent domain solely to acquire property for business opportunities on the Florida Turnpike; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditures to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending ss. 338.251, 339.135, F.S.; conforming provisions; amending s. 339.12, F.S.; raising the amount that local governments may advance to the department; amending s. 337.408, F.S.; providing for regulation of street light poles; amending s. 348.0003, F.S.; authorizing a county governing body to set qualifications, terms of office, and obligations and rights for the members of expressway authorities their jurisdictions; amending s. 348.0008, F.S.; allowing expressway authorities to acquire certain interests in land; providing for expressway authorities and their agents or employees to access public or private property for certain purposes; amending s. 553.80, F.S.; providing for self-regulation; amending s. 212.055, F.S.; providing for the levy of the infrastructure sales surtax and the school capital outlay surtax by a two-thirds vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; providing for the uses of the surtax proceeds; repealing s. 59, ch. 99-385, Laws of Florida; abrogating the repeal of provisions governing business damages in eminent domain actions; amending s. 73.071, F.S.; providing for the age required of a standing business in order to qualify for business damages; creating the "Florida High-Speed Rail Authority Act"; creating s. 341.8201, F.S.; providing a short title; creating s. 341.8202, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, design, financing, construction, and operation of a high-speed rail system in the state; creating s. 341.8203, F.S.; providing definitions; amending s. 341.821, F.S., relating to the creation of the Florida High-Speed Rail Authority; removing obsolete provisions; amending s. 341.822, F.S.; revising and providing additional powers and duties of the authority; amending s. 341.823, F.S.; revising the criteria for assessment and recommendations with respect to the establishment of the high-speed rail system; requiring the authority to establish specified requirements; requiring the authority to develop a specified plan, study, and estimates; amending s. 341.824, F.S.; specifying types of technical, scientific, or other assistance to be provided by the Department of Community Affairs and the Department of Environmental Protection; creating s. 341.827, F.S.; providing for determination of service areas and the order of system segment construction; creating s. 341.828, F.S.; authorizing the authority to utilize existing permitting processes; requiring cooperation between the authority and metropolitan planning organizations; creating s. 341.829, F.S.; requiring the authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, to develop and implement a process to mitigate and resolve conflicts between the system and growth management requirements and environmental standards; providing time

limits for the filing of and response to specified complaints; creating s. 341.830, F.S.; authorizing the authority to employ specified procurement methods; providing for the adoption of rules; authorizing the authority to procure commodities and services for the designing, building, financing, maintenance, operation, and implementation of a high-speed rail system; creating s. 341.831, F.S.; authorizing the authority to prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system; providing for the establishment of qualifying criteria; creating s. 341.832, F.S.; authorizing the authority to develop and execute a request for qualifications process; creating s. 341.833, F.S.; authorizing the authority to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system; creating s. 341.834, F.S.; providing for award of a conditional contract; providing contract requirements; prohibiting transfer of system property without written approval; creating s. 341.835, F.S.; authorizing the authority to purchase, lease, exchange, or acquire land, property, or buildings necessary to secure or utilize rights-of-way for high-speed rail system facilities; providing that the authority is not subject to specified liability; authorizing the authority and the Department of Environmental Protection to enter into certain interagency agreements; providing for the disposal of interest in property; authorizing agents and employees of the authority to enter upon certain property; authorizing the authority to accept donations of real property; creating s. 341.836, F.S.; authorizing the authority to undertake the development of associated developments; providing requirements of associated developments; creating s. 341.837, F.S.; providing for payment of expenses incurred in carrying out the act; creating s. 341.838, F.S.; authorizing the authority to fix, revise, charge, collect, and adjust rates, rents, fees, charges, and revenues, and to enter into contracts; providing for annual review by the authority of rates, rents, fees, and charges; providing for uses of revenues; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, approval, or consent; creating s. 341.840, F.S.; providing tax exemptions for property acquired or used by the authority or specified income; creating s. 341.841, F.S.; requiring the authority to prepare and submit a report; providing for an annual audit; creating s. 341.842, F.S.; providing construction of the act; amending s. 288.109, F.S.; removing a cross-reference; amending s. 334.30, F.S.; removing a cross-reference; amending s. 337.251, F.S.; removing a cross-reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the "Florida High-Speed Rail Transportation Act"; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental review process of application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens' Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be conducted by local governments; repealing s. 341.348, F.S., relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings; providing an effective date.

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

Amendment 1A (341002)(with title amendment)—On page 70, between lines 26 and 27, insert:

Section 63. Paragraph (a) of subsection (1) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(a) Each charter county which adopted a charter prior to *January 1, 1984* ~~June 1, 1976~~, and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 77, line 24, after the semicolon (;) insert: amending s. 212.055, F.S.; removing a limitation on which charter counties may levy a charter county transit surtax;

Amendment 1 as amended was adopted.

On motion by Senator Sebesta, by two-thirds vote **CS for HB 261** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Carlton, Garcia, Klein

HB 1977—A bill to be entitled An act relating to state procurement; amending s. 61.1826, F.S.; conforming a cross reference to changes made by this act; amending s. 120.57, F.S.; specifying the manner in which notice of decisions and intended decisions concerning procurement are to be provided; defining the term "electronically post"; providing procedures applicable to a protest of a contract solicitation or award; specifying the type of notice that starts the time for filing a notice of protest; providing that state holidays are not included in the time for filing a notice of protest; specifying the types of submissions that may be considered in a protest; clarifying and conforming provisions; amending ss. 283.32, 283.33, 283.34, and 283.35, F.S.; conforming the sections to changes made by the act; conforming a cross reference; amending s. 287.001, F.S.; clarifying legislative intent with respect to state procurement; amending s. 287.012, F.S.; revising definitions; defining additional terms; amending s. 287.017, F.S.; eliminating the requirement for annual adjustments of purchasing categories; amending 287.022, F.S.; conforming a cross reference to changes made by the act; amending ss. 287.032 and 287.042, F.S.; revising the purpose, duties, and functions of the Department of Management Services; clarifying and conforming provisions; providing procedures for the listing of commodities and services offered by certain nonprofit agencies organized pursuant to ch. 413, F.S.; providing that eligible users may purchase from state term contracts; providing that the protest bond amount shall be a specified percentage of the estimated contract amount; providing that official bank checks may be accepted in lieu of a bond; requiring the department to develop procedures for issuing solicitations, requests for information, and requests for quotes; prescribing the manner in which solicitations are to be noticed; providing an exception for the 10-day notice requirement for solicitations; requiring the department to develop procedures for electronic posting; requiring the department to develop methods for conducting question-and-answer sessions regarding solicitations; providing that the Office of Supplier Diversity may consult with the department regarding solicitation distribution procedures; providing that rules may be distributed to agencies via an electronic medium; requiring written documentation of certain agency decisions; eliminating the department's responsibilities for the management of state surplus property; amending s. 287.045, F.S., relating to the procurement of products and materials with recycled content; clarifying and conforming provisions; amending s. 287.056, F.S.; specifying entities that are required or permitted to purchase from purchasing agreements and state term contracts; providing for use of a request for quote to obtain pricing or services information; amending s. 287.057, F.S.; clarifying and conforming provisions; revising requirements for solicitations; providing for question-and-answer sessions regarding solicitations; providing requirements for emergency procurements; providing that agency purchases from certain existing contracts are exempt from competitive-solicitation requirements; providing requirements for single-source procurement; conforming cross references to changes made by the act; providing requirements for contract renewal; clarifying that exceptional purchase contracts may not be renewed; providing requirements for persons appointed to evaluate proposals and replies and to negotiate contracts; prohibiting certain persons or entities from receiving contracts; specifying the entities responsible for developing an on-line procurement system; amending s. 287.0572, F.S.; clarifying and conforming provisions; requiring that the cost of all state contracts be evaluated by present-value methodology; amending s. 287.058, F.S.; revising provisions relating to renewal which must be contained in a contract; clarifying that exceptional purchase contracts may not be renewed; conforming cross references to changes made by the act; amending s. 287.059, F.S.; clarifying and conforming provisions; amending s. 287.0595, F.S.; revising requirements for the Department of Environmental Protection with respect to contracts for pollution response; clarifying and conforming provisions; repealing s. 287.073, F.S., relating to the procurement of information technology resources; amending s. 287.0731, F.S.; revising requirements for a team for contract negotiations; amending ss. 287.0822, 287.084, 287.087, 287.093, and 287.09451, F.S., relating to procurement of beef and pork, preference for state businesses and businesses with drug-free-workplace programs, minority business enterprises, and the Office of Supplier Diversity; clarifying and conforming provisions to changes made by the act; amending s. 287.095, F.S.; providing requirements for certain products produced by a certain corporation; providing an exception; repealing s. 287.121, F.S., relating to assistance by the Department of Legal Affairs; amending ss. 287.133 and 287.134, F.S., relating to prohibitions on the transaction of business with certain entities convicted of public-entity crimes and entities that have engaged in discrimination; clarifying and conforming provisions; amending s. 287.1345, F.S., relating to the surcharge on users of state term contracts; authorizing the Department of Management Services to collect surcharges from eligible users; amending s. 373.610, F.S.; clarifying that the provision applies to contractors; amending s. 373.611, F.S.; providing that water management districts may contract to limit damages recoverable from certain entities during procurement; amending ss. 394.457, 394.47865, 402.73, 408.045, 445.024 and 455.2177, F.S., relating to the power to contract by the Department of Children and Family Services, the Agency for Health Care Administration, the Regional Work Force Boards, and the Department of Business and Professional Regulation and their power to privatize and procure; conforming cross references; clarifying and conforming provisions; amending s. 413.033, F.S.; revising a definition; amending s. 413.035, F.S.; providing content requirements for certain products; amending s. 413.036, F.S.; providing that ch. 287, F.S., does not apply to purchases made from certain nonprofit agencies; specifying provisions required to be contained in certain state procurement contracts; limiting purchases of products or services by state agencies from sources other than the nonprofit agency for the blind or severely handicapped under certain circumstances; amending s. 413.037, F.S., to conform; repealing s. 413.034, F.S., relating to the Commission for Purchase from the Blind or Other Severely Handicapped; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **HB 1977** was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Jones	Saunders
Burt	King	Sebesta
Carlton	Klein	Silver
Clary	Laurent	Smith
Constantine	Lawson	Sullivan
Cowin	Lee	Villalobos
Crist	Meek	Wasserman Schultz
Diaz de la Portilla	Miller	Webster
Futch	Peaden	Wise
Garcia	Posey	
Holzendorf	Pruitt	

Nays—7

Brown-Waite	Geller	Mitchell
Campbell	Latvala	Rossin
Dyer		

Vote after roll call:

Yea—Sanderson

CS for HB 1673—A bill to be entitled An act relating to a public records exemption for social security numbers; creating s. 119.072, F.S.; creating an exemption from public records requirements for all social security numbers held by an agency or its agents, employees, or contractors; providing exceptions to the exemption; providing conditions under which social security numbers may be provided to a commercial entity; providing for civil and criminal penalties; providing requirements and restrictions with respect to collection and disclosure of social security numbers by an agency; providing for review of social security numbers collected prior to the effective date of the exemption; restricting the release of social security numbers contained in official records; providing certain notice requirements and requiring publication of notice by county recorders; requiring annual agency reports; providing for future review and repeal; providing retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for HB 1673** was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Geller	Posey
Brown-Waite	Holzendorf	Pruitt
Carlton	Jones	Rossin
Clary	King	Saunders
Constantine	Klein	Sebesta
Cowin	Lawson	Silver
Crist	Lee	Smith
Diaz de la Portilla	Meek	Sullivan
Dyer	Miller	Wasserman Schultz
Futch	Mitchell	Webster
Garcia	Peaden	Wise

Nays—1

Campbell

Vote after roll call:

Yea—Burt, Latvala, Laurent, Sanderson, Villalobos

SB 2454—A bill to be entitled An act relating to electric personal assistive mobility devices; amending s. 316.003, F.S.; defining the term "electric personal assistive mobility device"; creating s. 316.2068, F.S.; providing regulations for electric personal assistive mobility devices; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Dyer, **SB 2454** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Peaden

HB 1963—A bill to be entitled An act relating to the Florida Coastal Management Program; amending ss. 380.205, 380.24, and 380.285, F.S.; transferring all powers, duties, and functions of the Florida Coastal Management Program from the Department of Community Affairs to the Department of Environmental Protection; providing an effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, **HB 1963** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Holzendorf

Vote after roll call:

Yea—Garcia, Geller

CS for HB 1679—A bill to be entitled An act relating to public records; creating the Study Committee on Public Records; providing for membership and organization of the committee; providing purpose, duties, and responsibilities of the committee; requiring a report; providing for expiration of the committee; amending s. 28.2221, F.S., relating to electronic access to official records; revising declared state purpose with respect to such access; providing limitations with respect to a specified Internet index of documents; providing that county recorders may not place images or copies of specified public records on a publicly available Internet website for general public display; requiring that such records placed on the Internet prior to the effective date of the act be removed upon request; providing certain notice requirements and requiring publication of notice by county recorders and clerks of the court; providing that affected persons may petition the court for an order of compliance; requiring clerks of court to provide for electronic retrieval of images of certain documents by a specified date; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for HB 1679** was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Garcia	Rossin
Burt	Klein	Saunders
Carlton	Lawson	Sebesta
Clary	Lee	Silver
Cowin	Meek	Smith
Crist	Miller	Villalobos
Diaz de la Portilla	Mitchell	Wasserman Schultz
Dyer	Peaden	Webster
Futch	Pruitt	Wise

Nays—7

Campbell	Jones	Laurent
Constantine	King	Posey
Geller		

Vote after roll call:

Yea—Brown-Waite, Holzendorf, Latvala, Sanderson, Sullivan

Yea to Nay—Rossin

Consideration of **CS for SB 1186** and **CS for SB 1844** was deferred.

On motion by Senator Sanderson, by two-thirds vote **CS for HB 807** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 807—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; including reference to the Chief Deputy Court Administrator with respect to compulsory membership in the Senior Management Service Class; amending s. 121.052, F.S.; revising the membership requirements of the Elected Officers' Class of the system to include certain sheriffs and clerks of the circuit court; amending s. 121.091, F.S.; revising language with respect to reemployment of certain retired members of the Florida Retirement System; amending s. 121.0515, F.S.; revising language with respect to special risk membership in the system; including certain periods of service in special risk; amending s. 121.055, F.S.; allowing an elected state attorney or public defender to upgrade retirement credit for service as an assistant state attorney or assistant public defender; amending s. 121.053, F.S., relating to termination requirements and benefits of elected officers participating in the Deferred Retirement Option Program; amending s. 121.091, F.S., regarding Deferred Retirement Option Program termination requirements for elected officers; amending s. 121.0515, F.S.; permitting certain special risk members to upgrade service related to fire prevention and firefighter training duties; providing legislative intent; amending ss. 121.052, 121.055, and 121.071, F.S.; making the date for payment of retirement contributions consistent under the Florida Retirement System defined benefit and defined contribution programs; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; updating definitions; establishing dates on which present value calculations are based; conforming election provisions for local government employees to provisions applicable to other employees; providing for the effective date of enrollment for certain employers; providing for the transfer of contributions in certain circumstances; transferring certain provisions relating to payment of benefits to s. 121.591, F.S., as created in the act; amending s. 121.571, F.S., relating to employer contributions to the Public Employee Optional Retirement Program; adjusting rates; making the date for payment of retirement contributions consistent under the Florida Retirement System defined benefit and defined contribution programs; creating s. 121.591, F.S., relating to benefits payable under the Public Employee Optional Retirement Program; providing for payment of the normal benefit upon termination; providing for disability retirement benefits; providing for transfer of certain funds; specifying eligibility requirements; providing procedure and required documentation; providing for computation of the disability benefit; providing for reapplication; providing for membership; providing an option to cancel; providing for reexamination and other matters relating to recovery from disability; providing nonadmissible causes of disability; providing for disability retirement of justices or judges; providing for payment of death benefits; providing for spousal notification in certain cases; updating death benefit distribution provisions to conform to recent changes in federal law; providing protection of benefits from assignment, execution, etc.; amending s. 110.123, F.S.; revising language with respect to the state group insurance program; revising a definition; deleting language with respect to participation in the plan by retirees; amending s. 110.205, F.S.; granting Senior Management Service benefits to county health department directors and administrators; amending s. 121.35, F.S.; allowing rollovers into the optional retirement programs; expanding the methods of disbursement of benefits; providing a declaration of important state interest; providing an effective date.

—a companion measure, was substituted for **CS for SB 2132** as amended and by two-thirds vote read the second time by title.

Senator Sanderson moved the following amendment:

Amendment 1 (622674)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (2), paragraph (c) of subsection (3), paragraphs (a), (b), and (c) of subsection (4), subsection (6), paragraphs (c) and (e) of subsection (7), and paragraph (a) of subsection (8) of section 121.4501, Florida Statutes, are amended, and paragraph (c) is added to subsection (5) of said section, to read:

121.4501 Public Employee Optional Retirement Program.—

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

(d) "Eligible employee" means an officer or employee, as defined in s. 121.021(11), who:

1. Is a member of, or is eligible for membership in, the Florida Retirement System*, including any renewed member of the Florida Retirement System*;

2. Participates in, or is eligible to participate in, the Senior Management Service Optional Annuity Program as established under s. 121.055(6); or

3. Is eligible to participate in, but does not participate in, the State University System Optional Retirement Program established under s. 121.35 or the State Community College System Optional Retirement Program established under s. 121.051(2)(c).

The term does not include ~~any renewed member of the Florida Retirement System,~~ any member participating in the Deferred Retirement Option Program established under s. 121.091(13)~~,~~ or any employee participating in an optional retirement program established under s. 121.051(2)(c) or s. 121.35.

(3) ELIGIBILITY; RETIREMENT SERVICE CREDIT.—

(c)1. Notwithstanding paragraph (b), each eligible employee who elects to participate in the Public Employee Optional Retirement Program and establishes one or more individual participant accounts under the optional program may elect to transfer to the optional program a sum representing the present value of the employee's accumulated benefit obligation under the defined benefit retirement program of the Florida Retirement System. Upon such transfer, all service credit previously earned under the defined benefit program of the Florida Retirement System shall be nullified for purposes of entitlement to a future benefit under the defined benefit program of the Florida Retirement System. A participant is precluded from transferring the accumulated benefit obligation balance from the defined benefit program upon the expiration of the period afforded to enroll in the optional program.

2. For purposes of this subsection, the present value of the member's accumulated benefit obligation is based upon the member's estimated creditable service and estimated average final compensation as of midnight of the day prior to the opening of the election window for the employee. The actuarial present value of the employee's accumulated benefit obligation shall be based on the following:

a. The discount rate and other relevant actuarial assumptions used to value the Florida Retirement System Trust Fund at the time the amount to be transferred is determined, consistent with the factors provided in sub-subparagraphs b. and c.

b. A benefit commencement age, based on the member's estimated creditable service as of midnight on May 31, 2002. The benefit commencement age shall be the younger of the following, but shall not be younger than the member's age as of midnight on May 31, 2002:

(I) Age 62; or

(II) The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from May 31, 2002, and disregarding any vesting requirement that would otherwise apply under the defined benefit program of the Florida Retirement System.

c. For members of the Special Risk Class and for members of the Special Risk Administrative Support Class entitled to retain special risk normal retirement date, the benefit commencement age shall be the

younger of the following, but shall not be younger than the member's age as of midnight on May 31, 2002:

(I) Age 55; or

(II) The age the member would attain if the member completed 25 years of service with an employer, assuming the member worked continuously from May 31, 2002, and disregarding any vesting requirement that would otherwise apply under the defined benefit program of the Florida Retirement System.

d. The calculation shall disregard vesting requirements and early retirement reduction factors that would otherwise apply under the defined benefit retirement program.

3. For each participant who elects to transfer moneys from the defined benefit program to his or her account in the optional program, the division shall recompute the amount transferred under subparagraph 2. not later than 60 days after the actual transfer of funds based upon the participant's actual creditable service and actual final average compensation as of the initial date of participation in the optional program. If the recomputed amount differs from the amount transferred under subparagraph 2. by $10 or more, the division shall:

a. Transfer, or cause to be transferred, from the Florida Retirement System Trust Fund to the participant's account in the optional program the excess, if any, of the recomputed amount over the previously transferred amount together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon 8 percent effective annual interest, compounded annually.

b. Transfer, or cause to be transferred, from the participant's account to the Florida Retirement System Trust Fund the excess, if any, of the previously transferred amount over the recomputed amount, together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon 6 percent effective annual interest, compounded annually, pro rata based on the participant's allocation plan.

4. As directed by the participant, the board shall transfer or cause to be transferred the appropriate amounts to the designated accounts. The board shall establish transfer procedures by rule, but the actual transfer shall not be later than 30 days after the effective date of the member's participation in the optional program *unless the major financial markets for securities available for a transfer are seriously disrupted by an unforeseen event which also causes the suspension of trading on any national securities exchange in the country where the securities were issued. In that event, such 30-day period of time may be extended by a resolution of the trustees*. Transfers are not commissionable or subject to other fees and may be in the form of securities or cash as determined by the state board. Such securities shall be valued as of the date of receipt in the participant's account.

5. If the board or the division receives notification from the United States Internal Revenue Service that this paragraph or any portion of this paragraph will cause the retirement system, or a portion thereof, to be disqualified for tax purposes under the Internal Revenue Code, then the portion that will cause the disqualification does not apply. Upon such notice, the state board and the division shall notify the presiding officers of the Legislature.

(4) PARTICIPATION; ENROLLMENT.—

(a)1. With respect to an eligible employee who is employed in a regularly established position on June 1, 2002, by a state employer:

a. Any such employee may elect to participate in the Public Employee Optional Retirement Program in lieu of retaining his or her membership in the defined benefit program of the Florida Retirement System. The election must be made in writing or by electronic means and must be filed with the *third-party administrator by August 31* ~~department and the personnel officer of the employer within 90 days after June 1~~, 2002, or, in the case of an active employee who is on a leave of absence on *April* ~~June~~ 1, 2002, *by August 31, 2002, or* within 90 days after the conclusion of the leave of absence*, whichever is later*. This election is irrevocable, except as provided in paragraph (e). Upon making such election, the employee shall be enrolled as a participant of the Public Employee Optional Retirement Program, the employee's membership in the Florida Retirement System shall be governed by the provisions of this part, and the employee's membership in the defined benefit program of the Florida Retirement System shall terminate. The employee's enrollment in the Public Employee Optional Retirement Program shall be effective the first day of the month for which a full month's employer contribution is made to the optional program.

b. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~90 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

2. With respect to employees who become eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer commencing after *April* ~~June~~ 1, 2002:

a. Any such employee shall, by default, be enrolled in the defined benefit retirement program of the Florida Retirement System at the commencement of employment, and may, *by the end of the fifth month following the employee's month of hire* ~~within 180 days after employment commences~~, elect to participate in the Public Employee Optional Retirement Program. The employee's election must be made in writing or by electronic means and must be filed with the *third-party administrator* ~~personnel officer of the employer~~. The election to participate in the optional program is irrevocable, except as provided in paragraph (e).

b. If the employee files such election before the initial payroll is submitted for the employee, enrollment in the Public Employee Optional Retirement Program shall be effective on the first day of employment.

c. If the employee files such election within *the prescribed time period* ~~180 days after employment commences~~, but after the initial payroll is submitted for the employee, enrollment in the optional program shall be effective on the first day of the month for which a full month's employer contribution is made to the optional program.

d. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~180 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

3. For purposes of this paragraph, "state employer" means any agency, board, branch, commission, community college, department, institution, institution of higher education, or water management district of the state, which participates in the Florida Retirement System for the benefit of certain employees.

(b)1. With respect to an eligible employee who is employed in a regularly established position on September 1, 2002, by a district school board employer:

a. Any such employee may elect to participate in the Public Employee Optional Retirement Program in lieu of retaining his or her membership in the defined benefit program of the Florida Retirement System. The election must be made in writing or by electronic means and must be filed with the *third-party administrator by November 30* ~~department and the personnel officer of the employer within 90 days after September 1~~, 2002, or, in the case of an active employee who is on a leave of absence on *July* ~~September~~ 1, 2002, *by November 30, 2002, or* within 90 days after the conclusion of the leave of absence*, whichever is later*. This election is irrevocable, except as provided in paragraph (e). Upon making such election, the employee shall be enrolled as a participant of the Public Employee Optional Retirement Program, the employee's membership in the Florida Retirement System shall be governed by the provisions of this part, and the employee's membership in the defined benefit program of the Florida Retirement System shall terminate. The employee's enrollment in the Public Employee Optional Retirement Program shall be effective the first day of the month for which a full month's employer contribution is made to the optional program.

b. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~90 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

2. With respect to employees who become eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a district school board employer commencing after *July* ~~September~~ 1, 2002:

a. Any such employee shall, by default, be enrolled in the defined benefit retirement program of the Florida Retirement System at the commencement of employment, and may, *by the end of the fifth month following the employee's month of hire* ~~within 180 days after employment commences~~, elect to participate in the Public Employee Optional Retirement Program. The employee's election must be made in writing or by electronic means and must be filed with the *third-party administrator* ~~personnel officer of the employer~~. The election to participate in the optional program is irrevocable, except as provided in paragraph (e).

b. If the employee files such election before the initial payroll is submitted for the employee, enrollment in the Public Employee Optional Retirement Program shall be effective on the first day of employment.

c. If the employee files such election within *the prescribed time period* ~~180 days after employment commences~~, but after the initial payroll is submitted for the employee, enrollment in the optional program shall be effective on the first day of the month for which a full month's employer contribution is made to the optional program.

d. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~180 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

3. For purposes of this paragraph, "district school board employer" means any district school board that participates in the Florida Retirement System for the benefit of certain employees, or a charter school or charter technical career center that participates in the Florida Retirement System as provided in s. 121.051(2)(d).

(c)1. With respect to an eligible employee who is employed in a regularly established position on December 1, 2002, by a local employer:

a. Any such employee may elect to participate in the Public Employee Optional Retirement Program in lieu of retaining his or her membership in the defined benefit program of the Florida Retirement System. The election must be made in writing or by electronic means and must be filed with the *third-party administrator by February 28, 2003* ~~department and the personnel officer of the employer within 90 days after December 1, 2002~~, or, in the case of an active employee who is on a leave of absence on *October* ~~December~~ 1, 2002, *by February 28, 2003, or* within 90 days after the conclusion of the leave of absence*, whichever is later*. This election is irrevocable. Upon making such election, the employee shall be enrolled as a participant of the Public Employee Optional Retirement Program, the employee's membership in the Florida Retirement System shall be governed by the provisions of this part, and the employee's membership in the defined benefit program of the Florida Retirement System shall terminate. The employee's enrollment in the Public Employee Optional Retirement Program shall be effective the first day of the month for which a full month's employer contribution is made to the optional program.

b. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~90 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

2. With respect to employees who become eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a local employer commencing after *October* ~~December~~ 1, 2002:

a. Any such employee shall, by default, be enrolled in the defined benefit retirement program of the Florida Retirement System at the commencement of employment, and may, *by the end of the fifth month following the employee's month of hire* ~~within 180 days after employment commences~~, elect to participate in the Public Employee Optional Retirement Program. The employee's election must be made in writing or by electronic means and must be filed with the *third-party administrator* ~~personnel officer of the employer~~. The election to participate in the optional program is irrevocable, except as provided in paragraph (e).

b. If the employee files such election before the initial payroll is submitted for the employee, enrollment in the Public Employee Optional Retirement Program shall be effective on the first day of employment.

c. If the employee files such election within *the prescribed time period* ~~180 days after employment commences~~, but after the initial payroll is submitted for the employee, enrollment in the optional program shall be effective on the first day of the month for which a full month's employer contribution is made to the optional program.

d. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~180 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

3. For purposes of this paragraph, "local employer" means any employer not included in paragraph (a) or paragraph (b).

(5) CONTRIBUTIONS.—

(c) The Public Employee Optional Retirement Program may accept for deposit into participant accounts contributions in the form of rollovers or direct trustee-to-trustee transfers by or on behalf of participants, reasonably determined by the board to be eligible for rollover or transfer to the optional retirement program pursuant to the Internal Revenue Code, if such contributions are made in accordance with rules as may be adopted by the board. Such contributions shall be accounted for in accordance with any applicable Internal Revenue Code requirements and rules of the board.

(6) VESTING REQUIREMENTS.—

(a)1. With respect to employer contributions paid on behalf of the participant to the Public Employee Optional Retirement Program, plus interest and earnings thereon and less investment fees and administrative charges, a participant shall be vested after completing 1 work year, as defined in s. 121.021(54), with an employer, including any service while the participant was a member of the defined benefit retirement program or an optional retirement program authorized under s. 121.051(2)(c) or s. 121.055(6).

2. If the participant terminates employment prior to satisfying the vesting requirements, the nonvested accumulation shall be transferred from the participant's accounts to the state board for deposit *and investment by the board* in the suspense account of the Public Employee Optional Retirement Program Trust Fund of the board. If the terminated participant is reemployed as an eligible employee within 5 years, the state board shall transfer to the participant's account any amount of the moneys previously transferred from the participant's accounts to the *suspense account of the* Public Employee Optional Retirement Program Trust Fund, plus *the actual earnings on such amount while in the suspense account* ~~interest calculated at 3.0 percent per annum, calculated from the date of transfer to the date of reemployment~~.

(b)1. A participant shall be vested in the amount transferred from the defined benefit program, plus interest and earnings thereon and less administrative charges and investment fees, upon meeting the service requirements for the participant's membership class as set forth in s. 121.021(29). The third-party administrator shall account for such amounts for each participant. The division shall notify the participant and the third-party administrator when the participant has satisfied the vesting period for Florida Retirement System purposes.

2. If the participant terminates employment prior to satisfying the vesting requirements, the nonvested accumulation shall be transferred from the participant's accounts to the state board for deposit *and investment by the board* in the suspense account of the Public Employee Optional Retirement Program Trust Fund of the board. If the terminated participant is reemployed as an eligible employee within 5 years, the state board shall transfer to the participant's account any amount of the moneys previously transferred from the participant's accounts to the *suspense account of the* Public Employee Optional Retirement Program Trust Fund, plus *the actual earnings on such amount while in the suspense account* ~~interest calculated at 6.0 percent per annum, calculated from the date of transfer to the date of reemployment~~.

(c) Any nonvested accumulations transferred from a participant's account to the suspense account shall be forfeited by the participant if

the participant is not reemployed as an eligible employee within 5 years after termination.

(7) BENEFITS.—Under the Public Employee Optional Retirement Program:

(c) Benefits shall be payable in accordance with the following terms and conditions:

1. To the extent vested, benefits shall be payable only to a participant, or to his or her beneficiaries as designated by the participant. *If a participant designates a beneficiary who is not the participant's spouse, the participant's spouse shall be notified. This requirement shall not apply to the designation of a contingent beneficiary designated to receive benefits hereunder in the event the participant's spouse dies before such contingent beneficiary.*

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.

3. To begin receiving the benefits, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39), or the participant must be deceased. If a participant elects to receive his or her benefits upon termination of employment, the participant must submit a written application to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (d). The participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.

4. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death, as provided in paragraph (e). No other death benefits shall be available for survivors of participants under the Public Employee Optional Retirement Program, except for such benefits, or coverage for such benefits, as are separately afforded by the employer, at the employer's discretion.

(e) Survivor benefits shall be payable as:

1. A lump-sum distribution payable to the beneficiaries, or to the deceased participant's estate;

2. An eligible rollover distribution on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to the custodian of an *eligible retirement plan* ~~individual retirement account or an individual retirement annuity~~, as described in s. 402(c)*(8)(B)*~~(9)~~ of the Internal Revenue Code, on behalf of the surviving spouse; or

3. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.

This paragraph does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.

(8) ADMINISTRATION OF PROGRAM.—

(a) The Public Employee Optional Retirement Program shall be administered by the state board and affected employers. *The board is authorized to require oaths, by affidavit or otherwise, and acknowledgments from persons in connection with the administration of its duties and responsibilities under this chapter. No oath, by affidavit or otherwise, shall be required of an employee participant at the time of election. Acknowledgement of an employee's election to participate in the program shall be no greater than necessary to confirm the employee's election.* The board shall adopt rules establishing the role and responsibilities of affected state, local government, and education-related employers, the state board, the department, and third-party contractors in administering the Public Employee Optional Retirement Program. The department shall adopt rules necessary to implement the optional program in coordination with the defined benefit retirement program and the disability benefits available under the optional program.

Section 2. Paragraph (g) of subsection (2), paragraph (g) of subsection (3), and paragraph (h) of subsection (4) of section 110.123, Florida Statutes, are amended to read:

110.123 State group insurance program.—

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

(g) "Retired state officer or employee" or "retiree" means any state officer or state employee who retires under a state retirement system or a state optional annuity or retirement program or is placed on disability retirement, and who was insured under the state group insurance program at the time of retirement, and who begins receiving retirement benefits immediately after retirement from state office or employment. *In addition to these requirements, any state officer or state employee who retires under the Public Employee Optional Retirement Program established under part II of chapter 121 shall be considered a "retired state officer or employee" or "retiree" as used in this section if he or she:*

1. Meets the age and service requirements to qualify for normal retirement as set forth in s. 121.021(29); or

2. Has attained the age specified by s. 72(t)(2)(A)(i) of the Internal Revenue Code and has 6 years of creditable service.

(3) STATE GROUP INSURANCE PROGRAM.—

(g) Participation by individuals in the program shall be available to all state officers, full-time state employees, and part-time state employees; and such participation in the program or any plan thereof shall be voluntary. Participation in the program shall also be available to retired state officers and employees*, as defined in paragraph (2)(g),* who elect at the time of retirement to continue coverage under the program, but they may elect to continue all or only part of the coverage they had at the time of retirement. A surviving spouse may elect to continue coverage only under the state group health insurance plan or a health maintenance organization plan.

(4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

~~(h) State employees may participate in the state group health insurance plan at the time of receiving their state retirement benefits.~~

Section 3. Paragraphs (j) and (q) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(j) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; ~~and~~ the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(d)2., of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service*; and the county health department directors and county health department administrators of the Department of Health*.

(q) The staff directors, assistant staff directors, district program managers, district program coordinators, district subdistrict administrators, district administrative services directors, district attorneys, and the Deputy Director of Central Operations Services of the Department

of Children and Family Services ~~and the county health department directors and county health department administrators of the Department of Health~~. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.

Section 4. Paragraph (d) of subsection (2) and subsection (7) of section 121.052, Florida Statutes, as amended by chapter 2001-262, Laws of Florida, are amended to read:

121.052 Membership class of elected officers.—

(2) MEMBERSHIP.—The following holders of elective office, hereinafter referred to as "elected officers," whether assuming elective office by election, reelection, or appointment, are members of the Elected Officers' Class, except as provided in subsection (3):

(d) Any constitutional county elected officer assuming office on or after July 1, 1981, including any sheriff, tax collector, property appraiser, supervisor of elections, clerk of the circuit court, county commissioner, school board member, or elected school board superintendent, or any elected officer of any entity with countywide jurisdiction assuming office on or after July 1, 1981, who, pursuant to general or special law, exercises powers and duties that, but for such general or special law, would be exercised by any of the constitutional county elected officers set forth in this paragraph*, including the sheriff and clerk of the circuit court in a consolidated government with countywide jurisdiction unless such sheriff or clerk elected to continue to participate in a local retirement system*.

(7) CONTRIBUTIONS.—

(a) The following table states the required retirement contribution rates for members of the Elected Officers' Class and their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
Effective July 1, 2001		
Legislators	0%	15.14%
Governor, Lt. Governor, Cabinet Officers	0%	15.14%
State Attorneys, Public Defenders	0%	15.14%
Justices, Judges	0%	20.61%
County Elected Officers	0%	17.61%

(b) The employer paying the salary of a member of the Elected Officers' Class shall contribute an amount as specified in this subsection which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.

(c) The following table states the required employer contribution on behalf of each member of the Elected Officers' Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions *and accompanying payroll data are due and payable no later than the 5th working day of the month immediately following the month during which the payroll period ended and* shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 5. Paragraph (h) of subsection (1), subsection (3), paragraph (d) of subsection (4), and paragraph (c) of subsection (6) of section 121.055, Florida Statutes, as amended by chapter 2001-262, Laws of Florida, are amended to read:

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

(1)

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

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

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

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

(I) Heads an organizational unit; or

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

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

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

(3)(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of a percentage of the member's gross compensation. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
Effective July 1, 2001	0%	11.73%

(b) The employer paying the salary of a member of the Senior Management Service Class shall contribute an amount as specified in this section which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.

(c) The following table states the required employer contribution on behalf of each member of the Senior Management Service Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions *and accompanying payroll data are due and payable no later than the 5th working day of the month immediately following the month during which the payroll period ended and* shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

(6)

(c) Participation.—

1. Any eligible employee who is employed on or before February 1, 1987, may elect to participate in the optional annuity program in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the department and the personnel officer of the employer on or before May 1, 1987. Any eligible employee who is employed on or before February 1, 1987, and who fails to make an election to participate in the optional annuity program by May 1, 1987, shall be deemed to have elected membership in the Senior Management Service Class.

2. Any employee who becomes eligible to participate in the optional annuity program by reason of initial employment commencing after February 1, 1987, may, within 90 days after the date of commencement of employment, elect to participate in the optional annuity program. Such election shall be made in writing and filed with the personnel officer of the employer. Any eligible employee who does not within 90 days after commencement of such employment elect to participate in the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

3. A person who is appointed to a position in the Senior Management Service Class and who is a member of an existing retirement system or the Special Risk or Special Risk Administrative Support Classes of the Florida Retirement System may elect to remain in such system or class in lieu of participation in the Senior Management Service Class or optional annuity program. Such election shall be made in writing and filed with the department and the personnel officer of the employer within 90 days of such appointment. Any eligible employee who fails to make an election to participate in the existing system, the Special Risk Class of the Florida Retirement System, the Special Risk Administrative Support Class of the Florida Retirement System, or the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

4. *Except as provided in subparagraph 5.,* an employee's election to participate in the optional annuity program is irrevocable as long as such employee continues to be employed in an eligible position and continues to meet the eligibility requirements set forth in this paragraph.

5. Effective from July 1, 2002, through September 30, 2002, any active employee in a regularly established position who has elected to participate in the Senior Management Service Optional Annuity Program has one opportunity to choose to move from the Senior Management Service Optional Annuity Program to the Florida Retirement System defined benefit program.

a. The election must be made in writing and must be filed with the department and the personnel officer of the employer before October 1, 2002, or, in the case of an active employee who is on a leave of absence on July 1, 2002, within 90 days after the conclusion of the leave of absence. This election is irrevocable.

b. The employee will receive service credit under the defined benefit program of the Florida Retirement System equal to his or her years of service under the Senior Management Service Optional Annuity Program. The cost for such credit shall be an amount representing the present value of that employee's accumulated benefit obligation for the affected period of service.

c. The employee must transfer the total accumulated employer contributions and earnings on deposit in his or her Senior Management Service Optional Annuity Program account. If the transferred amount is not sufficient to pay the amount due, the employee must pay a sum representing the remainder of the amount due. In no case may the employee retain any employer contributions or earnings thereon from the Senior Management Service Optional Annuity Program account.

Section 6. Subsection (5) of section 121.071, Florida Statutes, as amended by chapter 2001-262, Laws of Florida, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(5) Contributions made in accordance with subsections (1), (2), (3), and (4) shall be paid by the employer into the system trust funds in accordance with rules adopted by the administrator pursuant to chapter 120*, except as may be otherwise specified herein*.

(a)1. Effective October 1, 1978, such contributions are due and payable no later than the 25th day of the month immediately following the month during which the payroll period ended. The department may, by rule, establish a different due date, which shall supersede the date specified herein; however, such due date may not be established earlier than the 20th day of the month immediately following the month during which the payroll period ended.

2. Effective July 1, 2002, contributions paid under subsections (1) and (4) and accompanying payroll data are due and payable no later than the 5th working day of the month immediately following the month during which the payroll period ended. ~~Effective January 1, 1984, contributions made in accordance with subsection (3) shall be paid by the employer into the system trust fund in accordance with rules adopted by the administrator pursuant to chapter 120. For any payroll period ending any day of the month before the 16th day of the month, such contributions are due and payable no later than the 20th day of the month; and, for any payroll periods ending any day of the month after the 15th day of the month, such contributions are due and payable no later than the 5th day of the next month.~~

(b) Contributions received in the offices of the department after the prescribed date shall be considered delinquent unless, in the opinion of the department, exceptional circumstances beyond an employer's control prevented remittance by the prescribed due date notwithstanding such employer's good faith efforts to effect delivery; and, with respect to retirement contributions due under subsections (1) and (4), each employer shall be assessed a delinquent fee of 1 percent of the contributions due for each calendar month or part thereof that the contributions are delinquent. Such a waiver of the delinquency fee by the department may be granted an employer only one time each fiscal year. Delinquent social security contributions shall be assessed a delinquent fee as authorized by s. 650.05(4). The delinquent fee assessable for an employer's first delinquency after July 1, 1984, shall be as specified in s. 650.05(4), and, beginning with the second delinquency in any fiscal year by the employer subsequent to July 1, 1984, all subsequent delinquency fees shall be assessed against the employer at twice the applicable percentage rate specified in s. 650.05(4).

Section 7. Section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(1) OPTIONAL RETIREMENT PROGRAM ESTABLISHED.—The Department of Management Services shall establish an optional retirement program under which contracts providing retirement and death

benefits may be purchased for eligible members of the State University System who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through individual contracts or individual certificates issued for group annuity *or other* contracts, which may be fixed, variable, or a combination thereof, in accordance with s. 403(b) of the Internal Revenue Code. Any individual contract or certificate shall state the annuity plan on its face page, and shall include, but not be limited to, a statement of ownership, the contract benefits, annuity income options, limitations, expense charges, and surrender charges, if any. The state shall contribute, as provided in this section, toward the purchase of such optional benefits.

(2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

(a) Participation in the optional retirement program provided by this section shall be limited to persons who are otherwise eligible for membership in the Florida Retirement System; who are employed or appointed for no less than one academic year; and who are employed in one of the following State University System positions:

1. Positions classified as instructional and research faculty which are exempt from the career service under the provisions of s. 110.205(2)(d).

2. Positions classified as administrative and professional which are exempt from the career service under the provisions of s. 110.205(2)(d).

3. The Chancellor and the university presidents.

(b) For purposes of this section, both the appointees and employees are referred to as "employees," and the "employer" of an appointee or employee is the individual institution within the State University System or the *State* Board of *Education* ~~Regents~~, whichever is appropriate with respect to the particular employee or appointee.

(c) For purposes of this section, the Department of Management Services is referred to as the "department."

(d) For purposes of this section, the authority granted to the *State* Board of *Education* ~~Regents~~ may be exercised by the board or by the Chancellor of the *Division of Colleges and Universities* ~~State University System~~.

(3) ELECTION OF OPTIONAL PROGRAM.—

(a) Any eligible employee who is employed on or before March 1, 1984, may elect to participate in the optional retirement program in lieu of participation in the Florida Retirement System. Such election shall be made in writing and filed with the division and the personnel officer of the employer on or before June 1, 1984. Upon such election, participation in the optional program will take effect July 1, 1984, and election to so participate will terminate the membership of the employee in the Florida Retirement System. Any eligible employee who is employed on or before March 1, 1984, and who fails to make an election to participate in the optional program by June 1, 1984, shall be deemed to have elected to retain membership in the Florida Retirement System.

(b)1. Any employee who becomes eligible to participate in the optional retirement program by reason of initial employment commencing after March 1, 1984, but before January 1, 1993, may, within 90 days after the date of commencement of employment, elect to participate in the optional program. Such election shall be made in writing and filed with the personnel officer of the employer. The eligible employees described in this subparagraph shall be enrolled in the Florida Retirement System at the commencement of employment, with the exception of those employees who file an election with the personnel officer of the employer prior to the submission of the initial payroll for the employee. For such employees, participation will be effective on the first day of employment or on July 1, 1984, whichever is later. If an eligible employee, as described in this subparagraph, files an election to participate in the optional program within 90 days after the commencement of employment, but after the submission by the employer of the initial payroll for the employee, the employee's participation in the optional program will not be effective until the first day of the month for which a full month's employer contribution may be made, or until July 1, 1984, whichever is later. Any eligible employee who does not within 90 days after commencement of such employment elect to participate in the optional program shall be deemed to have elected to retain membership in the Florida Retirement System.

2. Any employee who after March 1, 1984, but before January 1, 1993, becomes eligible to participate in the optional program by reason of a change in status due to the subsequent designation of the employee's position as one of those specified in paragraph (2)(a) or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in paragraph (2)(a) may elect to participate in the optional program. Such employee shall be notified by the employer of the change in his or her eligibility status. Such employee may, within 90 days after the date of such notification, file with the personnel officer of the employer an election in writing to participate in the optional program in lieu of participation in the Florida Retirement System. Upon such election, participation in the optional program will be effective on the first day of the month for which a full month's employer contribution may be made or on July 1, 1984, whichever is later. Election to so participate shall terminate the membership of the employee in the Florida Retirement System. Any eligible employee who does not within 90 days after notification of his or her eligibility to participate in the optional program elect to participate in the program shall be deemed to have elected to retain membership in the Florida Retirement System.

(c) Any employee who becomes eligible to participate in the optional retirement program on or after January 1, 1993, shall be a compulsory participant of the program unless such employee elects membership in the Florida Retirement System. Such election shall be made in writing and filed with the personnel officer of the employer. Any eligible employee who fails to make such election within the prescribed time period shall be deemed to have elected to participate in the optional retirement program.

1. Any employee whose optional retirement program eligibility results from initial employment shall be enrolled in the program at the commencement of employment. If, within 90 days after commencement of employment, the employee elects membership in the Florida Retirement System, such membership shall be effective retroactive to the date of commencement of employment.

2. Any employee whose optional retirement program eligibility results from a change in status due to the subsequent designation of the employee's position as one of those specified in paragraph (2)(a) or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in paragraph (2)(a) shall be enrolled in the optional retirement program upon such change in status and shall be notified by the employer of such action. If, within 90 days after the date of such notification, the employee elects to retain membership in the Florida Retirement System, such continuation of membership shall be retroactive to the date of the change in status.

3. Notwithstanding the provisions of this paragraph, effective July 1, 1997, any employee who is eligible to participate in the Optional Retirement Program and who fails to execute *a* ~~an annuity~~ contract with one of the approved companies and to notify the department in writing as provided in subsection (4) within 90 days *after* ~~of~~ the date of eligibility shall be deemed to have elected membership in the Florida Retirement System, except as provided in s. 121.051(1)(a). This provision shall also apply to any employee who terminates employment in an eligible position before executing the required annuity contract and notifying the department. Such membership shall be retroactive to the date of eligibility, and all appropriate contributions shall be transferred to the Florida Retirement System Trust Fund and the Health Insurance Subsidy Trust Fund.

(d) Participants shall be fully and immediately vested in the optional retirement program only upon execution of *a* ~~an annuity~~ contract.

(e) The election by an eligible employee to participate in the optional retirement program shall be irrevocable for so long as the employee continues to meet the eligibility requirements specified in subsection (2), except as provided in paragraph (h). In the event that an employee participates in the optional retirement program for 90 days or more and is subsequently employed in an administrative or professional position which has been determined by the department, under subparagraph (2)(a)2., to be not otherwise eligible for participation in the optional retirement program, the employee shall continue participation in the optional program so long as the employee meets the other eligibility requirements for the program, except as provided in paragraph (h).

(f) If an employee becomes ineligible to continue participation in the optional retirement program under subsection (2), the employee shall thereafter participate in the Florida Retirement System if he or she is otherwise eligible.

(g) An eligible employee who is a member of the Florida Retirement System at the time of election to participate in the optional retirement program shall retain all retirement service credit earned under the Florida Retirement System, at the rate earned. No additional service credit in the Florida Retirement System shall be earned while the employee participates in the optional program, nor shall the employee be eligible for disability retirement under the Florida Retirement System.

(h) A participant in the optional retirement program may not participate in more than one state-administered retirement system, plan, or class simultaneously. Except as provided in s. 121.052(6)(d), a participant who is or becomes dually employed in two or more positions covered by the Florida Retirement System, one of which is eligible for the optional program and one of which is not, may remain a member of the optional program and contributions shall be paid as required only on the salary earned in the position eligible for the optional program during such period of dual employment; or, within 90 days after becoming dually employed, he or she may elect membership in the Regular Class of the Florida Retirement System in lieu of the optional program and contributions shall be paid as required on the total salary received for all employment. At retirement, the average final compensation used to calculate any benefits for which the member becomes eligible under the Florida Retirement System shall be based on all salary reported for both positions during such period of dual employment. When such member ceases to be dually employed, he or she may, within 90 days, elect to remain in the Florida Retirement System class for which he or she is eligible or to again become a participant in the optional retirement program. Failure to elect membership in the optional program within 90 days shall result in compulsory membership in the Florida Retirement System, except that a member filling a faculty position under a faculty practice plan at the University of Florida or the Medical Center at the University of South Florida shall again participate in the optional retirement program as required in s. 121.051(1)(a).

(4) CONTRIBUTIONS.—

(a) Through June 30, 2001, each employer shall contribute on behalf of each participant in the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a regular member of the Florida Retirement System defined benefit program, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The department shall deduct an amount approved by the Legislature to provide for the administration of this program. The payment of the contributions to the optional program which is required by this paragraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) shall not be forwarded to a company and shall not begin to accrue interest until the employee has executed an annuity contract and notified the department.

(b) Each employer shall contribute on behalf of each participant in the optional retirement program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

(c) An Optional Retirement Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to the provider companies on behalf of the optional retirement program participants, and to transfer the unfunded liability portion of the state optional retirement program contributions to the Florida Retirement System Trust Fund.

(d) Contributions required for social security by each employer and each participant, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act, shall be maintained for each participant in the optional retirement program and shall be in addition to the retirement contributions specified in this subsection.

(e) Each participant in the optional retirement program who has executed *a* ~~an annuity~~ contract may contribute by way of salary reduction or deduction a percentage amount of the participant's gross compensation not to exceed the percentage amount contributed by the employer to the optional program, but in no case may such contribution exceed federal limitations. Payment of the participant's contributions shall be made by the financial officer of the employer to the division which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program. A participant may not make, through salary reduction, any voluntary employee contributions to any other plan under s. 403(b) of the Internal Revenue Code, with the exception of a custodial account under s. 403(b)(7) of the Internal Revenue Code, until he or she has made an employee contribution to his or her optional program equal to the employer contribution. A participant is responsible for monitoring his or her individual tax-deferred income to ensure he or she does not exceed the maximum deferral amounts permitted under the Internal Revenue Code.

(f) The Optional Retirement Trust Fund may accept for deposit into participant contracts contributions in the form of rollovers or direct trustee-to-trustee transfers by or on behalf of participants who are reasonably determined by the department to be eligible for rollover or transfer to the optional retirement program pursuant to the Internal Revenue Code, if such contributions are made in accordance with rules adopted by the department. Such contributions shall be accounted for in accordance with any applicable requirements of the Internal Revenue Code and rules of the department.

(5) BENEFITS.—

(a) Benefits shall be payable under the optional retirement program only to vested participants in the program, or their beneficiaries as designated by the participant in the contract with a provider company, and such benefits shall be paid only by the designated company *in accordance with s. 403(b) of the Internal Revenue Code and* in accordance with the terms of the annuity contract or contracts applicable to the participant. *Benefits shall accrue in individual accounts that are participant-directed, portable, and funded by employer contributions and the earnings thereon.* The participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39), to begin receiving the employer-funded benefit. Benefits funded by employer contributions shall be payable *in accordance with the following terms and conditions* ~~only as a lifetime annuity to the participant, his or her beneficiary, or his or her estate, except for~~:

1. Benefits shall be payable only to a participant, to his or her beneficiaries, or to his or her estate, as designated by the participant.

2. Benefits shall be paid by the provider company or companies in accordance with the law, the provisions of the contract, and any applicable board rule or policy.

3. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, if any, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death, as provided in paragraph (c). No other death benefits shall be available for survivors of participants under the optional retirement program except for such benefits, or coverage for such benefits, as are separately afforded by the employer, at the employer's discretion.

(b) Upon receipt by the provider company of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable to the participant, as:

1. A lump-sum distribution to the participant;

2. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant;

3. Periodic distributions;

4. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the participant and the remaining amount is transferred to an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant; or

5. Such other distribution options as are provided for in the participant's optional retirement program contract.

(c) Survivor benefits shall be payable as:

1. A lump-sum distribution payable to the beneficiaries or to the deceased participant's estate;

2. An eligible rollover distribution on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse;

3. Such other distribution options as are provided for in the participant's optional retirement program contract; or

4. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, if any, and the remaining amount is transferred directly to an eligible retirement plan, as described in s.402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.

This paragraph does not abrogate other applicable provisions of state or federal law providing payment of death benefits.

~~1. A lump-sum payment to the beneficiary upon the death of the participant; or~~

~~2. A cash-out of a de minimis account upon the request of a former participant who has been terminated for a minimum of 6 months from the employment that entitled him or her to optional retirement program participation. A de minimis account is an account with a provider company containing employer contributions and accumulated earnings of not more than $5,000 made under the provisions of this chapter. Such cash-out must be a complete liquidation of the account balance with that company and is subject to the provisions of the Internal Revenue Code.~~

(d)~~(b)~~ The benefits payable to any person under the optional retirement program, and any contribution accumulated under such program, shall not be subject to assignment, execution, or attachment or to any legal process whatsoever.

(e)~~(c)~~ A participant who chooses to receive his or her benefits upon termination of employment shall have responsibility to notify the provider company of the date on which he or she wishes *benefits* ~~the annuity~~ funded by employer contributions to begin. Benefits may be deferred until such time as the participant chooses to make such application.

(f)~~(d)~~ Benefits funded by the participant's personal contributions may be paid out at any time and in any form within the limits provided in the contract between the participant and his or her provider company. The participant shall notify the provider company regarding the date and provisions under which he or she wants to receive the employee-funded portion of the plan.

(6) ADMINISTRATION OF PROGRAM.—

(a) The optional retirement program authorized by this section shall be administered by the department. The department shall adopt rules establishing the responsibilities of the *State* Board of *Education* ~~Regents~~ and institutions in the State University System in administering the optional retirement program. The *State* Board of *Education* ~~Regents~~ shall, no more than 90 days after July 1, 1983, submit to the department its recommendations for the ~~annuity~~ contracts to be offered by the companies chosen by the department. The recommendations of the board shall include the following:

1. The nature and extent of the rights and benefits in relation to the required contributions; and

2. The suitability of the rights and benefits to the needs of the participants and the interests of the institutions in the recruitment and retention of eligible employees.

(b) After receiving and considering the recommendations of the *State* Board of *Education* ~~Regents~~, the department shall designate no more than four companies from which ~~annuity~~ contracts may be purchased under the program and shall approve the form and content of the optional retirement program contracts. Upon application by a qualified Florida domestic company, the department shall give reasonable notice to all other such companies that it intends to designate one of such companies as a fifth company from which ~~annuity~~ contracts may be purchased pursuant to this section and that they may apply for such designation prior to the deadline established by said notice. At least 60 days after giving such notice and upon receipt of the recommendation of the *State* Board of *Education* ~~Regents~~, the department shall so designate one of such companies as the fifth company from which such contracts may be purchased.

(c) Effective July 1, 1997, the State Board of Administration shall review and make recommendations to the department on the acceptability of all investment products proposed by provider companies of the optional retirement program before they are offered through annuity contracts to the participants and may advise the department of any changes necessary to ensure that the optional retirement program offers an acceptable mix of investment products. The department shall make the final determination as to whether an investment product will be approved for the program.

(d) The provisions of each contract applicable to a participant in the optional retirement program shall be contained in a written program description which shall include a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the program and the benefits applicable to the participant. Such description shall be furnished by the companies to each participant in the program and to the department upon commencement of participation in the program and annually thereafter.

(e) The department shall ensure that each participant in the optional retirement program is provided an accounting of the total contribution and the annual contribution made by and on behalf of such participant.

Section 8. Subsection (2), paragraph (c) of subsection (3), paragraphs (a), (b), and (c) of subsection (4), and subsections (7) and (16) of section 121.4501, Florida Statutes, as amended by chapter 2001-235, Laws of Florida, are amended to read:

121.4501 Public Employee Optional Retirement Program.—

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

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

(b) "Average monthly compensation" means one-twelfth of average final compensation as defined in s. 121.021(24).

(c) "Covered employment" means employment in a regularly established position as defined in s. 121.021(52).

(d)~~(b)~~ "Department" means the Department of Management Services.

(e)~~(c)~~ "Division" means the Division of Retirement within the Department of Management Services.

(f)~~(d)~~ "Eligible employee" means an officer or employee, as defined in s. 121.021(11), who:

1. Is a member of, or is eligible for membership in, the Florida Retirement System;

2. Participates in, or is eligible to participate in, the Senior Management Service Optional Annuity Program as established under s. 121.055(6); or

3. Is eligible to participate in, but does not participate in, the State University System Optional Retirement Program established under s. 121.35 or the State Community College System Optional Retirement Program established under s. 121.051(2)(c).

The term does not include any renewed member of the Florida Retirement System, any member participating in the Deferred Retirement Option Program established under s. 121.091(13), or any employee participating in an optional retirement program established under s. 121.051(2)(c) or s. 121.35.

(g)~~(e)~~ "Employer" means an employer, as defined in s. 121.021(10), of an eligible employee.

(h)~~(f)~~ "Participant" means an eligible employee who elects to participate in the Public Employee Optional Retirement Program and enrolls in such optional program as provided in subsection (4).

(i)~~(g)~~ "Public Employee Optional Retirement Program," "optional program," or "optional retirement program" means the alternative defined contribution retirement program established under this section.

(j)~~(h)~~ "State board" or "board" means the State Board of Administration.

(k)~~(i)~~ "Trustees" means Trustees of the State Board of Administration.

(l)~~(j)~~ "Vested" or "vesting" means the guarantee that a participant is eligible to receive a retirement benefit upon completion of the required years of service under the Public Employee Optional Retirement Program.

(3) ELIGIBILITY; RETIREMENT SERVICE CREDIT.—

(c)1. Notwithstanding paragraph (b), each eligible employee who elects to participate in the Public Employee Optional Retirement Program and establishes one or more individual participant accounts under the optional program may elect to transfer to the optional program a sum representing the present value of the employee's accumulated benefit obligation under the defined benefit retirement program of the Florida Retirement System. Upon such transfer, all service credit previously earned under the defined benefit program of the Florida Retirement System shall be nullified for purposes of entitlement to a future benefit under the defined benefit program of the Florida Retirement System. A participant is precluded from transferring the accumulated benefit obligation balance from the defined benefit program upon the expiration of the period afforded to enroll in the optional program.

2. For purposes of this subsection, the present value of the member's accumulated benefit obligation is based upon the member's estimated creditable service and estimated average final compensation *under the defined benefit program, subject to recomputation under subparagraph 3. For state employees enrolling under subparagraph (4)(a)1., initial estimates will be based upon creditable service and average final compensation* as of midnight *on June 30, 2002; for district school board employees enrolling under subparagraph (4)(b)1., initial estimates will be based upon creditable service and average final compensation as of midnight on September 30, 2002; and for local government employees enrolling under subparagraph (4)(c)1., initial estimates will be based upon creditable service and average final compensation as of midnight on December 31, 2002. The dates respectively specified above shall be construed as the "estimate date" for these employees* ~~of the day prior to the opening of the election window for the employee~~. The actuarial present value of the employee's accumulated benefit obligation shall be based on the following:

a. The discount rate and other relevant actuarial assumptions used to value the Florida Retirement System Trust Fund at the time the amount to be transferred is determined, consistent with the factors provided in sub-subparagraphs b. and c.

b. A benefit commencement age, based on the member's estimated creditable service as of *the estimate date* ~~midnight on May 31, 2002~~. The benefit commencement age shall be the younger of the following, but shall not be younger than the member's age as of *the estimate date* ~~midnight on May 31, 2002~~:

(I) Age 62; or

(II) The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from *the estimate date* ~~May 31, 2002~~, and disregarding any vesting requirement that would otherwise apply under the defined benefit program of the Florida Retirement System.

c. For members of the Special Risk Class and for members of the Special Risk Administrative Support Class entitled to retain special risk normal retirement date, the benefit commencement age shall be the younger of the following, but shall not be younger than the member's age as of *the estimate date* ~~midnight on May 31, 2002~~:

(I) Age 55; or

(II) The age the member would attain if the member completed 25 years of service with an employer, assuming the member worked continuously from *the estimate date* ~~May 31, 2002~~, and disregarding any vesting requirement that would otherwise apply under the defined benefit program of the Florida Retirement System.

d. The calculation shall disregard vesting requirements and early retirement reduction factors that would otherwise apply under the defined benefit retirement program.

3. For each participant who elects to transfer moneys from the defined benefit program to his or her account in the optional program, the division shall recompute the amount transferred under subparagraph 2. not later than 60 days after the actual transfer of funds based upon the participant's actual creditable service and actual final average compensation as of the initial date of participation in the optional program. If the recomputed amount differs from the amount transferred under subparagraph 2. by $10 or more, the division shall:

a. Transfer, or cause to be transferred, from the Florida Retirement System Trust Fund to the participant's account in the optional program the excess, if any, of the recomputed amount over the previously transferred amount together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon 8 percent effective annual interest, compounded annually.

b. Transfer, or cause to be transferred, from the participant's account to the Florida Retirement System Trust Fund the excess, if any, of the previously transferred amount over the recomputed amount, together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon 6 percent effective annual interest, compounded annually, pro rata based on the participant's allocation plan.

4. As directed by the participant, the board shall transfer or cause to be transferred the appropriate amounts to the designated accounts. The board shall establish transfer procedures by rule, but the actual transfer shall not be later than 30 days after the effective date of the member's participation in the optional program. Transfers are not commissionable or subject to other fees and may be in the form of securities or cash as determined by the state board. Such securities shall be valued as of the date of receipt in the participant's account.

5. If the board or the division receives notification from the United States Internal Revenue Service that this paragraph or any portion of this paragraph will cause the retirement system, or a portion thereof, to

be disqualified for tax purposes under the Internal Revenue Code, then the portion that will cause the disqualification does not apply. Upon such notice, the state board and the division shall notify the presiding officers of the Legislature.

(4) PARTICIPATION; ENROLLMENT.—

(a)1. With respect to an eligible employee who is employed in a regularly established position on June 1, 2002, by a state employer:

a. Any such employee may elect to participate in the Public Employee Optional Retirement Program in lieu of retaining his or her membership in the defined benefit program of the Florida Retirement System. The election must be made in writing or by electronic means and must be filed with the *third-party administrator by August 31,* ~~department and the personnel officer of the employer within 90 days after June 1,~~ 2002, or, in the case of an active employee who is on a leave of absence on *April* ~~June~~ 1, 2002, *by August 31, 2002, or* within 90 days after the conclusion of the leave of absence*, whichever is later*. This election is irrevocable, except as provided in paragraph (e). Upon making such election, the employee shall be enrolled as a participant of the Public Employee Optional Retirement Program, the employee's membership in the Florida Retirement System shall be governed by the provisions of this part, and the employee's membership in the defined benefit program of the Florida Retirement System shall terminate. The employee's enrollment in the Public Employee Optional Retirement Program shall be effective the first day of the month for which a full month's employer contribution is made to the optional program.

b. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~90 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

2. With respect to employees who become eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer commencing after *April* ~~June~~ 1, 2002:

a. Any such employee shall, by default, be enrolled in the defined benefit retirement program of the Florida Retirement System at the commencement of employment, and may, *by the end of the 5th month following the employee's month of hire* ~~within 180 days after employment commences~~, elect to participate in the Public Employee Optional Retirement Program. The employee's election must be made in writing or by electronic means and must be filed with the *third-party administrator* ~~personnel officer of the employer~~. The election to participate in the optional program is irrevocable, except as provided in paragraph (e).

~~b. If the employee files such election before the initial payroll is submitted for the employee, enrollment in the Public Employee Optional Retirement Program shall be effective on the first day of employment.~~

b.~~c.~~ If the employee files such election within *the prescribed time period* ~~180 days after employment commences~~, ~~but after the initial payroll is submitted for the employee,~~ enrollment in the optional program shall be effective on the first day of *employment* ~~the month for which a full month's employer contribution is made to the optional program~~. *The employer retirement contributions paid through the month of the employee plan change shall be transferred to the optional program, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the optional program.*

c.~~d.~~ Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~180 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

3. For purposes of this paragraph, "state employer" means any agency, board, branch, commission, community college, department, institution, institution of higher education, or water management district of the state, which participates in the Florida Retirement System for the benefit of certain employees.

(b)1. With respect to an eligible employee who is employed in a regularly established position on September 1, 2002, by a district school board employer:

a. Any such employee may elect to participate in the Public Employee Optional Retirement Program in lieu of retaining his or her membership in the defined benefit program of the Florida Retirement System. The election must be made in writing or by electronic means and must be filed with the *third-party administrator by November 30* ~~department and the personnel officer of the employer within 90 days after September 1, 2002~~, or, in the case of an active employee who is on a leave of absence on *July* ~~September~~ 1, 2002, *by November 30, 2002, or* within 90 days after the conclusion of the leave of absence*, whichever is later*. This election is irrevocable, except as provided in paragraph (e). Upon making such election, the employee shall be enrolled as a participant of the Public Employee Optional Retirement Program, the employee's membership in the Florida Retirement System shall be governed by the provisions of this part, and the employee's membership in the defined benefit program of the Florida Retirement System shall terminate. The employee's enrollment in the Public Employee Optional Retirement Program shall be effective the first day of the month for which a full month's employer contribution is made to the optional program.

b. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~90 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

2. With respect to employees who become eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a district school board employer commencing after *July* ~~September~~ 1, 2002:

a. Any such employee shall, by default, be enrolled in the defined benefit retirement program of the Florida Retirement System at the commencement of employment, and may, *by the end of the 5th month following the employee's month of hire* ~~within 180 days after employment commences~~, elect to participate in the Public Employee Optional Retirement Program. The employee's election must be made in writing or by electronic means and must be filed with the *third-party administrator* ~~personnel officer of the employer~~. The election to participate in the optional program is irrevocable, except as provided in paragraph (e).

~~b. If the employee files such election before the initial payroll is submitted for the employee, enrollment in the Public Employee Optional Retirement Program shall be effective on the first day of employment.~~

b.~~c.~~ If the employee files such election within *the prescribed time period* ~~180 days after employment commences~~, ~~but after the initial payroll is submitted for the employee,~~ enrollment in the optional program shall be effective on the first day of *employment* ~~the month for which a full month's employer contribution is made to the optional program~~. *The employer retirement contributions paid through the month of the employee plan change shall be transferred to the optional program, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the optional program.*

c.~~d.~~ Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~180 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

3. For purposes of this paragraph, "district school board employer" means any district school board that participates in the Florida Retirement System for the benefit of certain employees, or a charter school or charter technical career center that participates in the Florida Retirement System as provided in s. 121.051(2)(d).

(c)1. With respect to an eligible employee who is employed in a regularly established position on December 1, 2002, by a local employer:

a. Any such employee may elect to participate in the Public Employee Optional Retirement Program in lieu of retaining his or her membership in the defined benefit program of the Florida Retirement System. The election must be made in writing or by electronic means and must be filed with the *third-party administrator by February 28, 2003,* ~~department and the personnel officer of the employer within 90 days after December 1, 2002~~ or, in the case of an active employee who is on a leave of absence on *October* ~~December~~ 1, 2002, *by February 28, 2003, or* within 90 days after the conclusion of the leave of absence*, whichever*

is later. This election is irrevocable*, except as provided in paragraph (e)*. Upon making such election, the employee shall be enrolled as a participant of the Public Employee Optional Retirement Program, the employee's membership in the Florida Retirement System shall be governed by the provisions of this part, and the employee's membership in the defined benefit program of the Florida Retirement System shall terminate. The employee's enrollment in the Public Employee Optional Retirement Program shall be effective the first day of the month for which a full month's employer contribution is made to the optional program.

b. Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~90 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

2. With respect to employees who become eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a local employer commencing after *October* ~~December~~ 1, 2002:

a. Any such employee shall, by default, be enrolled in the defined benefit retirement program of the Florida Retirement System at the commencement of employment, and may, *by the end of the 5th month following the employee's month of hire* ~~within 180 days after employment commences~~, elect to participate in the Public Employee Optional Retirement Program. The employee's election must be made in writing or by electronic means and must be filed with the *third-party administrator* ~~personnel officer of the employer~~. The election to participate in the optional program is irrevocable, except as provided in paragraph (e).

~~b. If the employee files such election before the initial payroll is submitted for the employee, enrollment in the Public Employee Optional Retirement Program shall be effective on the first day of employment.~~

b.~~c.~~ If the employee files such election within *the prescribed time period* ~~180 days after employment commences~~, ~~but after the initial payroll is submitted for the employee,~~ enrollment in the optional program shall be effective on the first day of *employment* ~~the month for which a full month's employer contribution is made to the optional program~~. *The employer retirement contributions paid through the month of the employee plan change shall be transferred to the optional program, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the optional program.*

c.~~d.~~ Any such employee who fails to elect to participate in the Public Employee Optional Retirement Program within the prescribed *time period* ~~180 days~~ is deemed to have elected to retain membership in the defined benefit program of the Florida Retirement System, and the employee's option to elect to participate in the optional program is forfeited.

3. For purposes of this paragraph, "local employer" means any employer not included in paragraph (a) or paragraph (b).

(7) BENEFITS.—Under the Public Employee Optional Retirement Program:

(a) Benefits shall be provided in accordance with s. 401(a) of the Internal Revenue Code.

(b) Benefits shall accrue in individual accounts that are participant-directed, portable, and funded by employer contributions and earnings thereon.

(c) Benefits shall be payable in accordance with the *provisions of s. 121.591.* ~~following terms and conditions:~~

~~1. To the extent vested, benefits shall be payable only to a participant, or to his or her beneficiaries as designated by the participant.~~

~~2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.~~

~~3. To begin receiving the benefits, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39), or the participant must be deceased. If a participant elects to receive his or her benefits upon termination of employment, the participant must submit a written application to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (d). The participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.~~

~~4. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death, as provided in paragraph (e). No other death benefits shall be available for survivors of participants under the Public Employee Optional Retirement Program, except for such benefits, or coverage for such benefits, as are separately afforded by the employer, at the employer's discretion.~~

~~(d) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable to the participant, as:~~

~~1. A lump-sum distribution to the participant;~~

~~2. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant; or~~

~~3. Periodic distributions, as authorized by the state board.~~

~~(e) Survivor benefits shall be payable as:~~

~~1. A lump-sum distribution payable to the beneficiaries, or to the deceased participant's estate;~~

~~2. An eligible rollover distribution on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse; or~~

~~3. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.~~

~~This paragraph does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.~~

~~(f) The benefits payable to any person under the Public Employee Optional Retirement Program, and any contributions accumulated under such program, are not subject to assignment, execution, attachment, or any legal process, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.~~

(16) DISABILITY BENEFITS.—For any participant of the optional retirement program who becomes totally and permanently disabled, *benefits shall be paid in accordance with the provisions of s. 121.591* ~~as defined in s. 121.091(4)(b), the participant shall be entitled to receive those moneys that have accrued in his or her participant account. It is the intent of the Legislature to design a disability benefit for participants of the optional program similar to those disability benefits afforded defined benefit program members. The department is directed to study the potential options of such coverage, including self-insurance and commercial coverage, the alternative methods of administering such benefits, and the fiscal impacts on the employees and employers, and to make recommendations to the Legislature by January 15, 2001~~.

Section 9. Section 121.591, Florida Statutes, is created to read:

121.591 Benefits payable under the Public Employee Optional Retirement Program of the Florida Retirement System.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application

has been filed in the manner prescribed by the state board or the department. The state board or department, as appropriate, may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the rules of the state board and department. In accordance with their respective responsibilities as provided herein, the State Board of Administration and the Department of Management Services shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(1) NORMAL BENEFITS.—Under the Public Employee Optional Retirement Program:

(a) Benefits in the form of vested accumulations as described in s. 121.4501(6) shall be payable under this subsection in accordance with the following terms and conditions:

1. To the extent vested, benefits shall be payable only to a participant.

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.

3. To receive benefits under this subsection, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39).

(b) If a participant elects to receive his or her benefits upon termination of employment, the participant must submit a written application to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (c). The participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable to the participant, as:

1. A lump-sum distribution to the participant;

2. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant; or

3. Periodic distributions, as authorized by the state board.

(2) DISABILITY RETIREMENT BENEFITS.—Benefits provided under this subsection are payable in lieu of the benefits which would otherwise be payable under the provisions of subsection (1). Such benefits shall be funded entirely from employer contributions made under s. 121.571, transferred participant funds accumulated pursuant to paragraph (a), and interest and earnings thereon. Pursuant thereto:

(a) Transfer of funds.—To qualify to receive monthly disability benefits under this subsection:

1. All moneys accumulated in the participant's Public Employee Optional Retirement Program accounts, including vested and nonvested accumulations as described in s. 121.4501(6), shall be transferred from such individual accounts to the Division of Retirement for deposit in the disability account of the Florida Retirement System Trust Fund. Such moneys shall be separately accounted for. Earnings shall be credited on an annual basis for amounts held in the disability accounts of the Florida Retirement System Trust Fund based on actual earnings of the Florida Retirement System Trust Fund.

2. If the participant has retained retirement credit he or she had earned under the defined benefit program of the Florida Retirement System as provided in s. 121.4501(3)(b), a sum representing the actuarial present value of such credit within the Florida Retirement System Trust Fund shall be reassigned by the Division of Retirement from the defined benefit program to the disability program as implemented under this subsection and shall be deposited in the disability account of the Florida Retirement System Trust Fund. Such moneys shall be separately accounted for.

(b) Disability retirement; entitlement.—

1. A participant of the Public Employee Optional Retirement Program who becomes totally and permanently disabled, as defined in s. 121.091(4)(b), after completing 8 years of creditable service, or a participant who becomes totally and permanently disabled in the line of duty regardless of his or her length of service, shall be entitled to a monthly disability benefit as provided herein.

2. In order for service to apply toward the 8 years of service required to vest for regular disability benefits, or toward the creditable service used in calculating a service-based benefit as provided for under paragraph (g), the service must be creditable service as described below:

a. The participant's period of service under the Public Employee Optional Retirement Program will be considered creditable service, except as provided in subparagraph d.

b. If the participant has elected to retain credit for his or her service under the defined benefit program of the Florida Retirement System as provided under s. 121.4501(3)(b), all such service will be considered creditable service.

c. If the participant has elected to transfer to his or her participant accounts a sum representing the present value of his or her retirement credit under the defined benefit program as provided under s. 121.4501(3)(c), the period of service under the defined benefit program represented in the present value amounts transferred will be considered creditable service for purposes of vesting for disability benefits, except as provided in subparagraph d.

d. Whenever a participant has terminated employment and has taken distribution of his or her funds as provided in subsection (1), all creditable service represented by such distributed funds is forfeited for purposes of this subsection.

(c) Disability retirement effective date.—The effective retirement date for a participant who applies and is approved for disability retirement shall be established as provided under s. 121.091(4)(a)2. and 3.

(d) Total and permanent disability.—A participant shall be considered totally and permanently disabled if, in the opinion of the division, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee.

(e) Proof of disability.—The division, before approving payment of any disability retirement benefit, shall require proof that the participant is totally and permanently disabled in the same manner as provided for members of the defined benefit program of the Florida Retirement System under s. 121.091(4)(c).

(f) Disability retirement benefit.—Upon the disability retirement of a participant under this subsection, the participant shall receive a monthly benefit that shall begin to accrue on the first day of the month of disability retirement, as approved by the division, and shall be payable on the last day of that month and each month thereafter during his or her lifetime and continued disability. All disability benefits payable to such member shall be paid out of the disability account of the Florida Retirement System Trust Fund established under this subsection.

(g) Computation of disability retirement benefit.—The amount of each monthly payment shall be calculated in the same manner as provided for members of the defined benefit program of the Florida Retirement System under s. 121.091(4)(f). For such purpose, creditable service under both the defined benefit program and the Public Employee Optional Retirement Program of the Florida Retirement System shall be applicable as provided under paragraph (b).

(h) Reapplication.—A participant whose initial application for disability retirement has been denied may reapply for disability benefits in the same manner, and under the same conditions, as provided for members of the defined benefit program of the Florida Retirement System under s. 121.091(4)(g).

(i) Membership.—Upon approval of an application for disability benefits under this subsection, the applicant shall be transferred to the defined benefit program of the Florida Retirement System, effective upon his or her disability retirement effective date.

(j) Option to cancel.—Any participant whose application for disability benefits is approved may cancel his or her application for disability benefits, provided that the cancellation request is received by the division before a disability retirement warrant has been deposited, cashed, or received by direct deposit. Upon such cancellation:

1. The participant's transfer to the defined benefit program under paragraph (i) shall be nullified;

2. The participant shall be retroactively reinstated in the Public Employee Optional Retirement Program without hiatus;

3. All funds transferred to the Florida Retirement System Trust Fund under paragraph (a) shall be returned to the participant accounts from which such funds were drawn; and

4. The participant may elect to receive the benefit payable under the provisions of subsection (1) in lieu of disability benefits as provided under this subsection.

(k) Recovery from disability.—

1. The division may require periodic reexaminations at the expense of the disability program account of the Florida Retirement System Trust Fund. Except as otherwise provided in subparagraph 2., the requirements, procedures, and restrictions relating to the conduct and review of such reexaminations, discontinuation or termination of benefits, reentry into employment, disability retirement after reentry into covered employment, and all other matters relating to recovery from disability shall be the same as are set forth under s. 121.091(4)(h).

2. Upon recovery from disability, any recipient of disability retirement benefits under this subsection shall be a compulsory member of the Public Employee Optional Retirement Program of the Florida Retirement System. The net difference between the recipient's original account balance transferred to the Florida Retirement System Trust Fund, including earnings, under paragraph (a) and total disability benefits paid to such recipient, if any, shall be determined as provided in sub-subparagraph a.

a. An amount equal to the total benefits paid shall be subtracted from that portion of the transferred account balance consisting of vested accumulations as described under s. 121.4501(6), if any, and an amount equal to the remainder of benefit amounts paid, if any, shall then be subtracted from any remaining portion consisting of nonvested accumulations as described under s. 121.4501(6).

b. Amounts subtracted under sub-subparagraph a. shall be retained within the disability account of the Florida Retirement System Trust Fund. Any remaining account balance shall be transferred to the third-party administrator for disposition as provided under sub-subparagraph c. or sub-subparagraph d., as appropriate.

c. If the recipient returns to covered employment, transferred amounts shall be deposited in individual accounts under the Public Employee Optional Retirement Program, as directed by the participant. Vested and nonvested amounts shall be separately accounted for as provided in s. 121.4501(6).

d. If the recipient fails to return to covered employment upon recovery from disability:

(I) Any remaining vested amount shall be deposited in individual accounts under the Public Employee Optional Retirement Program, as directed by the participant, and shall be payable as provided in subsection (1).

(II) Any remaining nonvested amount shall be held in a suspense account and shall be forfeitable after 5 years as provided in s. 121.4501(6).

3. If present value was reassigned from the defined benefit program to the disability program of the Florida Retirement System as provided under subparagraph (a)2., the full present value amount shall be returned to the defined benefit account within the Florida Retirement System Trust Fund and the affected individual's associated retirement credit under the defined benefit program shall be reinstated in full. Any benefit based upon such credit shall be calculated as provided in s. 121.091(4)(h)1.

(l) Nonadmissible causes of disability.—A participant shall not be entitled to receive a disability retirement benefit if the disability results from any injury or disease sustained or inflicted as described in s. 121.091(4)(i).

(m) Disability retirement of justice or judge by order of Supreme Court.—

1. If a participant is a justice of the Supreme Court, judge of a district court of appeal, circuit judge, or judge of a county court who has served for 6 years or more as an elected constitutional judicial officer, including service as a judicial officer in any court abolished pursuant to Article V of the State Constitution, and who is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Article V of the State Constitution, the participant's Option 1 monthly disability benefit amount as provided in s. 121.091(6)(a)1. shall be two-thirds of his or her monthly compensation as of the participant's disability retirement date. Such a participant may alternatively elect to receive an actuarially adjusted disability retirement benefit under any other option as provided in s. 121.091(6)(a), or to receive the normal benefit payable under the Public Employee Optional Retirement Program as set forth in subsection (1).

2. If any justice or judge who is a participant of the Public Employee Optional Retirement Program of the Florida Retirement System is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Article V of the State Constitution and elects to receive a monthly disability benefit under the provisions of this paragraph:

a. Any present value amount that was transferred to his or her program account and all employer contributions made to such account on his or her behalf, plus interest and earnings thereon, shall be transferred to and deposited in the disability account of the Florida Retirement System Trust Fund; and

b. The monthly benefits payable under this paragraph for any affected justice or judge retired from the Florida Retirement System pursuant to Article V of the State Constitution shall be paid from the disability account of the Florida Retirement System Trust Fund.

(n) Upon the death of a disabled retiree or beneficiary thereof who is receiving monthly benefits under this subsection, the monthly benefits shall be paid through the last day of the month of death and shall terminate, or be adjusted, if applicable, as of that date in accordance with the optional form of benefit selected at the time of retirement. The deceased disabled retiree's beneficiary shall also receive the amount of the participant's remaining account balance, if any, in the Florida Retirement System Trust Fund. The Department of Management Services may adopt rules necessary to administer this paragraph.

(3) DEATH BENEFITS.—Under the Public Employee Optional Retirement Program:

(a) Survivor benefits shall be payable in accordance with the following terms and conditions:

1. To the extent vested, benefits shall be payable only to a participant's beneficiary or beneficiaries as designated by the participant. If a participant designates a primary beneficiary other than the participant's spouse, the participant's spouse shall be notified of the designation. This requirement shall not apply to the designation of one or more contingent beneficiaries to receive any benefits remaining upon the death of the primary beneficiary or beneficiaries.

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.

3. To receive benefits under this subsection, the participant must be deceased.

(b) In the event of a participant's death, all vested accumulations as described in s. 121.4501(6), less withholding taxes remitted to the Internal Revenue Service, shall be distributed, as provided in paragraph (c), to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death. No other death benefits shall be available for survivors of participants under the Public Employee Optional Retirement Program, except for such benefits,

or coverage for such benefits, as are otherwise provided by law or are separately afforded by the employer, at the employer's discretion.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable by the third-party administrator to the participant's surviving beneficiary or beneficiaries, as:

1. A lump-sum distribution payable to the beneficiary or beneficiaries, or to the deceased participant's estate;

2. An eligible rollover distribution on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to the custodian of an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse; or

3. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.

This paragraph does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.

(4) LIMITATION ON LEGAL PROCESS.—The benefits payable to any person under the Public Employee Optional Retirement Program, and any contributions accumulated under such program, are not subject to assignment, execution, attachment, or any legal process, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.

Section 10. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Art. X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature hereby determines and declares that this act fulfills an important state interest.*

Section 11. *Notwithstanding any provision to the contrary and the authority of the Department of Management Services, the Department of Management Services may contract with a private-sector company selected and approved by the department for services to administer the disability benefit program. Not later than March 1, 2003, the department may provide to the Legislature for its approval an alternative method for administering and funding disability benefits for participants in the Public Employee Optional Retirement Program and the Florida Retirement System, including through commercial insurance coverage.*

Section 12. *It is the intent of the Legislature that the disability retirement program for participants of the Public Employee Optional Retirement Program as created in this act must meet all applicable requirements of federal law for a qualified plan. The Department of Management Services shall seek a private letter ruling from the Internal Revenue Service on the disability retirement program for participants of the Public Employee Optional Retirement Program. Consistent with the private letter ruling, the Department of Management Services shall adopt any necessary rules required to maintain the qualified status of the disability retirement program and the Florida Retirement System defined benefit plan.*

Section 13. Paragraph (b) of subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)

(b) Any retired member of the Florida Retirement System, or any existing system as defined in s. 121.021(2), who, on or after July 1, 1990, is serving in, or is elected or appointed to, an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). Pursuant thereto:

1. Any such retired member shall be eligible to continue to receive retirement benefits as well as compensation for the elected officer service for as long as he or she remains in an elective office covered by the Elected Officers' Class.

2. If any such member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she shall be entitled to receive an additional retirement benefit for such elected officer service.

3. Such member shall be entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class prior to July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position prior to July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

4. Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However, service earned in accordance with the renewed membership provisions in s. 121.122 may be used in conjunction with creditable service earned under this paragraph, provided applicable vesting requirements and other existing statutory conditions required by this chapter are met.

5. *An elected officer who is elected or appointed to an elective office and is participating in the Deferred Retirement Option Program is not subject to termination as provided in s. 121.021(39)(b), or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the officer is consecutively elected or reelected to an elective office eligible for coverage under the Florida Retirement System, until he or she no longer holds such an elective office, as follows:*

a. At the end of the 60-month DROP period:

(I) The officer's DROP account shall accrue no additional monthly benefits, but shall continue to earn interest as provided in s. 121.091(13).

(II) No retirement contributions shall be required of the employer of the elected officer and no additional retirement credit shall be earned under the Florida Retirement System.

b. Nothing herein shall prevent an elected officer from voluntarily terminating his or her elective office at any time and electing to receive his or her DROP proceeds. However, until termination requirements are fulfilled as provided in s. 121.021(39), any elected officer whose termination limitations are extended by this section shall be ineligible for renewed membership in the system and shall receive no pension payments, DROP lump sum payments, or any other state payment other than the statutorily determined salary, travel, and per diem for the elective office.

c. Upon termination, the officer shall receive his or her accumulated DROP account, plus interest, and shall accrue and commence receiving monthly retirement benefits, which shall be paid on a prospective basis only.

However, an officer electing to participate in the Deferred Retirement Option Program on or before June 30, 2002, shall not be required to terminate and shall remain subject to the provisions of this subparagraph as adopted in section 1 of chapter 2001-235, Laws of Florida ~~Any elected officer who is a participating member of DROP may terminate~~

~~participation at any time during the 60-month DROP participation period and elect to enroll in the appropriate subclass of the Elected Officers' Class, including participating in the Senior Management Service Class, effective the first day of the following month~~.

Section 14. Paragraph (b) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

~~d. An elected officer who is elected or appointed to an elective office is not subject to termination limitations as provided in chapter 121.~~

Section 15. Paragraph (b) of subsection (9) and paragraph (b) of subsection (13) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(b)1. Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be reemployed by any private or public employer after retirement and receive retirement benefits and compensation from his or her employer without any limitations, except that a person may not receive both a salary from reemployment with any agency participating in the Florida Retirement System and retirement benefits under this chapter for a period of 12 months immediately subsequent to the date of retirement. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

2. Any person to whom the limitation in subparagraph 1. applies who violates such reemployment limitation and who is reemployed with any agency participating in the Florida Retirement System before completion of the 12-month limitation period shall give timely notice of this fact in writing to the employer and to the division and shall have his or her retirement benefits suspended for the balance of the 12-month limitation period. Any person employed in violation of this paragraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received while reemployed during this reemployment limitation period shall be repaid to the retirement trust fund, and retirement benefits shall remain suspended until such repayment has been made. Benefits suspended beyond the reemployment limitation shall apply toward repayment of benefits received in violation of the reemployment limitation.

3. A district school board may reemploy a retired member as a substitute or hourly teacher, education paraprofessional, transportation assistant, bus driver, or food service worker on a noncontractual basis after he or she has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. District school boards reemploying such teachers, education paraprofessionals, transportation assistants, bus drivers, or food service workers are subject to the retirement contribution required by subparagraph 7. Reemployment of a retired member as a substitute or hourly teacher, education paraprofessional, transportation assistant, bus driver, or food service worker is limited to 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during his or her first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

4. A community college board of trustees may reemploy a retired member as an adjunct instructor, that is, an instructor who is noncontractual and part-time, or as a participant in a phased retirement program within the Florida Community College System, after he or she has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. Boards of trustees reemploying such instructors are subject to the retirement contribution required in subparagraph 7. A retired member may be reemployed as an adjunct instructor for no more than 780 hours during the first 12 months of retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

5. The State University System may reemploy a retired member as an adjunct faculty member or as a participant in a phased retirement program within the State University System after the retired member has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The State University System is subject to the retired contribution required in subparagraph 7., as appropriate. A retired member may be reemployed as an adjunct faculty member or a participant in a phased retirement program for no more than 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

6. The Board of Trustees of the Florida School for the Deaf and the Blind may reemploy a retired member as a substitute teacher, substitute residential instructor, or substitute nurse on a noncontractual basis after he or she has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The Board of Trustees of the Florida School for the Deaf and the Blind reemploying such teachers, residential instructors, or nurses is subject to the retirement contribution required by subparagraph 7. Reemployment of a retired member as a substitute teacher, substitute residential instructor, or substitute nurse is limited to 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

7. The employment by an employer of any retiree or DROP participant of any state-administered retirement system shall have no effect on the average final compensation or years of creditable service of the retiree or DROP participant. Prior to July 1, 1991, upon employment of any person, other than an elected officer as provided in s. 121.053, who has been retired under any state-administered retirement program, the employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution which would be required for regular members of the Florida Retirement System. Effective July 1, 1991, contributions shall be made as provided in s. 121.122 for retirees with renewed membership or subsection (13) with respect to DROP participants.

8. Any person who has previously retired and who is holding an elective public office or an appointment to an elective public office eligible for the Elected Officers' Class on or after July 1, 1990, shall be enrolled in the Florida Retirement System as provided in s. 121.053(1)(b) or, if holding an elective public office that does not qualify for the Elected Officers' Class on or after July 1, 1991, shall be enrolled in the Florida Retirement System as provided in s. 121.122, and shall continue to receive retirement benefits as well as compensation for the elected officer's service for as long as he or she remains in elective office. However, any retired member who served in an elective office prior to July 1, 1990, suspended his or her retirement benefit, and had his or her Florida Retirement System membership reinstated shall, upon retirement from such office, have his or her retirement benefit recalculated to include the additional service and compensation earned.

9. Any person who is holding an elective public office which is covered by the Florida Retirement System and who is concurrently em-

ployed in nonelected covered employment may elect to retire while continuing employment in the elective public office, provided that he or she shall be required to terminate his or her nonelected covered employment. Any person who exercises this election shall receive his or her retirement benefits in addition to the compensation of the elective office without regard to the time limitations otherwise provided in this subsection. No person who seeks to exercise the provisions of this subparagraph, as the same existed prior to May 3, 1984, shall be deemed to be retired under those provisions, unless such person is eligible to retire under the provisions of this subparagraph, as amended by chapter 84-11, Laws of Florida.

10. The limitations of this paragraph apply to reemployment in any capacity with an "employer" as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

11. An employing agency may reemploy a retired member as a firefighter or paramedic after the retired member has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The employing agency reemploying such firefighter or paramedic is subject to the retired contribution required in subparagraph 8. Reemployment of a retired firefighter or paramedic is limited to no more than 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the Retirement System Trust Fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

~~d. An elected officer who is elected or appointed to an elective office is not subject to termination limitations as provided in chapter 121.~~

Section 16. Subsections (2) and (9) of section 121.0515, Florida Statutes, are amended to read:

121.0515 Special risk membership.—

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

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

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government employer or an

agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires, fire prevention, or firefighter training; direct supervision of firefighting units, fire prevention, or firefighter training; or aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included *and further provided that all periods of creditable service in fire prevention or firefighter training, or as the supervisor or command officer of a member or members who have such responsibilities, and for which the employer paid the special risk contribution rate, shall be included*;

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

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

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

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

1. Dietitian (class codes 5203 and 5204).

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

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

4. Psychologist (class code 5234).

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

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

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

8. Pharmacist (class codes 5245 and 5246).

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

10. Dentist (class code 5266).

11. Senior dentist (class code 5269).

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

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

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

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

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

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

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

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

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

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

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

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

24. Pharmacy manager (class code 5251).

(g) The member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community.

(9) CREDIT FOR UPGRADED SERVICE.—

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

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

Section 17. *It is the intent of the Legislature that any additional cost attributable to the upgrade in the retirement benefits for special risk members who have provided fire prevention or firefighter training above the contributions paid at the time of service shall be funded by recognition of the necessary amount from the excess actuarial assets of the Florida Retirement System Trust Fund.*

Section 18. Paragraph (a) of subsection (22) and paragraph (b) of subsection (47) of section 121.021, Florida Statutes, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(22) "Compensation" means the monthly salary paid a member by his or her employer for work performed arising from that employment.

(a) Compensation shall include:

1. Overtime payments paid from a salary fund.

2. Accumulated annual leave payments.

3. Payments in addition to the employee's base rate of pay if all the following apply:

a. The payments are paid according to a formal written policy that applies to all eligible employees equally;

b. The policy provides that payments shall commence no later than the 11th year of employment;

c. The payments are paid for as long as the employee continues his or her employment; and

d. The payments are paid at least annually.

4. Amounts withheld for tax sheltered annuities or deferred compensation programs, or any other type of salary reduction plan authorized under the Internal Revenue Code.

5. Payments made in lieu of a permanent increase in the base rate of pay, whether made annually or in 12 or 26 equal payments within a 12-month period, when the member's base pay is at the maximum of his or her pay range. When a portion of a member's annual increase raises his or her pay range and the excess is paid as a lump sum payment, such lump sum payment shall be compensation for retirement purposes.

6. Effective July 1, 2002, salary supplements made pursuant to ss. 231.700 and 236.08106 requiring a valid National Board for Professional Standards certificate or equivalent status as provided in s. 231.700(3)(e)5., notwithstanding the provisions of subparagraph 3.

(47) "Bonus" means a payment made in addition to an employee's regular or overtime salary. A bonus is usually nonrecurring, does not increase the employee's base rate of pay, and includes no commitment for payment in a subsequent year. Such payments are not considered compensation. Effective July 1, 1989, employers may not report such payments to the division as salary, and may not make retirement contributions on such payments.

(b) Bonuses shall include, but not be limited to, the following:

1. Exit bonus or severance pay.

2. Longevity payments in conformance with the provisions of paragraph (a).

3. Salary increases granted pursuant to an employee's agreement to retire, including increases paid over several months or years prior to retirement.

4. Payments for accumulated overtime or compensatory time, reserve time, or holiday time worked, if not made within 11 months of the month in which the work was performed.

~~5. Quality Instruction Incentives Program (QUIIP) Payments.~~

5.~~6.~~ Lump sum payments in recognition of employees' accomplishments.

Section 19. This act shall take effect June 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to the Florida Retirement System; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; amending the definition of "eligible employee"; providing for an extension of time to transfer assets from the defined benefit plan in the event of market disruption; providing for acceptance of rollovers; requiring that the election be filed with the third-party administrator; amending the earnings rate for funds in the suspense account to be invested by the board; providing for spousal notification of designation of beneficiary; providing for spousal rollovers to an eligible retirement plan; providing authorization for statements under oath; amending s. 110.123, F.S.; redefining the term "retired state officer or employee" or "retiree" to include an officer or employee who retires under the Public Employee Optional Retirement Program under certain circumstances; amending s. 110.205, F.S.; granting senior management service benefits to county health department directors and administrators; amending ss. 121.052, 121.055, and 121.071, F.S.; amending s. 121.052, F.S.; revising the membership requirements of the Elected Officers' Class of the system to include certain sheriffs and clerks of the circuit court; making the date for payment of retirement contributions consistent under the Florida Retirement System defined benefit and defined contribution programs; providing eligibility of certain officials for membership in the Senior Management Service Class of the Florida Retirement System; revising provisions governing contributions to the Senior Management Service Optional Annuity Program; amending s. 121.35, F.S.; authorizing contributions to the optional retirement program in the form of rollovers or direct trustee-to-trustee transfers; expanding the methods for disbursing benefits; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; updating definitions; establishing dates on which present value calculations are based; conforming election provisions for local government employees to provisions applicable to other employees; providing for the effective date of enrollment for certain employers; providing for the transfer of contributions under certain circumstances; transferring certain provisions relating to payment of benefits to s. 121.591, F.S., as created in the act; amending s. 121.571, F.S., relating to employer contributions to the Public Employee Optional Retirement Program; adjusting rates; making the date for payment of retirement contributions consistent under the Florida Retirement System defined benefit and defined contribution programs; creating s. 121.591, F.S., relating to benefits payable under the Public Employee Optional Retirement Program; providing for payment of the normal benefit upon termination; providing for disability retirement benefits; providing for transfer of certain funds; specifying eligibility requirements; providing procedure and required documentation; providing for computation of the disability benefit; providing for reapplication; providing for membership; providing an option to cancel; providing for reexamination and other matters relating to recovery from disability; providing nonadmissible causes of disability; providing for disability retirement of justices or judges; providing for payment of death benefits; providing for spousal notification in certain cases; updating death benefit distribution provisions to conform to recent changes in federal law; providing protection of benefits from assignment, execution, etc.; providing a declaration of important state interest; authorizing the Department of Management Services to contract with a private company to administer the disability benefit program; authorizing the department to provide for an alternative method to administer and fund disability benefits; requiring the department to seek a private letter ruling from the Internal Revenue Service with respect to the disability retirement program; providing rulemaking authority; amending s. 121.053, F.S., relating to termination requirements and benefits of elected officers participating in the Deferred Retirement Option Program termination requirements for elected officers; amending s. 121.091, F.S.; authorizing an employing agency to reemploy a retired member as a firefighter or paramedic after a specified period; eliminating an exemption from termination limitations provided for elected officers; amending s. 121.0515, F.S.; providing for including service in fire prevention or firefighter training as creditable service; authorizing certain employees to purchase additional retirement credit; providing legislative intent with respect to funding retirement benefits; amending s. 121.021, F.S.; redefining the terms "compensation" and "bonus" for purposes of the system; providing an effective date.

Senators Sanderson and Garcia offered the following amendment to **Amendment 1** which was moved by Senator Sanderson and adopted:

Amendment 1A (203668)—On page 22, line 1 through page 24, line 5, delete those lines and insert:

Section 5. Paragraph (h) of subsection (1), subsection (3), paragraph (d) of subsection (4), and paragraph (c) of subsection (6) of section 121.055, Florida Statutes, as amended by chapter 2001-262, Laws of Florida, are amended, and paragraph (k) is added to subsection (1) of that section, to read:

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

(1)

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

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

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

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

(I) Heads an organizational unit; or

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

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

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

(k) Any state attorney or public defender in the Elected Officers' Class who has creditable service as an assistant state attorney or assistant public defender may upgrade retirement credit for such service in accordance with the provisions of paragraph (j).

Amendment 1 as amended was adopted.

On motion by Senator Sanderson, by two-thirds vote **CS for HB 807** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Senate resumed consideration of—

CS for SB 1428—A bill to be entitled An act relating to land trusts; amending s. 689.071, F.S.; prescribing additional entities that receive an ownership interest in trust property when named trustee; amending s. 475.01, F.S.; clarifying that ch. 475, F.S., applies to real estate brokers acting as trustees; providing exceptions; amending s. 689.21, F.S.; revising provisions governing the time within which a disclaimer of interest in certain property may be made; providing for the effect of disclaimer of tenancy-by-the-entirety property; providing for the extent of disclaimed interest in tenancy-by-the-entirety property; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (335504)** by Senator Posey was withdrawn.

Pending further consideration of **CS for SB 1428**, on motion by Senator Garcia, by two-thirds vote **CS for HB 29** was withdrawn from the Committee on Judiciary.

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

CS for HB 29—A bill to be entitled An act relating to land trusts; amending s. 689.071, F.S.; prescribing additional entities that receive an ownership interest in trust property when named trustee; amending s. 475.01, F.S.; clarifying that chapter 475 is applicable to real estate brokers acting as trustees; providing exceptions; amending s. 689.21, F.S.; revising language with respect to the time in which a disclaimer of interest in certain property may be made; providing for the effect of disclaimer of tenancy by the entirety property; providing for the extent of disclaimed interest in tenancy by the entirety property; providing an effective date.

—a companion measure, was substituted for **CS for SB 1428** and read the second time by title.

On motion by Senator Garcia, by two-thirds vote **CS for HB 29** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 2022—A bill to be entitled An act relating to independent postsecondary education; reenacting and amending s. 246.011, F.S.; eliminating references to nonpublic colleges in provisions stating legislative findings and intent; conforming provisions to changes made by the act; eliminating legislative intent with respect to a requirement for dual licensure; reenacting and amending s. 246.013, F.S.; restricting participation in the statewide course numbering system to institutions that provide resident instruction; conforming provisions to changes made by the act; reenacting and amending s. 246.021, F.S.; providing definitions; reenacting and amending s. 246.031, F.S.; creating the Commission for Independent Education within the Department of Education; providing

for administration of the commission; providing for members to be appointed by the Governor; providing for terms of office, meetings, and accountability; reenacting and amending s. 246.041, F.S.; providing for powers and duties of the commission; providing rulemaking authority; authorizing the commission to expend funds; requiring certain reports and recordkeeping; authorizing the appointment of committees; providing additional duties of the commission with respect to administration and offices; repealing ss. 246.051, 246.061, 246.071, F.S., relating to expenditures and rulemaking authority; reenacting and amending s. 246.081, F.S.; providing for licensure of institutions; establishing standards; requiring licensure to be based on the institution's highest educational offering; creating stages of licensure as approved-applicant status, provisional license, and annual license; restricting programs to those authorized in an institution's license; prohibiting the transfer of a license; prohibiting certain activities by nonlicensed institutions; requiring standards for the approval of agents; providing requirements for students of foreign medical schools; specifying that a license is not an accreditation; requiring antihazing policies; reenacting and amending s. 246.084, F.S.; providing for licensure by means of accreditation; establishing requirements; authorizing continuation of an exemption until a license is issued; providing for validity of a license; requiring compliance with certain rules governing consumer practices; providing rulemaking authority; requiring approval for certain diploma programs; providing a procedure for a review of certain programs; reenacting and amending s. 246.085, F.S.; authorizing certain institutions to be excluded from the jurisdiction of the commission; providing for verification of such an institution's status; authorizing certain statements to verify status; repealing s. 246.087, F.S., relating to licensing requirements; reenacting and amending s. 246.091, F.S.; establishing license periods and renewal requirements; repealing s. 246.093, F.S., relating to permission to operate an institution; reenacting and amending s. 246.095, F.S.; requiring that the commission adopt rules governing fair consumer practices by institutions; authorizing penalties; reenacting and amending s. 246.101, F.S.; conforming provisions relating to fees to changes made by the act; providing for proper accounting of fee revenues; creating s. 246.103, F.S.; requiring certain procedural activities related to institutions that cease operations; authorizing certain civil penalties and criminal investigations; requiring student records to become state property under certain conditions; reenacting and amending s. 246.111, F.S.; providing for actions against licensees and other penalties; authorizing the commission to conduct certain investigations; providing for injunctive relief; authorizing cease and desist orders under certain circumstances; authorizing investigations to determine probable cause; requiring the commission to adopt rules for granting review of certain orders; providing for appeals; reenacting and amending s. 246.121, F.S.; restricting the use of the terms "college" and "university" to certain entities; creating s. 246.147, F.S.; authorizing the commission to require certain continuing education and training programs; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding; repealing ss. 246.131, 246.141, 246.151, 246.201, 246.203, 246.205, 246.207, 246.211, 246.213, 246.215, 246.216, 246.217, 246.219, 246.220, 246.222, 246.2235, 246.225, 246.226, 246.2265, 246.227, 246.228, 246.229, 246.231, 246.232, 246.31, 246.50, F.S.; relating to injunctive relief and penalties, provisions establishing and governing the State Board of Nonpublic Career Education, the Institutional Assessment Trust Fund, and the Certified Teacher-Aide Welfare Transition Program; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Villalobos, **CS for SB 2022** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 735** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

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

CS for HB 735—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams of specified facilities and structures owned or operated by an agency; providing for retroactive application of the exemption; providing exceptions to the exemption; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 982** and by two-thirds vote read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 735** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Garcia	Peaden
Brown-Waite	Geller	Rossin
Burt	Holzendorf	Sanderson
Carlton	Jones	Saunders
Clary	King	Sebesta
Constantine	Klein	Silver
Cowin	Lawson	Smith
Crist	Lee	Villalobos
Diaz de la Portilla	Meek	Wasserman Schultz
Dyer	Miller	Webster
Futch	Mitchell	Wise

Nays—4

Campbell	Laurent	Posey
Latvala		

Vote after roll call:

Yea—Pruitt, Sullivan

Nay to Yea—Latvala

On motion by Senator Clary, by two-thirds vote **HB 743** was withdrawn from the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 743—A bill to be entitled An act relating to economic development; amending s. 288.0655, F.S.; providing for additional uses of moneys in the Rural Infrastructure Fund; amending s. 288.095, F.S.; revising terminology relating to certain incentive payment schedules; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising definitions; revising conditions and procedures governing applications for tax refunds; revising provisions relating to the order authorizing a tax refund; revising the required elements of a tax refund agreement; providing an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; prescribing a deadline for applying for tax refunds; authorizing the office to grant extensions to certain application and notification deadlines; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated refund; specifying that the section

does not create a presumption a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; providing for an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information concerning specified tax–refund programs with the Office of Tourism, Trade, and Economic Development and specified agents; amending ss. 212.08 and 288.108, F.S.; removing references, to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1186** as amended and by two-thirds vote read the second time by title.

Senator Clary moved the following amendment:

Amendment 1 (960560)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (d) of subsection (2) and subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a *two-thirds vote* ~~majority~~ of the members of the county governing authority *or pursuant to ordinance enacted by a majority of the members of the county governing authority* and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax *or pursuant to ordinance enacted by a two-thirds vote of the members of the county governing authority*.

(d)1. The proceeds of the surtax authorized by this subsection *and approved by referendum* and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 75,000 that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011(1), and charter counties may, in addition, use the proceeds and any interest accrued thereto to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred for such refunding bonds prior to July 1, 1999, is ratified.

2. The proceeds of the surtax where the surtax is levied by a two-thirds vote of the governing body of the county and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county for infrastructure located within the urban service area that is identified in the local government comprehensive plan of the county or municipality and is identified in that local government's capital improvements element adopted pursuant to s. 163.3177(3) or that is identified in the school district's educational facilities plan adopted pursuant to s. 235.185.

3.~~2.~~ For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

4.~~3.~~ Notwithstanding any other provision of this subsection, a discretionary sales surtax imposed or extended after the effective date of this act may provide for an amount not to exceed 15 percent of the local option sales surtax proceeds to be allocated for deposit to a trust fund within the county's accounts created for the purpose of funding economic development projects of a general public purpose targeted to improve local economies, including the funding of operational costs and incentives related to such economic development. *If applicable,* the ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

. . . . FOR THE	. . . . CENTS TAX
. . . . AGAINST THE	. . . . CENTS TAX

(c) As an alternative method of levying the discretionary sales surtax, the district school board may levy, pursuant to resolution adopted by a two-thirds vote of the members of the school board, a discretionary sales

surtax at a rate not to exceed 0.5 percent when the following conditions are met:

1. The district school board and local governments in the county where the school district is located have adopted an interlocal agreement and public educational facilities element as required by chapter 163;

2. The district school board has adopted a district educational facilities plan pursuant to s. 235.185; and

3. The district's use of surtax proceeds for new construction must not exceed the cost-per-student criteria established for the SIT Program in s. 235.216(2).

(d)~~(c)~~ The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.

(e)~~(d)~~ Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f)~~(e)~~ Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(2)(a) Funds appropriated by the Legislature shall be distributed by the office through ~~a~~ grant *programs* ~~program~~ that *maximize* ~~maximizes~~ the use of federal, local, and private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, *and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts,* the office may award grants ~~to applicants for such federal programs~~ for up to 30 percent of the total infrastructure project cost. Eligible projects must be related to specific *job-creation or job-retention* ~~job creating~~ opportunities. *Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities.* Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly owned self-powered nature-based tourism facilities and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

Section 3. Paragraphs (b) and (c) of subsection (3) of section 288.095, Florida Statutes, are amended to read:

288.095 Economic Development Trust Fund.—

(3)

(b) The total amount of tax refund claims approved for payment by the Office of Tourism, Trade, and Economic Development based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy *estimates* ~~projections~~ by the office for tax refunds under ss. 288.1045 and 288.106 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the *estimated* ~~projected~~ total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) By *December 31* ~~September 30~~ of each year, *Enterprise Florida, Inc.,* ~~the Office of Tourism, Trade, and Economic Development~~ shall submit a complete and detailed report to the *Governor, the President of the Senate, the Speaker of the House of Representatives, and the director of the Office of Tourism, Trade, and Economic Development* ~~board of directors of Enterprise Florida, Inc., created under part VII of this chapter,~~ of all applications received, *recommendations made to the Office of Tourism, Trade, and Economic Development,* final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. *Enterprise Florida, Inc.,* ~~The Office of Tourism, Trade, and Economic Development~~ shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065*, rural communities, brownfield areas, and distressed urban communities*. ~~By December 1 of each year, the board of directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~ The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner. *The Office of Tourism, Trade, and Economic Development shall assist Enterprise Florida, Inc., in the collection of data related to business performance and incentive payments.*

Section 4. Section 288.1045, Florida Statutes, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

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

(a) "Consolidation of a Department of Defense contract" means the consolidation of one or more of an applicant's facilities under one or more Department of Defense contracts either from outside this state or from inside and outside this state, into one or more of the applicant's facilities inside this state.

(b) "Average wage in the area" means the average of all wages and salaries in the state, the county, or in the standard metropolitan area in which the business unit is located.

(c) "Applicant" means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor

under a valid Department of Defense contract or any business entity that holds a valid contract for the reuse of a defense-related facility, including all members of an affiliated group of corporations as defined in s. 220.03(1)(b).

(d) "Office" means the Office of Tourism, Trade, and Economic Development.

(e) "Department of Defense contract" means a competitively bid Department of Defense contract *or subcontract* or a competitively bid federal agency contract *or subcontract* issued on behalf of the Department of Defense for manufacturing, assembling, fabricating, research, development, or design with a duration of 2 or more years, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. *The term includes contracts or subcontracts for products or services for military use which contracts or subcontracts are approved by the United States Department of Defense, the United States Department of State, or the United States Coast Guard.*

(f) "New Department of Defense contract" means a Department of Defense contract entered into after the date application for certification as a qualified applicant is made and after January 1, 1994.

(g) "Jobs" means full-time equivalent positions, consistent with the use of such terms by the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ for the purpose of unemployment compensation tax, resulting directly from a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

(h) "Nondefense production jobs" means employment exclusively for activities that, directly or indirectly, are unrelated to the Department of Defense.

(i) "Project" means any business undertaking in this state under a new Department of Defense contract, consolidation of a Department of Defense contract, or conversion of defense production jobs over to nondefense production jobs or reuse of defense-related facilities.

(j) "Qualified applicant" means an applicant that has been approved by the director to be eligible for tax refunds pursuant to this section.

(k) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(l) "Taxable year" means the same as in s. 220.03(1)(z).

(m) "Fiscal year" means the fiscal year of the state.

(n) "Business unit" means an employing unit, as defined in s. 443.036, that is registered with the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ as a reporting unit.

(o) "Local financial support" means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified applicant. Local financial support may include excess payments made to a utility company under a designated program to allow decreases in service by the utility company under conditions, regardless of when application is made. A qualified applicant may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(p) "Contract for reuse of a defense-related facility" means a contract with a duration of 2 or more years for the use of a facility for manufacturing, assembling, fabricating, research, development, or design of tangible personal property, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. Such facility must be located within a port, as defined in s. 313.21, and have been occupied by a business entity that held a valid Department of Defense contract or occupied by any branch of the Armed Forces of the United States, within 1 year of any contract being executed for the reuse of such facility. A contract for reuse of a defense-related facility may not include any contract for reuse of such facility for any Department of Defense contract for manufacturing, assembling, fabricating, research, development, or design.

(q) "Local financial support exemption option" means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county designated by the Rural Economic Development Initiative, if the county commissioners of the county in which the project will be located adopt a resolution requesting that the applicant's project be exempt from the local financial support requirement. Any applicant that exercises this option is not eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by the director which were paid by such qualified applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(b) A qualified applicant may not be qualified for any project to receive more than $5,000 times the number of jobs provided in the tax refund agreement pursuant to subparagraph (4)(a)1. A qualified applicant may not receive refunds of more than 25 percent of the total tax refunds provided in the tax refund agreement pursuant to subparagraph (4)(a)1. in any fiscal year, provided that no qualified applicant may receive more than $2.5 million in tax refunds pursuant to this section in any fiscal year.

(c) A qualified applicant may not receive more than $7.5 million in tax refunds pursuant to this section in all fiscal years.

(d) Contingent upon an annual appropriation by the Legislature, the director may approve not more in tax refunds than the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5) and s. 288.095.

(e) For the first 6 months of each fiscal year, the director shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may receive refunds from the Economic Development Trust Fund for the following taxes due and paid by the qualified applicant beginning with the applicant's first taxable year that begins after entering into the agreement:

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

2. Corporate income taxes paid pursuant to chapter 220.

3. Intangible personal property taxes paid pursuant to chapter 199.

4. Emergency excise taxes paid pursuant to chapter 221.

5. Excise taxes paid on documents pursuant to chapter 201.

6. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must

notify and tender payment to the office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section.

(g) Any qualified applicant who fraudulently claims this refund is liable for repayment of the refund to the Economic Development Trust Fund plus a mandatory penalty of 200 percent of the tax refund which shall be deposited into the General Revenue Fund. Any qualified applicant who fraudulently claims this refund commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the office which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of *net new* full–time equivalent *Florida* jobs *included* in ~~this state which are or will be dedicated to~~ the project *as of December 31 of each* ~~during the~~ year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

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

10. The estimated amount of tax refunds to be claimed *for* ~~in~~ each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the nondefense production operations in this state.

6. The number of *net new* full–time equivalent *Florida* jobs *included* in ~~this state which are or will be dedicated to~~ the nondefense production project *as of December 31 of each* ~~during the~~ year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

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

10. The estimated amount of tax refunds to be claimed *for* ~~in~~ each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the office that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of *net new* full–time equivalent *Florida* jobs *included* in ~~this state which are or will be dedicated to~~ the project *as of December 31 of each* ~~during the~~ year and the average wage of such jobs.

8. The total number of full-time equivalent employees employed by the applicant in this state.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Corporate income taxes paid pursuant to chapter 220.

c. Intangible personal property taxes paid pursuant to chapter 199.

d. Emergency excise taxes paid pursuant to chapter 221.

e. Excise taxes paid on documents pursuant to chapter 201.

f. Ad valorem taxes paid during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed *for* ~~in~~ each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office.

(e) To qualify for review by the office, the application of an applicant must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6. or subparagraph (c)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than *60* ~~70~~ percent of its gross receipts in this state from Department of Defense contracts over the applicant's last fiscal year, and must have derived not less than *an average of 60* ~~80~~ percent of its gross receipts in this state from Department of Defense contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) must be submitted to the office for a determination of eligibility. The office shall review, evaluate, and score each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) The office shall forward its written findings and evaluation on each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) to the director within 60 calendar days *after* ~~of~~ receipt of a complete application. The office shall notify each applicant when its application is complete, and when the 60-day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (f), and shall make a specific assessment with respect to the minimum requirements established in paragraph (e). The office shall include in its report projections of the tax *refunds the applicant would be eligible to receive* ~~refund claims that will be sought by the applicant~~ in each fiscal year based on the *creation and maintenance of the net new Florida jobs specified in subparagraphs (b)6., (c)6., or (d)7. as of December 31 of the preceding state fiscal year* ~~information submitted in the application~~.

(h) Within 30 days after receipt of the office's findings and evaluation, the director shall *issue a letter of certification which* ~~enter a final order that~~ either approves or disapproves an application. The decision must be in writing and provide the justifications for either approval or disapproval. If appropriate, the director shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(i) The director may not *certify* ~~enter any final order that certifies~~ any applicant as a qualified applicant when the value of tax refunds to be included in that *letter of certification* ~~final order~~ exceeds the available amount of authority to *certify new businesses* ~~enter final orders~~ as determined in s. 288.095(3). A *letter of certification* ~~final order~~ that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor *for* ~~in~~ each fiscal year and the total amount of tax refunds for all fiscal years.

(j) This section does not create a presumption that an applicant should receive any tax refunds under this section.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the office containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. ~~This information must be the same as the information contained in the application submitted by the contractor pursuant to subsection (3).~~

2. The maximum amount of a refund that the qualified applicant is eligible to receive *for* ~~in~~ each fiscal year*, based on the job creation or retention and maintenance schedule specified in subparagraph 1.*

3. An agreement with the office allowing the office to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date *by* ~~after~~ which, *in* each fiscal year, the qualified applicant may file *a* ~~an annual~~ claim pursuant to subsection (5) *to be considered to receive a tax refund in the following fiscal year*.

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the director*, unless the qualified applicant is eligible to receive and elects to accept a prorated refund under paragraph (5)(g) or the office grants the qualified applicant an economic-stimulus exemption*.

1. A qualified applicant may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the qualified applicant's industry have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting qualified applicant, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting qualified applicant's industry have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(g) or an economic-stimulus exemption under this paragraph, a qualified applicant must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the qualified applicant as required by this subparagraph. When amending the agreement of a qualified applicant receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.

4. A qualified applicant may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after June 30, 2001, but before July 1, 2003.

5. A qualified applicant that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(c) The agreement shall be signed by the director and the authorized officer of the qualified applicant.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

"This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in s. 288.1045, Florida Statutes."

(5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE CONTRACTOR.—

(a) *To be eligible to claim any scheduled tax refund,* qualified applicants who have entered into a written agreement with the office pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs, or ~~who have~~ entered into a valid contract for reuse of a defense-related facility *must* ~~may~~ apply *by January 31 of* ~~once~~ each fiscal year to the office for tax refunds *scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The office may, upon written request, grant a 30-day extension of the filing date.* The application ~~must be made on or after the date contained in the agreement entered into pursuant to subsection (4) and~~ must include a notarized signature of an officer of the applicant.

(b) The claim for refund by the qualified applicant must include a copy of all receipts pertaining to the payment of taxes for which a refund is sought, and data related to achieving each performance item contained in the tax refund agreement pursuant to subsection (4). The amount requested as a tax refund may not exceed the amount for the *relevant* fiscal year in the written agreement entered pursuant to subsection (4).

(c) A tax refund may not be approved for any qualified applicant unless local financial support has been paid to the Economic Development Trust Fund *for* ~~in~~ that *refund* ~~fiscal year~~. If the local financial support is less than 20 percent of the approved tax refund, the tax refund shall be reduced. The tax refund paid may not exceed 5 times the local financial support received. Funding from local sources includes tax abatement under s. 196.1995 provided to a qualified applicant. The amount of any tax refund for an applicant approved under this section

shall be reduced by the amount of any such tax abatement, and the limitations in subsection (2) and paragraph (3)(h) shall be reduced by the amount of any such tax abatement. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the Economic Development Trust Fund.

(d) The director, with assistance from the office, the Department of Revenue, and the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, shall*, by June 30 following the scheduled date for submitting the tax-refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved,* ~~determine~~ the amount of the tax refund that is authorized *to be paid to* ~~for~~ the qualified applicant for the ~~fiscal year in a written final order within 30 days after the date the claim for the~~ annual tax refund ~~is received by the office~~. *The office may grant an extension of this date upon the request of the qualified applicant for the purpose of filing additional information in support of the claim.*

(e) The total amount of tax refunds approved by the director under this section in any fiscal year may not exceed the amount appropriated to the Economic Development Trust Fund for such purposes for the fiscal year. If the Legislature does not appropriate an amount sufficient to satisfy projections by the office for tax refunds in a fiscal year, the director shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total amount of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Trust Fund for tax refunds, the director shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(f) Upon approval of the tax refund pursuant to paragraphs (c) and (d), the Comptroller shall issue a warrant for the amount included in the *written* ~~final~~ order. In the event of any appeal of the *written* ~~final~~ order, the Comptroller may not issue a warrant for a refund to the qualified applicant until the conclusion of all appeals of the *written* ~~final~~ order.

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment *and that the average wage paid by the qualified applicant is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private-sector wage in the area available at the time of certification. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified applicant would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.*

(h) This section does not create a presumption that a tax refund claim will be approved and paid.

(6) ADMINISTRATION.—

(a) The office may adopt rules pursuant to chapter 120 for the administration of this section.

(b) The office may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified applicants to the Department of Revenue, *to* the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, or to any local government or authority. The office may request the assistance of said entities with respect to monitoring *jobs, wages, and* the payment of the taxes listed in subsection (2).

(d) By December 1 of each year, the office shall submit a complete and detailed report to the Governor, the President of the Senate, and the Speaker of the House of Representatives of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified applicant tax refund program were expended in a prudent, fiducially sound manner.

(e) Funds specifically appropriated for the tax refund program under this section may not be used for any purpose other than the payment of tax refunds authorized by this section.

(7) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2004.

Section 5. Paragraphs (a) and (d) of subsection (3), paragraphs (a), (b), and (c) of subsection (4), and subsections (5) and (6) of section 288.106, Florida Statutes, are amended, and subsection (7) of that section is reenacted, to read:

288.106 Tax refund program for qualified target industry businesses.—

(3) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the office before the business has made the decision to locate a new business in this state or before the business had made the decision to expand an existing business in this state. The application shall include, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's state sales tax registration number.

2. The permanent location of the applicant's facility in this state at which the project is or is to be located.

3. A description of the type of business activity or product covered by the project, including four-digit SIC codes for all activities included in the project.

4. The number of *net new* full-time equivalent *Florida* jobs *at the qualified target industry business as of December 31 of each year included* in ~~this state that are or will be dedicated to~~ the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state.

6. The anticipated commencement date of the project.

7. A brief statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that certain types of businesses be approved as a qualified target industry business and states that the commitments of local financial support necessary for the target industry business exist. In advance of the passage of such resolution, the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subsection, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing authority.

10. Any additional information requested by the office.

(d) The office shall forward its written findings and evaluation concerning each application meeting the requirements of paragraph (b) to

the director within 45 calendar days after receipt of a complete application. The office shall notify each target industry business when its application is complete, and of the time when the 45-day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (c) and shall make a specific assessment with respect to the minimum requirements established in paragraph (b). The office shall include in its report projections of the tax *refunds the business would be eligible to receive* ~~refund claim that will be sought by the target industry business~~ in each fiscal year based on the *creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year* ~~information submitted in the application~~.

(4) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the office which specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. ~~This information must be the same as the information contained in the application submitted by the business under subsection (3).~~

2. The maximum amount of tax refunds which the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive *for* ~~in~~ each fiscal year*, based on the job creation and maintenance schedule specified in subparagraph 1.*

3. That the office may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date *by* ~~after~~ which, in each fiscal year, the qualified target industry business may file *a* ~~an annual~~ claim under subsection (5) *to be considered to receive a tax refund in the following fiscal year*.

5. That local financial support will be annually available and will be paid to the account. The director may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed by the local governing authority within 90 days after he or she has issued the letter of certification under subsection (3).

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business*, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (5)(d) or the office grants the business an economic-stimulus exemption*.

1. A qualified target industry business may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting business, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting business's industry have prevented the business from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(d) or an economic-stimulus exemption under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.

4. A qualified target industry business may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after June 30, 2001, but before July 1, 2003.

5. A qualified target industry business that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(c) The agreement must be signed by the director and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection (3), but not before passage and receipt of the resolution of local financial support. *The office may grant an extension of this period at the written request of the qualified target industry business.*

(5) ANNUAL CLAIM FOR REFUND.—

(a) *To be eligible to claim any scheduled tax refund,* a qualified target industry business that has entered into a tax refund agreement with the office under subsection (4) *must* ~~may~~ apply *by January 31 of* ~~once~~ each fiscal year to the office for *the* ~~a~~ tax refund *scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The office may, upon written request, grant a 30-day extension of the filing date.* ~~The application must be made on or after the date specified in that agreement.~~

(b) The claim for refund by the qualified target industry business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought and data related to achievement of each performance item specified in the tax refund agreement. The amount requested as a tax refund may not exceed the amount specified for *the relevant* ~~that~~ fiscal year in that agreement.

(c) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account *for that refund* ~~in that fiscal year~~. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995 or the appraised market value of municipal or county land conveyed or provided at a discount to that business. The amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted or the value of the land granted; and the limitations in subsection (2) and paragraph (3)(f) must be reduced by the amount of any such tax abatement or the value of the land granted. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the account.

(d) A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified target industry business provided all other applicable requirements have been satisfied and the business proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment *and that the average wage paid by the business is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private-sector wage in the area available at the time of certification, or 150 percent or 200 percent of the average private-sector wage if the business requested the additional per-job tax refund authorized in paragraph (2)(b) for wages above those levels. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified target industry business would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.*

(e) The director, with such assistance as may be required from the office, the Department of Revenue, or the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, shall*, by June 30 following the scheduled date for submission of the tax-refund claim,* specify by written ~~final~~ order the *approval or disapproval of the tax refund claim and, if approved, the* amount of the tax refund that is authorized *to be paid to* ~~for~~ the qualified target industry business for the

~~fiscal year within 30 days after the date that the claim for the~~ annual tax refund ~~is received by the office~~. *The office may grant an extension of this date on the request of the qualified target industry business for the purpose of filing additional information in support of the claim.*

(f) The total amount of tax refund claims approved by the director under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(g) This section does not create a presumption that a tax refund claim will be approved and paid.

(h)~~(g)~~ Upon approval of the tax refund under paragraphs (c), (d), and (e), the Comptroller shall issue a warrant for the amount specified in the *written* ~~final~~ order. If the *written* ~~final~~ order is appealed, the Comptroller may not issue a warrant for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(6) ADMINISTRATION.—

(a) The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified target industry businesses to the Department of Revenue, to the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, or to any local government or authority. The office may request the assistance of those entities with respect to monitoring *jobs, wages, and* the payment of the taxes listed in subsection (2).

(c) Funds specifically appropriated for the tax refund program for qualified target industry businesses may not be used for any purpose other than the payment of tax refunds authorized by this section.

(7) EXPIRATION.—This section expires June 30, 2004.

Section 6. Paragraph (k) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(k)*1.* Payment information relative to chapters 199, 201, 212, 220, ~~and~~ 221*, and 624* to the Office of Tourism, Trade, and Economic Development*, or its employees or agents that are identified in writing by the office to the department,* in *the* ~~its~~ administration of the tax refund program for qualified defense contractors authorized by s. 288.1045 and the tax refund program for qualified target industry businesses authorized by s. 288.106.

2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 7. *Sections 7 and 8 of this act may be cited as the "Tourism Industry Recovery Act of 2002."*

Section 8. Paragraphs (l) and (n) of subsection (3) of section 125.0104, Florida Statutes, are amended to read:

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

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

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

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

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

3. Pay the operation and maintenance costs of a convention center for a period of up to 10 years. Only counties that have elected to levy the tax for the purposes authorized in subparagraph 2. may use the tax for the purposes enumerated in this subparagraph. Any county that elects to levy the tax for the purposes authorized in subparagraph 2. after July 1, 2000, may use the proceeds of the tax to pay the operation and maintenance costs of a convention center for the life of the bonds.

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

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

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to*:*

1. Pay the debt service on bonds issued to finance:

a.~~1.~~ The construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162.

b.~~2.~~ The acquisition, construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a retained spring training franchise.

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

A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the acquisition, construction, reconstruction, or renovation of *a* ~~that~~ facility *for which tax revenues are used pursuant to subparagraph 1.* The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax

authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

Section 9. *Notwithstanding section 18 of CS for CS for SB 1360, 2002 Regular Session, section 197.1722, Florida Statutes, as created by section 16 of that bill, shall not take effect January 1, 2003, but shall take effect on the date CS for CS for SB 1360, Regular Session, becomes a law and shall apply retroactively to January 1, 2002.*

Section 10. *Notwithstanding any provisions in section 290.0055, Florida Statutes, regarding the size of an enterprise zone, a county as defined in section 125.011(1), Florida Statutes, may apply to the Office of Tourism, Trade, and Economic Development before October 1, 2002, to amend the boundary lines of its existing enterprise zone in order to add an area not exceeding 4 square miles. The area proposed for addition to the enterprise zone under this section must be contiguous to a portion of the existing enterprise zone and must be part of a revitalization area that has been targeted for assistance by the county or by a municipality within the county. The area proposed for addition to the enterprise zone also must contain a high concentration of individuals who have immigrated to this state from Haiti. The Office of Tourism, Trade, and Economic Development shall approve an amendment to the enterprise zone boundary lines, effective January 1, 2003, provided that the area proposed for addition to the enterprise zone is consistent with the criteria and conditions imposed by section 290.0055, Florida Statutes, upon the establishment of enterprise zones, including the requirement that the area suffer from pervasive poverty, unemployment, and general distress.*

Section 11. *Notwithstanding any provisions in section 290.0055, Florida Statutes, regarding the size of an enterprise zone, a county as defined in section 125.011(1), Florida Statutes, may apply to the Office of Tourism, Trade, and Economic Development before October 1, 2002, to amend the boundary lines of its existing enterprise zone in order to add an area not exceeding 4 square miles. The area proposed for addition to the enterprise zone under this section must be contiguous to a portion of the existing enterprise zone and must be part of a revitalization area that has been targeted for assistance by a commission authorized in section 163.06, Florida Statutes. The Office of Tourism, Trade, and Economic Development shall approve an amendment to the enterprise zone boundary lines, effective January 1, 2003, provided that the area proposed for addition to the enterprise zone is consistent with the criteria and conditions imposed by section 290.0055, Florida Statutes, upon the establishment of enterprise zones, including the requirement that the area suffer from pervasive poverty, unemployment, and general distress. The area proposed for addition to the enterprise zone under this section may not include any property used for the benefit of a professional sports franchise. Any portion of the area designated under this section by the Office of Tourism, Trade, and Economic Development as an addition to an enterprise zone shall automatically lose its status as part of an enterprise zone if such portion subsequently includes property used for the benefit of a professional sports franchise.*

Section 12. *Sections of this act authorizing a county as defined in section 125.011(1), Florida Statutes, to amend and expand the boundary lines of an existing enterprise zone are not mutually exclusive.*

Section 13. Section 290.00686, Florida Statutes, is created to read:

290.00686 Enterprise zone designation for Brevard County, Cocoa, or Brevard County and Cocoa.—Brevard County, the City of Cocoa, or Brevard County and the City of Cocoa jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area which includes the boundaries of the three community redevelopment areas established pursuant to part III of chapter 163. The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055. Notwithstanding the provisions of section 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 14. *Enterprise zone designation for the City of Pensacola.—The City of Pensacola may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the city, which zone encompasses an area up to 10 contiguous square miles. The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes, except subsection (3) thereof. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.*

Section 15. *Enterprise zone designation for Leon County.—Leon County, or Leon County and the City of Tallahassee jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone, the selected area of which shall not exceed 20 square miles and shall have a continuous boundary, or consist of not more than three noncontiguous areas per section 290.0055(4)(a), Florida Statutes. The enterprise zone shall encompass an area or areas within the following Census tracts for Leon County pursuant to the 1990 Census:*

Census tract 1, block group 1; census tract 2, block group 1; census tract 2, block group 3; census tract 2, block group 4; census tract 3, block group 1; census tract 4, block group 1; census tract 4, block group 2; census tract 5, block group 1; census tract 5, block group 2; census tract 6, block group 1; census tract 6, block group 2; census tract 6, block group 3; census tract 6, block group 4; census tract 7, block group 1; census tract 7, block group 2; census tract 7, block group 3; census tract 10.01, block group 1; census tract 10.01, block group 2; census tract 10.01, block group 3; census tract 11.01, block group 1; census tract 11.01, block group 2; census tract 11.01, block group 3; census tract 11.02, block group 1; census tract 11.02, block group 3; census tract 12, block group 1; census tract 13, block group 1; census tract 13, block group 2; census tract 14, block group 1; census tract 14, block group 2; census tract 14, block group 3; census tract 14, block group 4; census tract 14, block group 5; census tract 15, block group 1; census tract 16.01, block group 1; census tract 18, block group 3; census tract 18, block group 4; census tract 19, block group 1; census tract 19, block group 3; census tract 19, block group 4; census tract 20.01, block group 1; census tract 20.01, block group 2; census tract 20.01, block group 3; census tract 20.01, block group 4; census tract 20.01, block group 5; census tract 20.02, block group 1; census tract 20.02, block group 2; census tract 20.02, block group 3; census tract 20.02, block group 5; census tract 21, block group 1; census tract 21, block group 3; census tract 21, block group 4; census tract 21, block group 5; census tract 21, block group 7; census tract 22.01, block group 1; census tract 23.01, block group 3; census tract 23.01, block group 5; census tract 26.02, block group 4.

The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 16. Effective upon this act becoming a law, section 11.35, Florida Statutes, is created to read:

11.35 Joint Legislative Committee on Tax Exemptions; membership; duties.—

(1) The Joint Legislative Committee on Tax Exemptions is created as a joint standing committee of the Legislature composed of 12 members, 6 of whom are members of the Senate appointed by the President of the Senate and 6 of whom are members of the House of Representatives appointed by the Speaker of the House of Representatives. The terms of members are 2 years and run from one organization session of the Legislature to the following organization session. In each even-numbered year, the President of the Senate shall appoint a member of the Senate to serve as chair for a term of 1 year; and, in each odd-numbered year, the Speaker of the House of Representatives shall appoint a member of the House of Representatives to serve as chair for a term of 1 year. A vacancy is to be

filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The committee shall conduct a periodic review of all exemptions from taxation under chapter 212, Florida Statutes, except those specified in section 212.25(3), Florida Statutes. The committee must complete the first of its reviews by December 1, 2004, and its initial review of all exemptions by December 1, 2009. For purposes of the review, the committee shall:

(a) Assign each exemption to a discrete category of exemptions, placing, to the extent practicable, similar and related exemptions within the same category. The committee shall identify discrete classes of transactions exempted by s. 212.25(2) and assign the exemption of each class to the appropriate category.

(b) Schedule, for each year, one or more of the categories to be reviewed before the following regular session of the Legislature. Each category must be reviewed once by December 1, 2009. By December 1, 2003, the committee shall prepare, and submit to the President of the Senate and the Speaker of the House of Representatives for introduction at the 2004 regular session of the Legislature, a proposed bill that amends the statutes to set the expiration date for each exemption 18 months after the year in which it is scheduled for review. The proposed bill shall set July 1, 2006, as the expiration date for those exemptions which are scheduled to be reviewed by December 1, 2004.

(c) Adopt standards and criteria that it will use for its review of exemptions and upon which it will base its recommendation to reauthorize an exemption. In developing these standards and criteria, the committee should consider the following principles of taxation:

1. Equity.—The Florida tax system should treat individuals equitably. It should impose similar tax burdens on people in similar circumstances and should minimize regressivity.

2. Compliance.—The Florida tax system should facilitate taxpayer compliance. It should be simple and easy to understand so as to minimize compliance costs and increase the visibility and awareness of the taxes being paid. Enforcement and collection of tax revenues should be done in a fair, consistent, professional, predictable, and cost-effective manner.

3. Promotion of competition.—The Florida tax system should be responsive to interstate and international competition in order to encourage savings and investment in plant, equipment, people, and technology.

4. Neutrality.—The Florida tax system should affect competitors uniformly and not become a tool for "social engineering." It should minimize government involvement in investment decisions, making any such involvement explicit, and should minimize pyramiding.

5. Stability.—The Florida tax system should produce revenues in a stable and reliable manner which are sufficient to fund appropriate governmental functions and expenditures.

6. Integration.—The Florida tax system should balance the need for integration of federal, state, and local taxation.

7. Public purpose.—Any sales tax exemption should be based upon a determination that the exemption promotes an important state interest, including, but not limited to, economic development, job creation and retention, economic diversification, and community revitalization.

(3) By December 1 of each year, the committee shall submit to the President of the Senate and the Speaker of the House of Representatives a separate report for each category of exemptions reviewed during that year. Each report must contain the committee's recommendations with respect to each exemption assigned to that category and include, for consideration at the next regular session of the Legislature, a proposed bill to reauthorize, for a period not to exceed 10 years, those exemptions that the committee recommends be reauthorized and to cleanse the statutes of those exemptions that the committee recommends be allowed to expire. Each report must also include, for each exemption for which the committee makes no recommendation, a separate bill to reauthorize that exemption for a period not to exceed 10 years. Each proposed bill must provide that each reauthorized exemption expires on a specified date occurring no more than 10 years after the effective date of the bill and is to be reviewed pursuant to this section at least 18 months prior to its expiration.

Section 17. Effective upon this act becoming a law, section 212.25, Florida Statutes, is created to read:

212.25 Expiration and review of tax exemptions; status of transactions neither expressly taxable nor exempt.—

(1) Effective July 1, 2011, and on July 1 of every 10th year thereafter, each exemption from taxation under this chapter expires, except those specified in subsection (3) and those specifically set by law to expire on another date. Prior to its expiration, each such exemption shall be reviewed by the Joint Legislative Committee on Tax Exemptions in accordance with the law governing such reviews.

(2) Until July 1, 2011, any sale of goods or services that is neither expressly taxable nor expressly exempt from taxation under this chapter is exempt from such taxation, and the exemptions provided by this subsection are subject to review under s. 11.35. Effective July 1, 2011, any sale of goods or services that is neither expressly taxable nor expressly exempt from taxation under this chapter is subject to tax at the same rate as the general tax rate prescribed by this chapter for the retail sale of items of tangible personal property.

(3) Notwithstanding the other provisions of this section, the following transactions remain exempt from taxation under this chapter and are not subject to expiration or review under this section or s. 11.35: the sale of groceries, prescription drugs, health services, real property, intangible personal property, or communications services; the sale of tangible personal property purchased for resale or imported, produced, or manufactured in this state for export; and the payment of residential rent or employee salaries or benefits.

Section 18. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; amending s. 212.055, F.S.; providing for the levy of the infrastructure sales surtax and the school capital outlay surtax by a two-thirds vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; providing for the uses of the surtax proceeds; amending s. 288.0655, F.S.; providing for additional uses of moneys in the Rural Infrastructure Fund; amending s. 288.095, F.S.; revising terminology relating to certain incentive payment schedules; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising definitions; revising conditions and procedures governing applications for tax refunds; revising provisions relating to the order authorizing a tax refund; revising the required elements of a tax refund agreement; providing an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; prescribing a deadline for applying for tax refunds; authorizing the office to grant extensions to certain application and notification deadlines; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated refund; specifying that the section does not create a presumption a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; providing for an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may

provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information concerning specified tax–refund programs with the Office of Tourism, Trade, and Economic Development and specified agents; providing a short title; amending s. 125.0104, F.S.; providing that the additional tax authorized for bonds for a professional sports franchise facility, a retained spring training franchise facility, or a convention center, and for operation and maintenance costs of a convention center, and the additional tax authorized for bonds for facilities for a new professional sports franchise or a retained spring training franchise, may also be used to promote and advertise tourism; providing for earlier effect and retroactive application of s. 197.1722, F.S., relating to a limited waiver of certain mandatory charges and interest on certain real property taxes; authorizing certain counties to apply for amendment of enterprise zone boundary lines; providing deadlines; prescribing conditions applicable to the areas proposed for addition to the enterprise zones; directing the Office of Tourism, Trade, and Economic Development to approve such amendments under certain conditions; providing for application of this act; creating s. 290.00686, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Brevard County; providing requirements with respect thereto; authorizing the City of Pensacola to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in the City of Pensacola; authorizing the office to designate one enterprise zone in the City of Pensacola; providing requirements with respect thereto; authorizing Leon County, or Leon County and the City of Tallahassee jointly, to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Leon County; authorizing the office to designate one enterprise zone notwithstanding certain limitations; providing requirements with respect thereto; creating s. 11.35, F.S.; creating the Joint Legislative Committee on Tax Exemptions; providing for its membership and prescribing its duties; requiring it to periodically review and make recommendations concerning tax exemptions prescribed in ch. 212, F.S.; creating s. 212.25, F.S.; providing for the periodic expiration and review of tax exemptions under ch. 212, F.S.; providing that sales of goods or services that are neither expressly taxable nor expressly exempt from taxation by a specified date become taxable; exempting specified transactions from taxation and from the the expiration and review requirements of the act; providing effective dates.

WHEREAS, the Legislature has identified a crisis in the economy which compels the Legislature to take a broad and comprehensive approach to economic development, addressing its many facets, including both economic stimulus and the state's tax policy, and

WHEREAS, the Legislature recognizes the obvious natural and logical connection between economic development and the distribution of the tax burden among the diverse segments of the economy, and

WHEREAS, the Legislature seeks by this legislation to accomplish goals that are not separate or disassociated objects of legislative effort, but that are integrated and dependent elements of a comprehensive approach to a rational economic policy that will fairly and equitably promote economic development throughout the diverse segments of the economy, and

WHEREAS, the Legislature, as part of this comprehensive approach to a rational economic policy, seeks to create a process by which the Legislature will periodically review, on an orderly schedule, the array of tax exemptions and identify those that serve as a widespread stimulus to the economy and those that hamper economic development by unfairly distributing the tax burden or giving an undue competitive advantage to a business over others similarly situated, NOW, THEREFORE,

Senator Clary moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (103080)—On page 11, line 7, after "contract" insert: *or subcontract*

Amendment 1B (910128)(with title amendment)—On page 55, between lines 24 and 25, and insert:

Section 18. Paragraph (j) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in semiconductor, defense, or space technology production and research and development.—

1.a. Industrial machinery and equipment used in semiconductor technology facilities certified under subparagraph 6. to manufacture, process, compound, or produce semiconductor technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter. For purposes of this paragraph, industrial machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.

b. Industrial machinery and equipment used in defense or space technology facilities certified under subparagraph 6. to manufacture, process, compound, or produce defense technology products or space technology products for sale or for use by these facilities are exempt from 25 percent of the tax imposed by this chapter.

2.a. Machinery and equipment are exempt from the tax imposed by this chapter if used predominately in semiconductor wafer research and development activities in a semiconductor technology research and development facility certified under subparagraph 6. For purposes of this paragraph, machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.

b. Machinery and equipment are exempt from 25 percent of the tax imposed by this chapter if used predominately in defense or space research and development activities in a defense or space technology research and development facility certified under subparagraph 6.

3. Building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.

4. In addition to meeting the criteria mandated by subparagraph 1., subparagraph 2., or subparagraph 3., a business must be certified by the Office of Tourism, Trade, and Economic Development as authorized in this paragraph in order to qualify for exemption under this paragraph.

5. For items purchased tax exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser's entitlement to exemption pursuant to this paragraph, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of tax if it determines that the purchaser was not entitled to the exemption.

6.a. To be eligible to receive the exemption provided by subparagraph 1., subparagraph 2., or subparagraph 3., a qualifying business entity shall apply to Enterprise Florida, Inc. The application shall be developed by the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc.

b. Enterprise Florida, Inc., shall review each submitted application and information and determine whether or not the application is complete within 5 working days. Once an application is complete, Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval of the application to the Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the application and recommendation from Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, Enterprise Florida, Inc., and the department of the certification. If the Office of Tourism, Trade, and Economic Development finds that the applicant

does not meet the requirements of this section, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The Office of Tourism, Trade, and Economic Development has final approval authority for certification under this section.

7.a. A business may apply once each year for the exemption.

b. The application must indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, the total investment made in real and tangible personal property over the preceding calendar year, and the total value of tax-exempt purchases and taxes exempted during the previous year. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for exemption.

c. The Office of Tourism, Trade, and Economic Development may use the information reported on the application for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. ~~This report may be submitted in conjunction with the annual report required in s. 288.095(3)(e).~~

8. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the amount of the exemption for which they may qualify. To receive these funds, the institution must agree to match the funds so earned with equivalent cash, programs, services, or other in-kind support on a one-to-one basis in the pursuit of research and development projects as requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

9. As used in this paragraph, the term:

a. "Predominately" means at least 50 percent of the time in qualifying research and development.

b. "Research and development" means basic and applied research in the science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

c. "Semiconductor technology products" means raw semiconductor wafers or semiconductor thin films that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; semiconductor lasers; optoelectronic elements; and related semiconductor technology products as determined by the Office of Tourism, Trade, and Economic Development.

d. "Clean rooms" means manufacturing facilities enclosed in a manner that meets the clean manufacturing requirements necessary for high-technology semiconductor-manufacturing environments.

e. "Defense technology products" means products that have a military application, including, but not limited to, weapons, weapons systems, guidance systems, surveillance systems, communications or information systems, munitions, aircraft, vessels, or boats, or components thereof, which are intended for military use and manufactured in performance of a contract with the United States Department of Defense or the military branch of a recognized foreign government or a subcontract thereunder which relates to matters of national defense.

f. "Space technology products" means products that are specifically designed or manufactured for application in space activities, including, but not limited to, space launch vehicles, missiles, satellites or research payloads, avionics, and associated control systems and processing systems. The term does not include products that are designed or manufactured for general commercial aviation or other uses even though those products may also serve an incidental use in space applications.

Section 19. Subsection (7) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

(7) REPORTING.—The office shall by December 1 of each year issue a complete and detailed report of all designated high-impact sectors, all applications received and their disposition, all final orders issued, and all payments made, including analyses of benefits and costs, types of projects supported, and employment and investments created. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. ~~The report may be combined with the incentives report required in s. 288.095.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 60, line 11, after the semicolon (;) insert: amending ss. 212.08 and 288.108, F.S.; removing references, to conform;

Amendment 1 as amended was adopted.

On motion by Senator Clary, by two-thirds vote **HB 743** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

Constantine	Posey	Webster

Vote after roll call:

Nay—Clary

Yea to Nay—Cowin

CS for SB 1844—A bill to be entitled An act relating to economic development; creating s. 11.35, F.S.; creating the Joint Legislative Committee on Tax Exemptions; providing for its membership and prescribing its duties; requiring it to periodically review and make recommendations concerning tax exemptions prescribed in ch. 212, F.S.; creating s. 212.25, F.S.; providing for the periodic expiration and review of tax exemptions under ch. 212, F.S.; providing that sales of goods or services that are neither expressly taxable nor expressly exempt from taxation by a specified date become taxable; exempting specified transactions from taxation and from the the expiration and review requirements of the act; creating the "Florida Technology Development Act"; providing a definition; providing purposes and objectives of a center of excellence; defining terms; creating the Emerging Technology Commission; providing for membership, powers, and duties of the commission; providing for Florida Research Consortium, Inc., to report to the commission regarding factors contributing to the success of the creation of a center of excellence; requiring the commission to develop and approve criteria for evaluating proposals related to the creation of centers of excellence; requiring the commission to solicit such proposals from state universities; requiring the commission to submit recommended plans to the State Board of Education for establishing centers of excellence in the state; providing for the State Board of Education to develop and approve a final plan for establishing centers of excellence in the state and authorize expenditures for plan implementation; providing commission reporting requirements; providing an expiration date; providing an appropriation for commission staff support and certain administrative expenses; amending s. 159.705, F.S.; specifying that certain entities may operate

a project located in a research and development park and financed under the Florida Industrial Development Financing Act; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide services to Workforce Florida, Inc.; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding; providing a short title; amending s. 125.0104, F.S.; providing that the additional tax authorized for bonds for a professional sports franchise facility, a retained spring training franchise facility, or a convention center, and for operation and maintenance costs of a convention center, and the additional tax authorized for bonds for facilities for a new professional sports franchise or a retained spring training franchise, may also be used to promote and advertise tourism; amending s. 240.2605, F.S.; creating an account within the Trust Fund for Major Gifts for the deposit of funds appropriated as state match for qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business pursuant to s. 212.08(5)(j), F.S.; authorizing specified criteria to be used in a presently required legislative review of certain technology programs; providing for the Office of Program Policy Analysis and Government Accountability to conduct such review; providing an effective date.

—as amended March 20 was read the third time by title.

Senator Diaz de la Portilla moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (091668)—In title, on page 1, line 17, after the semicolon (;) insert: creating s. 240.72, F.S.;

On motion by Senator King, **CS for SB 1844** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	King	Rossin
Campbell	Klein	Saunders
Carlton	Latvala	Sebesta
Clary	Laurent	Silver
Constantine	Lawson	Smith
Cowin	Lee	Sullivan
Crist	Meek	Villalobos
Diaz de la Portilla	Miller	Wasserman Schultz
Dyer	Mitchell	Wise
Holzendorf	Peaden	
Jones	Pruitt	

Nays—4

Garcia	Sanderson	Webster
Posey		

Vote after roll call:

Yea—Futch

Yea to Nay—Cowin, Villalobos, Wise

CS for SB 1108—A bill to be entitled An act relating to health care; providing an appropriation for a feasibility study relating to outsourcing specified functions of the Board of Dentistry; amending s. 409.8177, F.S.; requiring the agency to contract for an evaluation of the Florida Kidcare program; amending s. 409.904, F.S.; revising provisions governing optional payments for medical assistance and related services; amending s. 409.905, F.S.; providing additional criteria for the agency to adjust a hospital's inpatient per diem rate for Medicaid; amending s. 409.906, F.S.; authorizing the agency to make payments for specified services which are optional under Title XIX of the Social Security Act; amending s. 409.912, F.S.; revising provisions governing the purchase of goods and services for Medicaid recipients; providing for quarterly reports to the Governor and presiding officers of the Legislature; amending s. 409.9116, F.S.; revising the disproportionate share/financial assistance program for rural hospitals; amending s. 409.9122, F.S.; revising provisions governing mandatory Medicaid managed care enrollment; amending s. 499.012, F.S.; redefining the term "wholesale distribution" with respect to regulation of distribution of prescription drugs; requiring the Agency for Health Care Administration to conduct a study of health care services provided to medically fragile or medical-technology-dependent children; requiring the Agency for Health Care Administration to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to amend the Medicaid state plan and seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership on the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; providing guidelines for the agency to distribute disproportionate share funds during the 2002-2003 fiscal year; providing an effective date.

—as amended March 14 was read the third time by title.

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

Amendment 1 (610718)(with title amendment)—On page 54, between lines 28 and 29, insert:

Section 17. *The Agency for Health Care Administration may conduct a 2-year pilot project to authorize overnight stays in one ambulatory surgical center located in Acute Care Subdistrict 9-1. An overnight stay shall be permitted only to perform plastic and reconstructive surgeries defined by current procedural terminology code numbers 13000-19999. The total time a patient is at the ambulatory surgical center shall not exceed 23 hours and 59 minutes, including the surgery time, and the maximum planned duration of all surgical procedures combined shall not exceed 8 hours. Prior to implementation of the pilot project, the agency shall establish minimum requirements for protecting the health, safety, and welfare of patients receiving overnight care. These shall include, at a minimum, compliance with all statutes and rules applicable to ambulatory surgical centers and the requirements set forth in Rule 64B8-9.009, F.A.C., relating to Level II and Level III procedures. If the agency implements the pilot project, it shall, within 6 months after its completion, submit a report to the Legislature on whether to expand the pilot to include all ambulatory surgical centers. The recommendation shall be based on consideration of the efficacy and impact to patient safety and quality of patient care of providing plastic and reconstructive surgeries in the ambulatory surgical center setting. The agency is authorized to obtain such data as necessary to implement this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 16, following the semicolon (;) insert: authorizing the Agency for Health Care Administration to conduct a pilot project on overnight stays in an ambulatory surgical center;

Amendment 2 (091568)(with title amendment)—On page 54, between lines 28 and 29, insert:

Section 17. Section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(1) SHORT TITLE.—This section may be cited as the "William G. 'Doc' Myers Healthy Kids Corporation Act."

(2) LEGISLATIVE INTENT.—

(a) The Legislature finds that increased access to health care services could improve children's health and reduce the incidence and costs of childhood illness and disabilities among children in this state. Many children do not have comprehensive, affordable health care services available. It is the intent of the Legislature that the Florida Healthy Kids Corporation provide comprehensive health insurance coverage to

such children. The corporation is encouraged to cooperate with any existing health service programs funded by the public or the private sector and to work cooperatively with the Florida Partnership for School Readiness.

(b) It is the intent of the Legislature that the Florida Healthy Kids Corporation serve as one of several providers of services to children eligible for medical assistance under Title XXI of the Social Security Act. Although the corporation may serve other children, the Legislature intends the primary recipients of services provided through the corporation be school-age children with a family income below 200 percent of the federal poverty level, who do not qualify for Medicaid. It is also the intent of the Legislature that state and local government Florida Healthy Kids funds, ~~to the extent permissible under federal law,~~ be used to *continue and expand coverage, within available appropriations, to children not eligible for federal matching funds under Title XXI* ~~obtain matching federal dollars~~.

(3) NONENTITLEMENT.—Nothing in this section shall be construed as providing an individual with an entitlement to health care services. No cause of action shall arise against the state, the Florida Healthy Kids Corporation, or a unit of local government for failure to make health services available under this section.

(4) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(a) There is created the Florida Healthy Kids Corporation, a not-for-profit corporation ~~which operates on sites designated by the corporation~~.

(b) The Florida Healthy Kids Corporation shall ~~phase in a program to~~:

1. Organize school children groups to facilitate the provision of comprehensive health insurance coverage to children;

2. Arrange for the collection of any family, local contributions, or employer payment or premium, in an amount to be determined by the board of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses;

3. Arrange for the collection of any voluntary contributions to provide for payment of premiums for children who are not eligible for medical assistance under Title XXI of the Social Security Act. Each fiscal year, the corporation shall establish a local-match policy for the enrollment of non-Title XXI eligible children in the Healthy Kids program. By May 1 of each year, the corporation shall provide written notification of the amount to be remitted to the corporation for the following fiscal year under that policy. Local-match sources may include, but are not limited to, funds provided by municipalities, counties, school boards, hospitals, health care providers, charitable organizations, special taxing districts, and private organizations. The minimum local-match cash contributions required each fiscal year and local-match credits shall be determined by the General Appropriations Act. The corporation shall calculate a county's local-match rate based upon that county's percentage of the state's total non-Title XXI expenditures as reported in the corporation's most recently audited financial statement. In awarding the local-match credits, the corporation may consider factors including, but not limited to, population density, per-capita income, existing child-health-related expenditures and services in awarding the credits.

4. Accept voluntary supplemental local-match contributions that comply with the requirements of Title XXI of the Social Security Act for the purpose of providing additional coverage in contributing counties under Title XXI.

5.~~3.~~ Establish the administrative and accounting procedures for the operation of the corporation;

6.~~4.~~ Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children; provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians;

7.~~5.~~ Establish eligibility criteria which children must meet in order to participate in the program;

8.~~6.~~ Establish procedures under which *providers of local match to,* applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation;

9.~~7.~~ Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance administrator to provide administrative services to the corporation;

10.~~8.~~ Establish enrollment criteria which shall include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums;

11.~~9.~~ If a space is available, establish a special open enrollment period of 30 days' duration for any child who is enrolled in Medicaid or Medikids if such child loses Medicaid or Medikids eligibility and becomes eligible for the Florida Healthy Kids program;

12.~~10.~~ Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants. Such standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process. The selection of health plans shall be based primarily on quality criteria established by the board. The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded;

13. Establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments.

14.~~11.~~ Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program;

15.~~12.~~ Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation;

16.~~13.~~ As appropriate, enter into contracts with local school boards or other agencies to provide onsite information, enrollment, and other services necessary to the operation of the corporation;

17.~~14.~~ Provide a report on an annual basis to the Governor, Insurance Commissioner, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives;

18.~~15.~~ Each fiscal year, establish a maximum number of participants ~~by county~~, on a statewide basis, who may enroll in the program*; and* ~~without the benefit of local matching funds. Thereafter, the corporation may establish local matching requirements for supplemental participation in the program. The corporation may vary local matching requirements and enrollment by county depending on factors which may influence the generation of local match, including, but not limited to, population density, per capita income, existing local tax effort, and other factors. The corporation also may accept in-kind match in lieu of cash for the local match requirement to the extent allowed by Title XXI of the Social Security Act; and~~

19.~~16.~~ Establish eligibility criteria, premium and cost-sharing requirements, and benefit packages which conform to the provisions of the Florida Kidcare program, as created in ss. 409.810-409.820.

(c) Coverage under the corporation's program is secondary to any other available private coverage held by the participant child or family member. The corporation may establish procedures for coordinating benefits under this program with benefits under other public and private coverage.

(d) The Florida Healthy Kids Corporation shall be a private corporation not for profit, organized pursuant to chapter 617, and shall have all powers necessary to carry out the purposes of this act, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this act.

(5) BOARD OF DIRECTORS.—

(a) The Florida Healthy Kids Corporation shall operate subject to the supervision and approval of a board of directors chaired by the Insurance Commissioner or her or his designee, and composed of *14* ~~12~~ other members selected for 3-year terms of office as follows:

1. One member appointed by the Commissioner of Education from among three persons nominated by the Florida Association of School Administrators;

2. One member appointed by the Commissioner of Education from among three persons nominated by the Florida Association of School Boards;

3. One member appointed by the Commissioner of Education from the Office of School Health Programs of the Florida Department of Education;

4. One member appointed by the Governor from among three members nominated by the Florida Pediatric Society;

5. One member, appointed by the Governor, who represents the Children's Medical Services Program;

6. One member appointed by the Insurance Commissioner from among three members nominated by the Florida Hospital Association;

7. Two members, appointed by the Insurance Commissioner, who are representatives of authorized health care insurers or health maintenance organizations;

8. One member, appointed by the Insurance Commissioner, who represents the Institute for Child Health Policy;

9. One member, appointed by the Governor, from among three members nominated by the Florida Academy of Family Physicians;

10. One member, appointed by the Governor, who represents the Agency for Health Care Administration; ~~and~~

11. The State Health Officer or her or his designee*;*~~.~~

12. One member, appointed by the Insurance Commissioner from among three members nominated by the Florida Association of Counties, representing rural counties; and

13. One member, appointed by the Governor from among three members nominated by the Florida Association of Counties, representing urban counties.

(b) A member of the board of directors may be removed by the official who appointed that member. The board shall appoint an executive director, who is responsible for other staff authorized by the board.

(c) Board members are entitled to receive, from funds of the corporation, reimbursement for per diem and travel expenses as provided by s. 112.061.

(d) There shall be no liability on the part of, and no cause of action shall arise against, any member of the board of directors, or its employees or agents, for any action they take in the performance of their powers and duties under this act.

(6) LICENSING NOT REQUIRED; FISCAL OPERATION.—

(a) The corporation shall not be deemed an insurer. The officers, directors, and employees of the corporation shall not be deemed to be agents of an insurer. Neither the corporation nor any officer, director, or employee of the corporation is subject to the licensing requirements of the insurance code or the rules of the Department of Insurance. However, any marketing representative utilized and compensated by the corporation must be appointed as a representative of the insurers or health services providers with which the corporation contracts.

(b) The board has complete fiscal control over the corporation and is responsible for all corporate operations.

(c) The Department of Insurance shall supervise any liquidation or dissolution of the corporation and shall have, with respect to such liquidation or dissolution, all power granted to it pursuant to the insurance code.

(7) ACCESS TO RECORDS; CONFIDENTIALITY; PENALTIES.—Notwithstanding any other laws to the contrary, the Florida Healthy Kids Corporation shall have access to the medical records of a student upon receipt of permission from a parent or guardian of the student. Such medical records may be maintained by state and local agencies. Any identifying information, including medical records and family financial information, obtained by the corporation pursuant to this subsection is confidential and is exempt from the provisions of s. 119.07(1). Neither the corporation nor the staff or agents of the corporation may release, without the written consent of the participant or the parent or guardian of the participant, to any state or federal agency, to any private business or person, or to any other entity, any confidential information received pursuant to this subsection. A violation of this subsection is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 16, after the semicolon (;) insert: amending s. 624.91, F.S.; revising duties of the Florida Healthy Kids Corporation with respect to annual determination of participation in the Healthy Kids Program; prescribing duties of the corporation in establishing local match requirements; revising the composition of the board of directors;

On motion by Senator Silver, **CS for SB 1108** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Garcia, Villalobos

CS for SB 1116—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 216.181, F.S.; providing for the use of funds by the department; amending s. 394.74, F.S.; prescribing a specified contract requirement; amending s. 394.908, F.S.; revising provisions governing substance abuse and mental health funding equity; amending s. 39.903, F.S.; requiring the Department of Children and Family Services to operate the domestic violence program; specifying program purposes; repealing s. 741.466, F.S., relating to the "Prevention of Domestic and Sexual Violence Program"; amending s. 938.01, F.S.; specifying the amount of funds available for use by the Department of Children and Family Services and the Department of Law Enforcement; repealing s. 4(2) of ch. 2001-184, Laws of Florida, and s. 7(2) of ch. 2001-232, Laws of Florida, relating to funding for the Prevention of Domestic and Sexual Violence Program; amending s. 414.035, F.S.; revising provisions authorizing expenditures by the department; amending s. 409.16745, F.S.; abrogating the repeal of the community partnership matching grant program; authorizing the sale of a hospital and providing for the use of the proceeds; providing an effective date.

—was read the third time by title.

On motion by Senator Silver, **CS for SB 1116** was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Holzendorf	Posey
Brown-Waite	Jones	Pruitt
Burt	King	Rossin
Campbell	Klein	Saunders
Carlton	Laurent	Sebesta
Constantine	Lawson	Silver
Cowin	Lee	Sullivan
Crist	Meek	Wasserman Schultz
Diaz de la Portilla	Miller	Wise
Dyer	Mitchell	
Geller	Peaden	

Nays—None

Vote after roll call:

Yea—Futch, Garcia, Sanderson, Villalobos, Webster

The Senate resumed consideration of—

SB 2502—A bill to be entitled An act implementing the 2002-2003 General Appropriations Act; providing legislative intent; amending s. 240.35, F.S.; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions relating to an annual report; amending s. 240.209, F.S.; prohibiting State University System employees from enrolling in tuition-free courses; providing accounting requirements for the state universities for the 2002-2003 fiscal year; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funding between certain services; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under the authority of the commission or the Department of Juvenile Justice; amending s. 25.402, F.S.; revising uses of the County Article V Trust Fund; amending s. 581.1845, F.S.; prescribing the amount of compensation for trees taken in canker eradication programs; amending s. 252.373, F.S.; providing for use of the Emergency Management, Preparedness, and Assistance Trust Fund; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent; amending s. 375.041, F.S.; providing for use of moneys in the Land Acquisition Trust Fund; amending s. 403.709, F.S.; providing for use of moneys in the Solid Waste Management Trust Fund; amending s. 403.7095, F.S.; prescribing conditions on solid waste management and recycling grants; providing for extension of time for repayment of specified loans; amending s. 287.161, F.S.; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps scholarship program; amending s. 601.155, F.S.; exempting products made from certain citrus fruit from the equalizing excise tax; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information by the Agency for Workforce Innovation; providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2002-2003 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; limiting expenditures for noncommercial sustained announcements and public-service announcements; providing effective dates.

—which was previously considered this day. Pending **Amendment 1 (151812)** by Senator King was withdrawn.

Pending further consideration of **SB 2502** as amended, on motion by Senator Carlton, by two-thirds vote **HB 1945** was withdrawn from the Committee on Appropriations.

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

HB 1945—A bill to be entitled An act implementing the 2002-2003 General Appropriations Act; providing legislative intent; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; providing for future reversion to current text; amending s. 240.116, F.S.; eliminating restriction of the Advanced International Certificate of Education Program to a pilot program; providing for future reversion to current text; amending s. 229.085, F.S.; exempting personnel employed to plan and administer grants or contracts for specific educational projects from requirements for positions in excess of those authorized; providing accounting requirements for the state universities for the 2002-2003 fiscal year; amending s. 236.081, F.S.; deferring application of a method for adjusting a school district's full-time equivalent membership; providing district school boards flexibility in the use of certain categorical appropriations for purposes of academic classroom instruction; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 860.158, F.S.; providing directives for the use of moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 375.041, F.S.; providing for use of moneys allocated to the Land Acquisition Trust Fund as provided in the General Appropriations Act; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund as provided in the General Appropriations Act; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 581.1845, F.S.; prescribing the amount of compensation for trees taken in canker eradication programs; amending s. 373.470, F.S.; removing a requirement to deposit certain funds into the Save Our Everglades Trust Fund; amending s. 216.181, F.S.; allowing transfers of positions and funds among departments necessary for implementation of the office of Chief Financial Officer; requiring approval by the Legislative Budget Commission; amending s. 259.032, F.S.; allowing Conservation and Recreation Lands Trust Fund distributions to certain counties to be used for rural economic development and infrastructure purposes; amending s. 403.7095, F.S.; prescribing conditions on solid waste management and recycling grants; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 288.063, F.S.; providing that certain transportation projects may be designated and funded by the Legislature as necessary for economic development; providing for future repeal or expiration of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—a companion measure, was substituted for **SB 2502** as amended and read the second time by title.

Senator Carlton moved the following amendment:

Amendment 1 (274632)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2002-2003.*

Section 2. In order to implement Specific Appropriation 161 of the 2002-2003 General Appropriations Act, subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of *75* ~~50~~ percent of the balance of these funds *for new awards* shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on *the revenue collected pursuant to this paragraph, the amount carried forward,* the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. *The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.* Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 3. Effective July 1, 2003, subsection (11) of section 240.35, Florida Statutes, as amended by this act, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of *50* ~~75~~ percent of the balance of these funds ~~for new awards~~ shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on ~~the revenue collected pursuant to this paragraph, the amount carried forward,~~ the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. ~~The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.~~ Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 4. In order to implement Specific Appropriation 166A of the 2002-2003 General Appropriations Act, subsection (6) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(6)(a) The Board of Regents is authorized to permit full-time State University System employees who meet academic requirements to enroll for up to 6 credit hours of tuition-free courses per term on a space-available basis.

(b) For the *2002-2003* ~~2001-2002~~ fiscal year only and notwithstanding the provisions of paragraph (a), the Board of Regents is not authorized to permit State University System employees to enroll for tuition-free courses. This paragraph expires July 1, *2003* ~~2002~~.

Section 5. *In order to implement Specific Appropriations 166A-181 of the 2002-2003 General Appropriations Act:*

(1) Universities in the State University System shall utilize the state accounting system (FLAIR) for fiscal year 2002-2003 but are not required to provide funds to the Department of Banking and Finance for its utilization.

(2) Notwithstanding the provisions of sections 216.181, 216.292, and 240.2094, Florida Statutes, and pursuant to section 216.351, Florida Statutes, funds appropriated or reappropriated to the state universities in the 2002-2003 General Appropriations Act, or any other act passed by the 2002 Legislature containing appropriations, shall be distributed to each university according to the 2002-2003 fiscal year operating budget approved by the university board of trustees. Each university board of trustees shall have authority to amend the operating budget as circumstances warrant. The operating budget may utilize traditional appropriation categories or it may consolidate the appropriations into a special category appropriation account. The Comptroller or Chief Financial Officer, upon the request of the university board of trustees, shall record by journal transfer the distribution of the appropriated funds and releases according to the approved operating budget to the appropriation accounts established for disbursement purposes for each university within the state accounting system (FLAIR).

(3) Notwithstanding the provisions of sections 216.181, 216.292, 240.241, and 240.277, Florida Statutes, and pursuant to section 216.351, Florida Statutes, each university board of trustees shall include in an approved operating budget the revenue in trust funds supported by student and other fees as well as the trust funds within the Contract, Grants, and Donations, Auxiliary Enterprises, and Sponsored Research budget entities. The university board of trustees shall have the authority to amend the operating budget as circumstances warrant. The operating budget may utilize traditional appropriation categories or it may consolidate the trust fund spending authority into a special category appropriation account. The Comptroller or Chief Financial Officer, upon the request of the university board of trustees, shall record the distribution of the trust fund spending authority and releases according to the approved operating budget to the appropriation accounts established for disbursement purposes for each university within the state accounting system (FLAIR).

(4) This section expires July 1, 2003.

Section 6. In order to implement Specific Appropriations 303-338 of the 2002-2003 General Appropriations Act, subsection (12) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(12) For the *2002-2003* ~~2001-2002~~ fiscal year only and notwithstanding the other provisions of this section, the Department of Children and Family Services may transfer funds within the family safety program identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation as long as such a transfer does not result in an increase to the total recurring general revenue or trust fund cost of the agency in the subsequent fiscal year: adoption services and subsidy; family foster care; and emergency shelter care. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in the family safety program. Notice of proposed transfers under this authority must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days before their implementation. This subsection expires July 1, *2003* ~~2002~~.

Section 7. In order to implement Specific Appropriations 691-806 and 843-857 of the 2002-2003 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the *2002-2003* ~~2001-2002~~ fiscal year only,~~:~~

~~(a)~~ if the actual inmate population of the Department of Corrections exceeds by 2 percent for 2 consecutive months or more the inmate population projected by the *most recent* Criminal Justice Estimating Conference ~~on February 16, 2001~~, the Executive Office of the Governor may request positions in excess of the number authorized by the Legislature and sufficient funding from the Working Capital Fund to operate the additional prison bed capacity necessary to accommodate the actual inmate population. *This subsection expires July 1, 2003.*

~~(b) If, by October 1, 2001, a contract with a private vendor or vendors for the delivery of health care services at institutions located in Department of Corrections Region IV has not been executed, up to 97 positions in excess of the number authorized and appropriate salary rate may be approved, provided that sufficient funds are available to pay salaries and benefits. If a contract for the provision of health care services in the Department of Corrections Region IV is subsequently executed, the Executive Office of the Governor shall place these positions and associated salary rate into reserve.~~

~~(c) In order to implement a Close Management Consolidation Plan in the Department of Corrections, positions in excess of the number authorized and appropriate salary rate may be approved provided that the Secretary of Corrections certifies that there are no vacant positions that may be used for this purpose.~~

~~Such requests are subject to the budget amendment and consultation provisions of this chapter. This subsection expires July 1, 2002.~~

Section 8. *In order to implement proviso language following Specific Appropriation 1178 of the 2002-2003 General Appropriations Act, the Correctional Privatization Commission may expend appropriated funds to assist in defraying the costs of impacts which are incurred by a municipality or county and associated with opening or operating a facility under the authority of the Correctional Privatization Commission or a facility under the authority of the Department of Juvenile Justice which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2003.*

Section 9. In order to implement Specific Appropriations 889-1070, 3165, and 3201-3222 of the 2002-2003 General Appropriations Act, section 25.402, Florida Statutes, is amended to read:

25.402 County Article V Trust Fund.—

(1)(a) The trust fund moneys in the County Article V Trust Fund, administered by the Supreme Court, may be used to compensate counties for the costs they incur under Article V of the State Constitution in operating the state courts system, including the costs they incur in providing and maintaining court facilities.

(b) The Supreme Court shall adopt an allocation and disbursement plan for the operation of the trust fund and the expenditure of moneys deposited in the trust fund. The Supreme Court shall include the plan in its legislative budget request. A committee of 15 people shall develop and recommend the allocation and disbursement plan to the Supreme Court. The committee shall be composed of:

1. Six persons appointed by the Florida Association of Counties, as follows:

a. Two persons residing in counties with populations fewer than 90,000.

b. Two persons residing in counties with populations greater than 89,999, but fewer than 700,000.

c. Two persons residing in counties with populations greater than 699,999.

2. Six persons appointed by the Chief Justice of the Supreme Court, as follows:

a. Two persons residing in counties with populations fewer than 90,000.

b. Two persons residing in counties with populations greater than 89,999, but fewer than 700,000.

c. Two persons residing in counties with populations greater than 699,999.

3. Three persons appointed by the Florida Association of Court Clerks and Comptrollers, as follows:

a. One person residing in a county with a population fewer than 90,000.

b. One person residing in a county with a population greater than 89,999, but fewer than 700,000.

c. One person residing in a county with a population greater than 699,999.

The allocation and disbursement plan shall include provisions to compensate counties with fewer than 90,000 residents for court facility needs.

(c) Amendments to the approved operating budget for expenditures from the County Article V Trust Fund must be approved in accordance with the provisions of s. 216.181. The total amount disbursed from the County Article V Trust Fund may not exceed the amount authorized by the General Appropriations Act.

(d) Effective July 1, 2001, moneys generated from civil penalties distributed under *s. 318.21(2) and* ~~s. 318.21(2)(h) shall be~~ deposited in the trust fund *may be used* for the following purposes:

1. Funds paid to counties with populations fewer than 90,000 shall be grants-in-aid to be used, in priority order, for: operating expenditures of the offices of the state attorneys and public defenders *as appropriated by the Legislature* ~~in accordance with Specific Appropriation 2978B~~; consulting or architectural studies related to the improvement of courthouse facilities; improving court facilities to ensure compliance with the Americans with Disabilities Act and other federal or state requirements; other renovations in court facilities; improvements in court security; and expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

2. Funds paid to counties with populations exceeding 89,999 shall be grants-in-aid to be used, in priority order, for operating expenditures of the offices of the state attorneys and public defenders *as appropriated by the Legislature* ~~in accordance with Specific Appropriation 2978B~~, costs paid by the county for expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

3. Funds may be appropriated for the operation of the trial courts.

(2) This section expires June 30, *2003* ~~2002~~.

Section 10. In order to implement Specific Appropriation 1480A of the 2002-2003 General Appropriations Act, subsection (6) of section 581.1845, Florida Statutes, as created by section 11 of chapter 2001-380, Laws of Florida, is amended to read:

581.1845 Citrus canker eradication; compensation to homeowners whose trees have been removed.—

(6)*(a)* For the 2001-2002 fiscal year only and notwithstanding the $100-compensation amount specified in subsection (3); in subsection (3) of section 45 of chapter 2001-254, Laws of Florida; and in proviso following Specific Appropriation 1488A of chapter 2001-253, Laws of Florida, the amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be $55. This *paragraph* ~~subsection~~ expires July 1, 2002.

(b) For the 2002-2003 fiscal year only and notwithstanding the $100-compensation amount specified in subsection (3), the amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be $55. This paragraph expires July 1, 2003.

Section 11. In order to implement Specific Appropriations 1505-1569A of the 2002-2003 General Appropriations Act, subsection (1) of section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(1)(a) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the Department of Community Affairs as follows:

1. Sixty percent to implement and administer state and local emergency management programs, including training, of which 20 percent shall be used by the division and 80 percent shall be allocated to local emergency management agencies and programs. Of this 80 percent, at least 80 percent shall be allocated to counties.

2. Twenty percent to provide for state relief assistance for nonfederally declared disasters, including but not limited to grants and below-interest-rate loans to businesses for uninsured losses resulting from a disaster.

3. Twenty percent for grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the State Fire Marshal's Office for coordinating the Florida fire services. The division shall establish criteria and procedures for competitive allocation of these funds by rule. No more than 5 percent of any award made pursuant to this subparagraph may be used for administrative expenses. This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.

(b) Notwithstanding the provisions of paragraph (a), and for the *2002-2003* ~~2001-2002~~ fiscal year only, *the use* ~~up to $2.2 million of the unencumbered balance~~ of the Emergency Management, Preparedness, and Assistance Trust Fund shall be *as provided in the General Appropriations Act* ~~utilized to improve, and increase the number of, disaster shelters within the state and improve local disaster preparedness~~. This paragraph expires on July 1, *2003* ~~2002~~.

Section 12. In order to implement Specific Appropriation 1498 of the 2002-2003 General Appropriations Act, subsection (8) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b)1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government and to persons who request notice. The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)(c) and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

2. For fiscal year *2002-2003* ~~2001-2002~~ only, the provisions of this subparagraph shall supersede the provisions of subparagraph 1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as

specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(c) and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, send by regular mail a courtesy informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition. This subparagraph expires July 1, *2003* ~~2002~~.

Section 13. In order to implement Specific Appropriation 1760A of the 2002-2003 General Appropriations Act, subsection (6) is added to section 375.041, Florida Statutes, to read:

375.041 Land Acquisition Trust Fund.—

(6) For the 2002-2003 fiscal year only, the use of funds allocated to the Land Acquisition Trust Fund shall be as provided in the General Appropriations Act. This subsection expires July 1, 2003.

Section 14. In order to implement Specific Appropriations 1760A and 1768A of the 2002-2003 General Appropriations Act, subsection (7) is added to section 403.709, Florida Statutes, to read:

403.709 Solid Waste Management Trust Fund; use of waste tire fee moneys; waste tire site management.—

(7) For the 2002-2003 fiscal year only, the use of funds allocated to the Solid Waste Management Trust Fund shall be as provided in the General Appropriations Act. This subsection expires July 1, 2003.

Section 15. In order to implement Specific Appropriation 1819 of the 2002-2003 General Appropriations Act, subsection (8) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(8) Notwithstanding the provisions of this section, for fiscal year *2002-2003* ~~2001-2002~~ only, the department shall provide solid waste management and recycling grants only to counties with populations under 100,000. Such grants must be at least 80 percent of the level of funding they received in fiscal year 2000-2001. This subsection expires July 1, *2003* ~~2002~~.

Section 16. *In order to implement Specific Appropriation 2095 of the 2002-2003 General Appropriations Act:*

(1) Notwithstanding section 332.007, Florida Statutes, any airport with direct intercontinental passenger service, located in a county with a population of under 400,000 as of the effective date of this act, which has a loan from the Department of Transportation due in August of 2002, will have such loan extended until September 18, 2008.

(2) Notwithstanding section 332.007, Florida Statutes, any airport with direct intercontinental passenger service, located in a county with a population of under 400,000 as of the effective date of this act, which has loans from the Department of Transportation due in March 2008, July 2009, and September 2009, will have such loans consolidated and repaid in full by September 18, 2009.

Section 17. In order to implement proviso language in Specific Appropriation 2235 of the 2002-2003 General Appropriations Act, section 402.3017, Florida Statutes, is amended to read:

402.3017 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(1) The Legislature finds that the level of early child care teacher education and training is a key predictor for determining program quality. The Legislature also finds that low wages for child care workers prevent many from obtaining increased training and education and contribute to high turnover rates. The Legislature therefore intends to help fund a program which links teacher training and education to compensation and commitment to the field of early childhood education.

(2) The Department of Children and Family Services is authorized to contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The department shall adopt rules as necessary to implement this section.

(4) For the 2002-2003 fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, 2003.

Section 18. In order to implement proviso language following Specific Appropriation 2452 of the 2002-2003 General Appropriations Act, subsection (5) of section 601.155, Florida Statutes, is amended to read:

601.155 Equalizing excise tax; credit; exemption.—

(5) *Products made in whole or in part from citrus fruit on which an equivalent tax is levied pursuant to s. 601.15 is exempt from the tax imposed by this section.* ~~All products subject to the taxable privileges under this section, which products are produced in whole or in part from citrus fruit grown within the United States, are exempt from the tax imposed by this section to the extent that the products are derived from oranges or grapefruit grown within the United States.~~ In the case of products made in part from citrus fruit *exempt from the tax imposed by this section* ~~grown within the United States~~, it shall be the burden of the persons liable for the excise tax to show the Department of Citrus, through competent evidence, proof of that part which is not subject to a taxable privilege.

Section 19. Effective July 1, 2003, subsection (5) of section 601.155, Florida Statutes, as amended by this act, is amended to read:

601.155 Equalizing excise tax; credit; exemption.—

(5) *All products subject to the taxable privileges under this section, which products are produced in whole or in part from citrus fruit grown within the United States, are exempt from the tax imposed by this section to the extent that the products are derived from oranges or grapefruit grown within the United States.* ~~Products made in whole or in part from citrus fruit on which an equivalent tax is levied pursuant to s. 601.15 is exempt from the tax imposed by this section.~~ In the case of products made in part from citrus fruit *grown within the United States* ~~exempt from the tax imposed by this section~~, it shall be the burden of the persons liable for the excise tax to show the Department of Citrus, through competent evidence, proof of that part which is not subject to a taxable privilege.

Section 20. In order to implement Specific Appropriations 2776-2780 of the 2002-2003 General Appropriations Act, subsection (4) of section 287.161, Florida Statutes, is amended to read:

287.161 Executive aircraft pool; assignment of aircraft; charge for transportation.—

(4) Notwithstanding the requirements of subsections (2) and (3) and for the *2002-2003* ~~2001-2002~~ fiscal year only, the Department of Management Services shall charge all persons receiving transportation from the executive aircraft pool a rate not less than the mileage allowance fixed by the Legislature for the use of privately owned vehicles. Fees collected for persons traveling by aircraft in the executive aircraft pool shall be deposited into the Bureau of Aircraft Trust Fund and shall be expended for costs incurred to operate the aircraft management activities of the department. It is the intent of the Legislature that the executive aircraft pool be operated on a full cost recovery basis, less available funds. This subsection expires July 1, *2003* ~~2002~~.

Section 21. In order to implement section 8 of the 2002-2003 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—For the *2002-2003* ~~2001-2002~~ fiscal year only, it is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each revenue estimating conference on health insurance as provided in s. 216.136(1), but not later than December 1 and April 1 of each fiscal year.

(2) The Governor, in the Governor's recommended budget, shall provide premium rates necessary for full funding of the state group health insurance program, and the Legislature shall provide in the General Appropriations Act for a premium level necessary for full funding of the state group health insurance program.

(3) For purposes of funding, any additional appropriation amounts allocated to the state group health insurance program by the Legislature shall be considered as a state contribution and thus an increase in the state premiums.

(4) This section expires July 1, *2003* ~~2002~~.

Section 22. In order to implement section 8 of the 2002-2003 General Appropriations Act, subsection (7) of section 110.12315, Florida Statutes, is amended to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Notwithstanding the provisions of subsections (1) and (2), under the state employees' prescription drug program copayments must be made as follows:

(a) Effective January 1, 2001:

1. For generic drug with card . . . . . $7.

2. For preferred brand name drug with card . . . . . $20.

3. For nonpreferred brand name drug with card . . . . . $35.

4. For generic mail order drug . . . . . $10.50.

5. For preferred brand name mail order drug . . . . . $30.

6. For nonpreferred brand name drug . . . . . $52.50.

(b) The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program.

This subsection expires July 1, *2003* ~~2002~~.

Section 23. In order to implement specific appropriations 2195-2202 of the 2002-2003 General Appropriations Act, subsection (7) of section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(7) BASE PERIOD.—

(a) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

(b) For the 2002-2003 fiscal year only, with respect to a benefit year commencing on or after October 1, 2002, if an individual is not monetarily eligible in his or her base period to qualify for benefits, the Agency for Workforce Innovation must designate his or her base period to be the alternative base period. As used in this paragraph, the term "alternative base period" means the last four completed calendar quarters immediately preceding the first day of an individual's benefit year. Wages used in a base period to establish a monetarily eligible benefit year may not be applied to establish monetary eligibility in any succeeding benefit year. If information regarding wages for the calendar quarter or quarters immediately preceding the benefit year has not been input into the agency's mainframe database from the regular quarterly reports of wage information or is otherwise unavailable, the Agency for Workforce Innovation shall request such information from the employer. An employer must provide the requested wage information within 10 days after receiving a request from the Agency for Workforce Innovation. An employer who fails to provide the requested wage information within the required time is subject to the penalty for delinquent reports in s. 443.141(1)(b). This paragraph expires July 1, 2003.

(c) For the 2002-2003 fiscal year only, for monetary determinations based upon the alternative base period under paragraph (b), if the Agency for Workforce Innovation is unable to access the wage information through its mainframe database, the agency may base the determination of eligibility for benefits on an affidavit submitted by the individual with respect to wages for those calendar quarters. The individual must furnish payroll information, if available, in support of the affidavit. A determination of benefits based upon an alternative base period shall be adjusted when the quarterly report of wage information from the employer is received, if that information causes a change in the determination. This paragraph expires July 1, 2003.

Section 24. *A section of this act that implements a specific appropriation or specifically identified proviso language in the 2002-2003 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2002-2003 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 25. *The agency performance measures and standards in the document entitled "Agency Performance Measures and Standards for Fiscal Year 2002-2003" dated February 22, 2002, and filed with the Secretary of the Senate are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2002-2003, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their Long-Range Program Plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.*

Section 26. *It is the policy of the state that funds provided in the 2002-2003 General Appropriations Act may not be expended for contracts in excess of $5,000 for the radio or broadcast television noncommercial sustained announcements or for public-service announcements unless specifically approved by the Legislative Budget Commission.*

Section 27. Except as otherwise specifically provided in this act, this act shall take effect July 1, 2002; or, in the event this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2002-2003 General Appropriations Act; providing legislative intent; amending s. 240.35, F.S.; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions relating to an annual report; amending s. 240.209, F.S.; prohibiting State University System employees from enrolling in tuition-free courses; providing accounting requirements for the state universities for the 2002-2003 fiscal year; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funding between certain services; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility

under the authority of the commission or the Department of Juvenile Justice; amending s. 25.402, F.S.; revising uses of the County Article V Trust Fund; amending s. 581.1845, F.S.; prescribing the amount of compensation for trees taken in canker eradication programs; amending s. 252.373, F.S.; providing for use of the Emergency Management, Preparedness, and Assistance Trust Fund; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent; amending s. 375.041, F.S.; providing for use of moneys in the Land Acquisition Trust Fund; amending s. 403.709, F.S.; providing for use of moneys in the Solid Waste Management Trust Fund; amending s. 403.7095, F.S.; prescribing conditions on solid waste management and recycling grants; providing for extension of time for repayment of specified loans; amending s. 287.161, F.S.; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps scholarship program; amending s. 601.155, F.S.; exempting products made from certain citrus fruit from the equalizing excise tax; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information by the Agency for Workforce Innovation; providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2002-2003 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; limiting expenditures for noncommercial sustained announcements and public-service announcements; providing effective dates.

Senator Sullivan moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (281070)(with title amendment)—On page 1, between lines 20 and 21, insert:

Section 2. *In order to implement Specific Appropriations 1-187 of the 2002-2003 General Appropriations Act, the Secretary of Education, in consultation with the Commissioner of Education, may establish, abolish, or consolidate bureaus, sections, and subsections and reallocate duties and functions within the Department of Education in order to promote the effective and efficient operation of the department and to implement changes to the state system of education initiated by the adoption of the 1998 amendment to Article IX of the State Constitution as implemented by the Legislature in chapter 2001-170, Laws of Florida. Authorized positions and appropriations may be transferred from one budget entity to another as required to implement the reorganization. The secretary may not establish, abolish, or consolidate bureaus, sections, or subsections after December 31, 2002, unless such action is approved by the Legislative Budget Commission. The secretary shall provide a report on the reorganization to the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the Senate and the House of Representatives, and the chairs of the education appropriations committees of the Legislature by January 1, 2003. This section expires July 1, 2003.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 26, line 16, after the semicolon (;) insert: prescribing powers and duties of the Secretary of Education with respect to reorganizing the Department of Education;

Amendment 1B (724124)(with title amendment)—On page 1, between lines 20 and 21, insert:

Section 2. Effective upon this act becoming a law, in order to implement section 2 of the 2002-2003 General Appropriations Act, sections 29 and 30 of chapter 2001-170, Laws of Florida, are amended to read:

Section 29. *Effective July 1, 2003,* the Department of Education shall maximize the available federal indirect cost allowed on all federal grants. Beginning with the *2003-2004* ~~2002-2003~~ fiscal year, none of the funds received from indirect cost allowance shall be expended by the department without specific appropriation by the Legislature. Funds received pursuant to s. 240.241, Florida Statutes, are specifically exempt from this provision.

Section 30. Effective *July 1, 2003* ~~June 30, 2002~~, section 229.8065, Florida Statutes, is repealed.

Section 3. Effective upon this act becoming a law, in order to implement section 2 of the 2002-2003 General Appropriations Act, subsection (2) of section 229.085, Florida Statutes, as amended by section 31 of chapter 2001-170, Laws of Florida, is amended to read:

229.085 Custody of educational funds.—

(2)*(a)* There is created in the Department of Education the Projects, Contracts, and Grants Trust Fund. The personnel employed to plan and administer grants or contracts for specific projects shall be considered in time-limited employment not to exceed the duration of the grant or until completion of the project, whichever first occurs. Such employees shall not acquire retention rights under the Career Service System. Any employee holding permanent career service status in a Department of Education position who is appointed to a position under the Projects, Contracts, and Grants Trust Fund shall retain such permanent status in the career service position.

(b) If, in executing the terms of such grants or contracts for specific projects, the employment of personnel shall be required, such personnel shall not be subject to the requirements of s. 216.262(1)(a). This paragraph expires July 1, 2003.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 26, line 16, following the semicolon (;) insert: requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; effective June 30, 2003, repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grant programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants;

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

Amendment 1C (930058)(with title amendment)—On page 20, between lines 2 and 3, insert:

Section 18. *In order to implement Specific Appropriations 2396-2416 of the 2002-2003 General Appropriations Act:*

(1) Any other provision of law to the contrary notwithstanding, the Division of Alcoholic Beverages and Tobacco shall be organized with at least three bureaus to be known as the Bureau of Licensing, the Bureau of Auditing, and the Bureau of Law Enforcement.

(2) No more than 10 percent of the moneys deposited in the trust fund of the Division of Alcoholic Beverages and Tobacco shall be transferred to the office of the Secretary of Business and Professional Regulation or to other parts of the Department of Business and Professional Regulation during any fiscal year without the prior specific authorization by the Legislature in the General Appropriations Act.

This section expires July 1, 2003.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 27, line 28, following the first semicolon (;) insert: providing for the organization of the Division of Alcoholic Beverages and Tobacco; prohibiting the transfer of certain funds without prior authorization of the Legislature;

Amendment 1 as amended was adopted.

On motion by Senator Carlton, by two-thirds vote **HB 1945** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

SENATOR ROSSIN PRESIDING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 172, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 172—A bill to be entitled An act relating to violation of the election code; amending s. 104.091, F.S.; providing that any person who conspires with another person to violate the election code or who knowingly gives aid to a person who has violated the code with intent to help such person avoid or escape detection, arrest, trial, or punishment shall be punished as if he or she had committed the violation; providing penalties; amending s. 777.04, F.S.; exempting certain violations of the Florida Election Code from provisions specifying the ranking of an offense under the Criminal Punishment Code; providing an effective date.

House Amendment 1 (632965)—On page 1, line 30, after the word *a* insert: *felony*

On motion by Senator Smith, the Senate concurred in the House amendment.

SB 172 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 426, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 426—A bill to be entitled An act relating to tax administration; amending s. 199.052, F.S.; eliminating the requirement that a corporation file an intangibles tax return when no tax is due; repealing s. 199.062(1) and (2), F.S.; eliminating the requirement that a corporation file an annual information return regarding stock value; amending s. 199.218, F.S.; eliminating the requirement that a corporation maintain records relating to information reported under s. 199.062(2), F.S.; amending s. 199.282, F.S.; eliminating the penalty imposed upon a corporation for failure to file the notice required under s. 199.062(2), F.S.; repealing s. 201.05, F.S., relating to tax on stock certificates; amending s. 201.08, F.S.; providing for the maximum tax that must be paid on unsecured obligations; conforming cross-references; amending s. 212.11, F.S.; authorizing the Department of Revenue to require a report to be submitted when filing a sales and use tax return that claims certain credits; authorizing the department to adopt rules regarding the forms and documentation required to verify these credits; authorizing the department to disallow any credit not supported by the required report and to impose penalties and interest; amending s. 212.18, F.S.; authorizing the Department of Revenue to waive registration fees for online registrations and registrations made using the Multistate Tax Commission procedures; amending s. 220.22, F.S.; eliminating initial information returns for certain corporations; amending s. 220.23, F.S.; providing that interest on any deficiency accrues from the date fixed for filing the original return; amending s. 220.809, F.S.; conforming provisions; amending s. 376.70, F.S.; authorizing the Department of Revenue to waive registration fees for online registrations; amending s. 443.131, F.S.; allowing certain employers of domestic employees to file annually for unemployment tax; providing an appropriation to the Department of Revenue; amending s. 220.15, F.S., which provides for apportionment of adjusted federal income to this state; revising the conditions for determining when sales of tangible personal property occur in this state for certain industries; providing for retroactive effect; amending s. 72.011, F.S.; providing for the venue and jurisdiction of taxpayer actions in circuit court; amending s. 212.12, F.S.; providing for methods of determining overpayments by persons paying the tax on sales, use, and other transactions; amending s. 213.21, F.S.; revising the process for review of a taxpayer's liability for tax and interest; amending ss. 213.285, F.S., 213.053, F.S.; postponing the repeal of the certified audits project; amending s. 608.471, F.S.; providing for the tax treatment of certain types of limited liability companies; amending s. 220.187, F.S.; providing for an additional class of "qualified student," repealing section 9 of ch. 2001-225, Laws of Florida; repealing an incorrect statutory reference; repealing s. 220.331, F.S.; allowing credits to be applied to the first two estimated payments; providing effective dates.

House Amendment 1 (042761)(with title amendment)—Remove: everything after the enacting clause, and insert:

Section 1. Subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the following procedure may be followed as an alternative to any other sale procedure if so ordered by the court:

(7) DISBURSEMENTS OF PROCEEDS.—On filing a certificate of title, the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment~~,~~ and shall file a report of such disbursements and serve a copy of it on each party not in default, and on the Department of Revenue if *the department* ~~it~~ was named as a defendant in the action *or if the Agency for Workforce Innovation or the Department of Labor and Employment Security was named as a defendant while the Department of Revenue was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation*, in substantially the following form:

(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

The undersigned clerk of the court certifies that he or she disbursed the proceeds received from the sale of the property as provided in the order or final judgment to the persons and in the amounts as follows:

Name Amount

Total

WITNESS my hand and the seal of the court on . . . . , (year).

(Clerk)

By (Deputy Clerk)

If no objections to the report are served within 10 days after it is filed, the disbursements by the clerk shall stand approved as reported. If timely objections to the report are served, they shall be heard by the court. Service of objections to the report does not affect or cloud the title of the purchaser of the property in any manner.

Section 2. Subsection (5) of section 55.202, Florida Statutes, is amended to read:

55.202 Judgments, orders, and decrees; lien on personal property.—

(5) Liens, assessments, warrants, or judgments filed pursuant to paragraph (2)(b) may be filed directly into the central database by the Department of Revenue*, or its designee as determined by its executive director,* through electronic or information data exchange programs approved by the Department of State. Such filings must contain the information set forth in s. 55.203(1).

Section 3. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for support, as defined in s. 409.2554, *or interest in an unemployment compensation tax lien pursuant to a contract with the Agency for Workforce Innovation,* against the subject property and with the same priority, regardless of whether a default against the department*, the Agency for Workforce Innovation, or the Department of Labor and Employment Security* has been entered for failure to file an answer or other responsive pleading.

Section 4. Effective January 1, 2003, paragraph (a) of subsection (4) and subsection (5) of section 72.011, Florida Statutes, are amended to read:

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

(4)(a) Except as provided in paragraph (b), an action initiated in circuit court pursuant to subsection (1) shall be filed in the Second Judicial Circuit Court in and for Leon County or in the circuit court in the county where the taxpayer resides*,* ~~or~~ maintains its principal commercial domicile in this state*, or, in the ordinary course of business, regularly maintains its books and records in this state*.

(5) The requirements of *subsections (1), (2), and (3)* ~~this section~~ are jurisdictional.

Section 5. Subsection (2) of section 199.052, Florida Statutes, is amended to read:

199.052 Annual tax returns; payment of annual tax.—

(2) No person*, corporation, agent, or fiduciary* shall be required to pay the annual tax in any year when the aggregate annual tax upon the ~~person's~~ intangible personal property, after exemptions *but before application of any discount for early filing*, would be less than $60. In such case, an annual return is not required ~~unless the taxpayer is a corporation or an agent or fiduciary of whom the department requires an informational return~~. Agents and fiduciaries shall report for each person for whom they hold intangible personal property if the aggregate annual tax on such person is $60 or more.

Section 6. Subsection (2) of section 199.218, Florida Statutes, is amended to read:

199.218 Books and records.—

(2) Each ~~corporation and~~ broker subject to the provisions of s. 199.062 shall preserve all books and other records relating to the information reported under s. 199.062 or otherwise required by rule of the department for a period of 3 years from the due date of the report.

Section 7. Paragraph (a) of subsection (6) of section 199.282, Florida Statutes, is amended to read:

199.282 Penalties for violation of this chapter.—

(6) Late reporting penalties shall be imposed as follows:

(a) A penalty of $100 upon any corporation *that* ~~which~~ does not timely file a written notice required under s. 199.057(2)(c) ~~or s. 199.062(2)~~.

Section 8. Subsection (8) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(8) Taxes imposed by this section do not apply to a contract to sell the residence of an employee relocating at his or her employer's direction or to documents related to the contract, which contract is between the employee and the employer or between the employee and a person in the business of providing employee relocation services. In the case of such transactions, taxes apply only to the transfer of the real property comprising the residence by deed that vests legal title in a named grantee.

Section 9. Subsections (1), (2), (4), and (5) of section 201.08, Florida Statutes, are amended to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(1)*(a)* On promissory notes, nonnegotiable notes, written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, the tax shall be 35 cents on each $100 or fraction thereof of the indebtedness or obligation evidenced thereby. *The tax on any document described in this paragraph shall not exceed $2,450.*

(b) On mortgages, trust deeds, security agreements, or other evidences of indebtedness filed or recorded in this state, and for each renewal of the same, the tax shall be 35 cents on each $100 or fraction thereof of the indebtedness or obligation evidenced thereby. Mortgages, including, but not limited to, mortgages executed without the state and recorded in the state, which incorporate the certificate of indebtedness, not otherwise shown in separate instruments, are subject to the same tax at the same rate. When there is both a mortgage, trust deed, or security agreement and a note, certificate of indebtedness, or obligation, the tax shall be paid on the mortgage, trust deed, or security agreement at the time of recordation. A notation shall be made on the note, certificate of indebtedness, or obligation that the tax has been paid on the mortgage, trust deed, or security agreement. *Where a mortgage, trust deed, security agreement, or other evidence of indebtedness is subsequently filed or recorded in this state to evidence an indebtedness or obligation upon which tax was paid pursuant to paragraph (a) or paragraph (2)(a), tax shall be paid on the mortgage, trust deed, security agreement, or other evidence of indebtedness on the amount of the indebtedness or obligation evidenced which exceeds the aggregate amount upon which tax was previously paid pursuant to this paragraph and paragraph (a) or paragraph (2)(a).* If the mortgage, trust deed, security agreement, or other evidence of indebtedness subject to the tax levied by this section secures future advances, as provided in s. 697.04, the tax shall be paid at the time of recordation on the initial debt or obligation secured, excluding future advances; at the time and so often as any future advance is made, the tax shall be paid on all sums then advanced regardless of where such advance is made. Notwithstanding the aforestated general rule, any increase in the amount of original indebtedness caused by interest accruing under an adjustable rate note or mortgage having

an initial interest rate adjustment interval of not less than 6 months shall be taxable as a future advance only to the extent such increase is a computable sum certain when the document is executed. Failure to pay the tax shall not affect the lien for any such future advance given by s. 697.04, but any person who fails or refuses to pay such tax due by him or her is guilty of a misdemeanor of the first degree. The mortgage, trust deed, or other instrument shall not be enforceable in any court of this state as to any such advance unless and until the tax due thereon upon each advance that may have been made thereunder has been paid.

(2)(a) On promissory notes, nonnegotiable notes, written obligations to pay money, or other compensation, made, executed, delivered, sold, transferred, or assigned in the state, in connection with sales made under retail charge account services, incident to sales which are not conditional in character and which are not secured by mortgage or other pledge of purchaser, the tax shall be 35 cents on each $100 or fraction thereof of the gross amount of the indebtedness evidenced by such instruments, payable quarterly on such forms and under such rules and regulations as may be promulgated by the Department of Revenue. *The tax on any document described in this paragraph shall not exceed $2,450.*

(b) Any receipt, charge slip, or other record of a transaction effected with the use of a credit card, charge card, or debit card shall be exempt from the tax imposed by this section.

(4) Notwithstanding *paragraph (1)(b)* ~~subsection (1)~~, a supplement or an amendment to a mortgage, deed of trust, indenture, or security agreement, which supplement or amendment is filed or recorded in this state in connection with a new issue of bonds, shall be subject to the tax imposed by *paragraph (1)(b)* ~~subsection (1)~~ only to the extent of the aggregate amount of the new issue of bonds or other evidence of indebtedness and not to the extent of the aggregate amount of bonds or other evidence of indebtedness previously issued under the instrument being supplemented or amended. In order to qualify for the tax treatment provided for in this subsection, the document which evidences the increase in indebtedness must show the official records book and page number in which, and the county in which, the original obligation and any prior increase in that obligation were recorded.

(5) For purposes of this section, a renewal shall only include modifications of an original document which change the terms of the indebtedness evidenced by the original document by adding one or more obligors, increasing the principal balance, or changing the interest rate, maturity date, or payment terms. Modifications to documents which do not modify the terms of the indebtedness evidenced such as those given or recorded to correct error; modify covenants, conditions, or terms unrelated to the debt; sever a lien into separate liens; provide for additional, substitute, or further security for the indebtedness; consolidate indebtedness or collateral; add, change, or delete guarantors; or which substitute a new mortgagee or payee are not renewals and are not subject to tax pursuant to this section. If the taxable amount of a mortgage is limited by language contained in the mortgage or by the application of rules limiting the tax base when there is collateral in more than one state, then a modification which changes such limitation or tax base shall be taxable only to the extent of any increase in the limitation or tax base attributable to such modification. This subsection shall not be interpreted to exempt from taxation an original mortgage *that* ~~which~~ would otherwise be subject to tax pursuant to *paragraph (1)(b)* ~~subsection (1)~~.

Section 10. Paragraph (b) of subsection (1) of section 206.9825, Florida Statutes, is reenacted and amended to read:

206.9825 Aviation fuel tax.—

(1)

(b) Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, increases the air carrier's Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions, may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid, provided that the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. In calculating the new or additional Florida full-time equivalent employee positions, any full-time equivalent employee positions of parent or subsidiary corporations which existed before January 1, 1996, shall not be counted toward reaching the Florida employment increase thresholds. The refund allowed under this paragraph is in furtherance of the goals and policies of the State Comprehensive Plan set forth in s. 187.201(17)(a), (b)1., 2., (18)(a), (b)1., 4., (20)(a), (b)5., (22)(a), (b)1., 2., 4., 7., 9., and 12. ~~This paragraph will expire on July 1, 2001.~~

Section 11. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and paragraph (b) of subsection (4) of section 211.3103, Florida Statutes, are amended to read:

211.3103 Levy of tax on severance of phosphate rock; rate, basis, and distribution of tax.—

(2) The proceeds of all taxes, interest, and penalties imposed under this section shall be paid into the State Treasury through June 30, 1995, as follows:

(b) The remaining revenues collected from the tax during that fiscal year, after the required payment under paragraph (a), shall be paid into the State Treasury as follows:

1. To the credit of the General Revenue Fund of the state, 60 percent. However, from this amount the amounts of $7.4 million, $8.2 million, and $8.1 million, respectively, shall be transferred to the Nonmandatory Land Reclamation Trust Fund on January 1, 1993, January 1, 1994, and January 1, 1995.

2. To the credit of the Nonmandatory Land Reclamation Trust Fund which is established for reclamation and acquisition of unreclaimed lands disturbed by phosphate mining and not subject to mandatory reclamation, 20 percent.

3. To the credit of the Phosphate Research Trust Fund in the Department of Education, Division of Universities, to carry out the purposes set forth in s. 378.101, 10 percent.

4. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 10 percent. The department shall distribute this portion of the proceeds *annually* based on production information reported by producers on the ~~most recent~~ annual returns *for the taxable* ~~filed prior to the beginning of the fiscal~~ year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

(3) Beginning July 1, 1995, the proceeds of all taxes, interest, and penalties imposed under this section shall be paid into the State Treasury as follows:

(b) The remaining revenues collected from the tax during that fiscal year, after the required payment under paragraph (a), shall be paid into the State Treasury as follows:

1. To the credit of the General Revenue Fund of the state, 58 percent.

2. To the credit of the Nonmandatory Land Reclamation Trust Fund for reclamation and acquisition of unreclaimed lands disturbed by phosphate mining and not subject to mandatory reclamation, 14.5 percent.

3. To the credit of the Phosphate Research Trust Fund in the Department of Education, Division of Universities, to carry out the purposes set forth in s. 378.101, 10 percent.

4. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 10 percent. The department shall distribute this portion of the proceeds *annually* based on production information reported by producers on the ~~most recent~~ annual returns *for the taxable* ~~filed prior to the beginning of the fiscal~~ year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

5. To the credit of the Minerals Trust Fund, 7.5 percent.

(4) If the base rate is reduced pursuant to paragraph (5)(c), then the proceeds of the tax shall be paid into the State Treasury as follows:

(b) The remaining revenues collected from the tax during that fiscal year, after the required payment under paragraph (a), shall be paid into the State Treasury as follows:

1. To the credit of the General Revenue Fund of the state, 55.15 percent.

2. To the credit of the Phosphate Research Trust Fund in the Department of Education, Division of Universities, 12.5 percent.

3. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 18 percent. The department shall distribute this portion of the proceeds *annually* based on production information reported by producers on the ~~most recent~~ annual returns *for the taxable* ~~filed prior to the beginning of the fiscal~~ year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

4. To the credit of the Minerals Trust Fund, 14.35 percent.

Section 12. Paragraph (g) of subsection (10) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(10) "Lease," "let," or "rental" means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps and real property, the same being defined as follows:

(g) "Lease," "let," or "rental" also means the leasing or rental of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such property, except as expressly provided to the contrary herein. The term "lease," "let," or "rental" does not mean hourly, daily, or mileage charges, to the extent that such charges are subject to the jurisdiction of the United States Interstate Commerce Commission, when such charges are paid by reason of the presence of railroad cars owned by another on the tracks of the taxpayer, or charges made pursuant to car service agreements. *The term "lease," "let," "rental," or "license" does not include payments made to an owner of high-voltage bulk transmission facilities in connection with the possession or control of such facilities by a regional transmission organization, independent system operator, or similar entity under the jurisdiction of the Federal Energy Regulatory Commission.* However, where two taxpayers, in connection with the interchange of facilities, rent or lease property, each to the other, for use in providing or furnishing any of the services mentioned in s. 166.231, the term "lease or rental" means only the net amount of rental involved.

Section 13. Effective July 1, 2002, paragraph (b) of subsection (14) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(14) For the purpose of determining whether a person is improving real property, the term:

(b) "Fixtures" means items that are an accessory to a building, other structure, or land and that do not lose their identity as accessories when installed but that do become permanently attached to realty. However, the term does not include the following items, whether or not such items are attached to real property in a permanent manner: ~~trade fixtures;~~ property of a type that is required to be registered, licensed, titled, or documented by this state or by the United States Government, including, but not limited to, mobile homes, except mobile homes assessed as real property,~~;~~ or *industrial* machinery or equipment. *For purposes of this paragraph, industrial machinery or equipment is not limited to machinery and equipment used to manufacture, process, compound, or produce tangible personal property.* For an item to be considered a fixture, it is not necessary that the owner of the item also own the real property to which it is attached.

Section 14. *It is the intent of the Legislature that the amendment made by this act to section 212.06(14)(b), Florida Statutes, relating to industrial machinery or equipment, is remedial in nature and merely clarifies existing law. However, nothing contained in this act shall authorize an assessment of additional tax, penalty, or interest against any taxpayer that complied with section 212.06(14)(b), Florida Statutes, as amended by chapter 98-141, Laws of Florida, effective July 1, 1998, nor shall any taxpayer be entitled to a refund of taxes previously paid due to the retroactive effect of this act.*

Section 15. Effective July 1, 2002, paragraph (b) of subsection (1) of section 212.07, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

212.07 Sales, storage, use tax; tax added to purchase price; dealer not to absorb; liability of purchasers who cannot prove payment of the tax; penalties; general exemptions.—

(1)

(b) A resale must be in strict compliance with s. 212.18 and the rules and regulations, and any dealer who makes a sale for resale which is not in strict compliance with s. 212.18 and the rules and regulations shall himself or herself be liable for and pay the tax. Any dealer who makes a sale for resale shall document the exempt nature of the transaction, as established by rules promulgated by the department, by retaining a copy of the purchaser's resale certificate. In lieu of maintaining a copy of the certificate, a dealer may document, prior to the time of sale, an authorization number provided telephonically or electronically by the department, or by such other means established by rule of the department. ~~The department shall adopt rules that provide that, for purchasers who purchase on account from a dealer on a continual basis,~~ The dealer may rely on a resale certificate issued pursuant to s. 212.18(3)(c), valid at the time of receipt from the purchaser, without seeking annual verification of the resale certificate *if the dealer makes recurring sales to a purchaser in the normal course of business on a continual basis. For purposes of this paragraph, "recurring sales to a purchaser in the normal course of business" refers to a sale in which the dealer extends credit to the purchaser and records the debt as an account receivable, or in which the dealer sells to a purchaser who has an established cash or C.O.D. account, similar to an open credit account. For purposes of this paragraph, purchases are made from a selling dealer on a continual basis if the selling dealer makes, in the normal course of business, sales to the purchaser no less frequently than once in every 12-month period*. A dealer may, through the informal protest provided for in s. 213.21 and the rules of the Department of Revenue, provide the department with evidence of the exempt status of a sale. Consumer certificates of exemption executed by those exempt entities that were registered with the department at the time of sale, resale certificates provided by purchasers who were active dealers at the time of sale, and verification by the department of a purchaser's active dealer status at the time of sale in lieu of a resale certificate shall be accepted by the department when submitted during the protest period, but may not be accepted in any proceeding under chapter 120 or any circuit court action instituted under chapter 72.

(9)(a) If a purchaser engaging in transactions taxable under this chapter did not pay tax to a vendor based on a good faith belief that the transaction was a nontaxable purchase for resale or the transaction was exempt as a purchase by an organization exempt from tax under this chapter, except as provided in paragraph (b), neither the purchaser nor the vendor is directly liable for any tax, interest, or penalty that would otherwise be due if the following conditions are met:

1. At the time of the purchase, the purchaser was not registered as a dealer with the department or did not hold a consumer's certificate of exemption from the department.

2. At the time of the purchase, the purchaser was qualified to register with the department as a dealer or to receive a consumer's certificate of exemption from the department.

3. Before applying for treatment under this subsection, the purchaser has registered with the department as a dealer or has applied for and received a consumer's certificate of exemption from the department.

4. The purchaser establishes justifiable cause for failure to register as a dealer or to obtain a consumer's certificate of exemption before making the purchase. Whether a purchaser has established justifiable cause for failure to register depends on the facts and circumstances of each case, including, but not limited to, such factors as the complexity of the transaction, the purchaser's business experience and history, whether the purchaser sought advice on its tax obligations, whether any such advice was followed, and any remedial action taken by the purchaser.

5. The transaction would otherwise qualify as exempt under this chapter except for the fact that at the time of the purchase the purchaser was not registered as a dealer with the department or did not hold a consumer's certificate of exemption from the department.

6. Relief pursuant to this subsection is applied for:

a. Before the department has initiated any audit or other action or inquiry in regard to the purchaser or the vendor; or

b. If any audit or other action or inquiry of the purchaser or the vendor has already been initiated, within 7 days after being informed in writing by the department that the purchaser was required to be registered or to hold a consumer's certificate of exemption at the time the transaction occurred.

(b) In lieu of the tax, penalties, and interest that would otherwise have been due, the department shall impose and collect the following mandatory penalties, which the department may not waive:

1. If a purchaser or vendor applies for relief before the department initiates any audit or other action or inquiry, the mandatory penalty is the lesser of $1,000 or 10 percent of the total tax due on transactions that qualify for treatment under this subsection.

2. If a purchaser or vendor applies for relief after an audit or other action or inquiry has already been initiated by the department, the mandatory penalty is the lesser of $5,000 or 20 percent of the total tax due on transactions that qualify for treatment under this subsection.

The department may impose and collect the mandatory penalties from either the purchaser or the vendor that failed to obtain proper documentation at the time of the transaction.

(c) The department may adopt forms and rules to administer this subsection.

Section 16. *It is the intent of the Legislature that section 212.07(9), Florida Statutes, created by this act, applies to all pending sales and use tax audits or other actions or inquiries, including those currently under protest or in litigation. Taxpayers in such pending audits or other actions or inquiries have until the later of the date provided by section 212.07(9)(b), Florida Statutes, or 90 days after the effective date of this act to apply for the treatment provided in such paragraph. This section does not create any right to refund for taxes previously assessed and paid in regard to audits or other actions or inquires that are no longer pending.*

Section 17. Effective upon this act becoming a law and operating retroactively to July 1, 1996, paragraph (c) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) Machinery and equipment used in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which machinery and equipment are necessary in the production of electrical or steam energy resulting from the burning of boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.

2. In facilities where machinery and equipment are necessary to burn both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels as a percentage of electrical or steam energy from all fuels. If it is determined that 15 percent or less of all electrical or steam energy generated was produced by burning residual fuel, the full exemption shall apply. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.

3. The department may adopt rules that provide for implementation of this exemption. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the *vendor* ~~department~~ with an affidavit stating that the item or items to be exempted are for the use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. Purchasers with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

Section 18. Effective July 1, 2002, paragraphs (b), (d), and (f) of subsection (5) of section 212.08, Florida Statutes, are amended to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.a. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of $50,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such an expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the depart-

ment required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall *adopt* ~~promulgate~~ rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property or which does not use such machinery and equipment in spaceport activities as required by this paragraph. The exemptions provided in subparagraphs 1. and 2. shall apply to machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations only by way of a prospective credit against taxes due under chapter 211 for taxes paid under this chapter on such machinery and equipment.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means *tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air conditioning systems are not industrial machinery and equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities* ~~"section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of spaceport activities or of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property~~. *The* ~~Such~~ term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

(d) Machinery and equipment used under federal procurement contract.—

1. Industrial machinery and equipment purchased by an expanding business which manufactures tangible personal property pursuant to federal procurement regulations at fixed locations in this state are partially exempt from the tax imposed in this chapter on that portion of the tax which is in excess of $100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the implicit productive output of the expanded business by not less than 10 percent. The percentage of increase is measured as deflated implicit productive output for the calendar year during which the installation of the machinery or equipment is completed or during which commencement of production utilizing such items is begun divided by the implicit productive output for the preceding calendar year. In no case may the commencement of production begin later than 2 years following completion of installation of the machinery or equipment.

2. The amount of the exemption allowed shall equal the taxes otherwise imposed by this chapter in excess of $100,000 per calendar year on qualifying industrial machinery or equipment reduced by the percentage of gross receipts from cost-reimbursement type contracts attributable to the plant or operation to total gross receipts so attributable, accrued for the year of completion or commencement.

3. The exemption provided by this paragraph shall inure to the taxpayer only through refund of previously paid taxes. Such refund shall be made within 30 days of formal approval by the department of the taxpayer's application, which application may be made on an annual basis following installation of the machinery or equipment.

4. For the purposes of this paragraph, the term:

a. "Cost-reimbursement type contracts" has the same meaning as in 32 C.F.R. s. 3-405.

b. "Deflated implicit productive output" means the product of implicit productive output times the quotient of the national defense implicit price deflator for the preceding calendar year divided by the deflator for the year of completion or commencement.

c. "Eligible costs" means the total direct and indirect costs, as defined in 32 C.F.R. ss. 15-202 and 15-203, excluding general and administrative costs, selling expenses, and profit, defined by the uniform cost-accounting standards adopted by the Cost-Accounting Standards Board created pursuant to 50 U.S.C. s. 2168.

d. "Implicit productive output" means the annual eligible costs attributable to all contracts or subcontracts subject to federal procurement regulations of the single plant or operation at which the machinery or equipment is used.

e. "Industrial machinery and equipment" means *tangible personal property or other property that has a depreciable life of 3 years or more, that qualifies as an eligible cost under federal procurement regulations, and that is used as an integral part of the process of production of tangible personal property. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air conditioning systems are not industrial machinery and equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities* ~~"section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided such industrial machinery and equipment qualified as an eligible cost under federal procurement regulations and are used as an integral part of the tangible personal property production process~~. *The* ~~Such~~ term includes parts and accessories only to the extent that the exemption of such parts and accessories is consistent with the provisions of this paragraph.

f. "National defense implicit price deflator" means the national defense implicit price deflator for the gross national product as determined by the Bureau of Economic Analysis of the United States Department of Commerce.

5. The exclusions provided in subparagraph (b)5. apply to this exemption. This exemption applies only to machinery or equipment purchased pursuant to production contracts with the United States Department of Defense and Armed Forces, the National Aeronautics and Space

Administration, and other federal agencies for which the contracts are classified for national security reasons. In no event shall the provisions of this paragraph apply to any expanding business the increase in productive output of which could be measured under the provisions of subsubparagraph (b)6.b. as physically comparable between the two periods.

(f) Motion picture or video equipment used in motion picture or television production activities and sound recording equipment used in the production of master tapes and master records.—

1. Motion picture or video equipment and sound recording equipment purchased or leased for use in this state in production activities is exempt from the tax imposed by this chapter. The exemption provided by this paragraph shall inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

2. For the purpose of the exemption provided in subparagraph 1.:

a. "Motion picture or video equipment" and "sound recording equipment" includes only *tangible personal property or other property that has a depreciable life of 3 years or more and* ~~equipment meeting the definition of "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code~~ that is used by the lessee or purchaser exclusively as an integral part of production activities; however, motion picture or video equipment and sound recording equipment does not include supplies, tape, records, film, or video tape used in productions or other similar items; vehicles or vessels; or general office equipment not specifically suited to production activities. In addition, the term does not include equipment purchased or leased by television or radio broadcasting or cable companies licensed by the Federal Communications Commission. *Furthermore, a building and its structural components are not motion picture or video equipment and sound recording equipment unless the building or structural component is so closely related to the motion picture or video equipment and sound recording equipment that it houses or supports that the building or structural component can be expected to be replaced when the motion picture or video equipment and sound recording equipment are replaced. Heating and air conditioning systems are not motion picture or video equipment and sound recording equipment unless the sole justification for their installation is to meet the requirements of the production activities, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities.*

b. "Production activities" means activities directed toward the preparation of a:

(I) Master tape or master record embodying sound; or

(II) Motion picture or television production which is produced for theatrical, commercial, advertising, or educational purposes and utilizes live or animated actions or a combination of live and animated actions. The motion picture or television production shall be commercially produced for sale or for showing on screens or broadcasting on television and may be on film or video tape.

Section 19. *(1) It is the intent of the Legislature to provide guidance in tax matters which is current and useful. Accordingly, the Legislature finds that continued reference to a federal regulation that no longer exists causes confusion and an undue burden on persons affected by section 212.08, Florida Statutes.*

(2) It is the purpose of the amendments made by this act to section 212.08(5)(b), (d), and (f), Florida Statutes, to replace specific references in such paragraphs to "section 38 property" as defined in section 48(a)(1)(A) and (B)(i) of the Internal Revenue Code with a general description of such property, and such new description shall have the same meaning as the former federal Internal Revenue Code regulation without limitation.

Section 20. Effective July 1, 2002, subsections (7) and (10) of section 212.08, Florida Statutes, are amended to read:

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

(7) MISCELLANEOUS EXEMPTIONS.—*Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.*

(a) Artificial commemorative flowers.—Exempt from the tax imposed by this chapter is the sale of artificial commemorative flowers by bona fide nationally chartered veterans' organizations.

(b) Boiler fuels.—When purchased for use as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material, coal, sulfur, wood, wood residues or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state are exempt from the taxes imposed by this chapter; however, such exemption shall not be allowed unless the purchaser signs a certificate stating that the fuel to be exempted is for the exclusive use designated herein. This exemption does not apply to the use of boiler fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale, or to the use of boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(c) Crustacea bait.—Also exempt from the tax imposed by this chapter is the purchase by commercial fishers of bait intended solely for use in the entrapment of Callinectes sapidus and Menippe mercenaria.

(d) Feeds.—Feeds for poultry, ostriches, and livestock, including racehorses and dairy cows, are exempt.

(e) Film rentals.—Film rentals are exempt when an admission is charged for viewing such film, and license fees and direct charges for films, videotapes, and transcriptions used by television or radio stations or networks are exempt.

(f) Flags.—Also exempt are sales of the flag of the United States and the official state flag of Florida.

(g) Florida Retired Educators Association and its local chapters.—Also exempt from payment of the tax imposed by this chapter are purchases of office supplies, equipment, and publications made by the Florida Retired Educators Association and its local chapters.

(h) Guide dogs for the blind.—Also exempt are the sale or rental of guide dogs for the blind, commonly referred to as "seeing-eye dogs," and the sale of food or other items for such guide dogs.

1. The department shall issue a consumer's certificate of exemption to any blind person who holds an identification card as provided for in s. 413.091 and who either owns or rents, or contemplates the ownership or rental of, a guide dog for the blind. The consumer's certificate of exemption shall be issued without charge and shall be of such size as to be capable of being carried in a wallet or billfold.

2. The department shall make such rules concerning items exempt from tax under the provisions of this paragraph as may be necessary to provide that any person authorized to have a consumer's certificate of exemption need only present such a certificate at the time of paying for exempt goods and shall not be required to pay any tax thereon.

(i) Hospital meals and rooms.—Also exempt from payment of the tax imposed by this chapter on rentals and meals are patients and inmates of any hospital or other physical plant or facility designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated, or otherwise dependent on special care or attention. Residents of a home for the aged are exempt from payment of taxes on meals provided through the facility. A home for the aged is defined as a facility that is licensed or certified in part or in whole under

chapter 400 or chapter 651, or that is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), s. 232, or s. 236 of the National Housing Act, or other such similar facility designed and operated primarily for the care of the aged.

(j) Household fuels.—Also exempt from payment of the tax imposed by this chapter are sales of utilities to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, and sales of fuel to residential households or owners of residential models, including oil, kerosene, liquefied petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption. For the purposes of this paragraph, licensed family day care homes shall also be exempt.

(k) Meals provided by certain nonprofit organizations.—There is exempt from the tax imposed by this chapter the sale of prepared meals by a nonprofit volunteer organization to handicapped, elderly, or indigent persons when such meals are delivered as a charitable function by the organization to such persons at their places of residence.

(l) Organizations providing special educational, cultural, recreational, and social benefits to minors.—Also exempt from the tax imposed by this chapter are sales or leases to and sales of donated property by nonprofit organizations which are incorporated pursuant to chapter 617 the primary purpose of which is providing activities that contribute to the development of good character or good sportsmanship, or to the educational or cultural development, of minors. This exemption is extended only to that level of the organization that has a salaried executive officer or an elected nonsalaried executive officer. For the purpose of this paragraph, the term "donated property" means any property transferred to such nonprofit organization for less than 50 percent of its fair market value.

(m) Religious institutions.—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases directly to religious institutions when used in carrying on their customary nonprofit religious activities or sales or leases of tangible personal property by religious institutions having an established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

2. As used in this paragraph, the term "religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes nonprofit state, nonprofit district, or other nonprofit governing or administrative offices the function of which is to assist or regulate the customary activities of religious institutions. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, the primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, the sole or primary function of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administrative assistance, or missionary assistance for a church, synagogue, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.

(n) Veterans' organizations.—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases to qualified veterans' organizations and their auxiliaries when used in carrying on their customary veterans' organization activities.

2. As used in this paragraph, the term "veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code of 1986, as amended.

(o) Schools, colleges, and universities.—Also exempt from the tax imposed by this chapter are sales or leases to state tax-supported schools, colleges, or universities.

(p) Section 501(c)(3) organizations.—Also exempt from the tax imposed by this chapter are sales or leases to organizations determined by the Internal Revenue Service to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, when such leases or purchases are used in carrying on their customary nonprofit activities.

(q) Resource recovery equipment.—Also exempt is resource recovery equipment which is owned and operated by or on behalf of any county or municipality, certified by the Department of Environmental Protection under the provisions of s. 403.715.

(r) School books and school lunches.—This exemption applies to school books used in regularly prescribed courses of study, and to school lunches served in public, parochial, or nonprofit schools operated for and attended by pupils of grades K through 12. Yearbooks, magazines, newspapers, directories, bulletins, and similar publications distributed by such educational institutions to their students are also exempt. School books and food sold or served at community colleges and other institutions of higher learning are taxable.

(s) Tasting beverages.—Vinous and alcoholic beverages provided by distributors or vendors for the purpose of "wine tasting" and "spirituous beverage tasting" as contemplated under the provisions of ss. 564.06 and 565.12, respectively, are exempt from the tax imposed by this chapter.

(t) Boats temporarily docked in state.—

1. Notwithstanding the provisions of chapter 328, pertaining to the registration of vessels, a boat upon which the state sales or use tax has not been paid is exempt from the use tax under this chapter if it enters and remains in this state for a period not to exceed a total of 20 days in any calendar year calculated from the date of first dockage or slippage at a facility, registered with the department, that rents dockage or slippage space in this state. If a boat brought into this state for use under this paragraph is placed in a facility, registered with the department, for repairs, alterations, refitting, or modifications and such repairs, alterations, refitting, or modifications are supported by written documentation, the 20-day period shall be tolled during the time the boat is physically in the care, custody, and control of the repair facility, including the time spent on sea trials conducted by the facility. The 20-day time period may be tolled only once within a calendar year when a boat is placed for the first time that year in the physical care, custody, and control of a registered repair facility; however, the owner may request and the department may grant an additional tolling of the 20-day period for purposes of repairs that arise from a written guarantee given by the registered repair facility, which guarantee covers only those repairs or modifications made during the first tolled period. Within 72 hours after the date upon which the registered repair facility took possession of the boat, the facility must have in its possession, on forms prescribed by the department, an affidavit which states that the boat is under its care, custody, and control and that the owner does not use the boat while in the facility. Upon completion of the repairs, alterations, refitting, or modifications, the registered repair facility must, within 72 hours after the date of release, have in its possession a copy of the release form which shows the date of release and any other information the department requires. The repair facility shall maintain a log that documents all alterations, additions, repairs, and sea trials during the time the boat is under the care, custody, and control of the facility. The affidavit shall be maintained by the registered repair facility as part of its records for

as long as required by s. 213.35. When, within 6 months after the date of its purchase, a boat is brought into this state under this paragraph, the 6-month period provided in s. 212.05(1)(a)2. or s. 212.06(8) shall be tolled.

2. During the period of repairs, alterations, refitting, or modifications and during the 20-day period referred to in subparagraph 1., the boat may be listed for sale, contracted for sale, or sold exclusively by a broker or dealer registered with the department without incurring a use tax under this chapter; however, the sales tax levied under this chapter applies to such sale.

3. The mere storage of a boat at a registered repair facility does not qualify as a tax-exempt use in this state.

4. As used in this paragraph, "registered repair facility" means:

a. A full-service facility that:

(I) Is located on a navigable body of water;

(II) Has haulout capability such as a dry dock, travel lift, railway, or similar equipment to service craft under the care, custody, and control of the facility;

(III) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(IV) Has necessary shops and equipment to provide repair or warranty work on vessels under the care, custody, and control of the facility;

b. A marina that:

(I) Is located on a navigable body of water;

(II) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(III) Has necessary shops and equipment to provide repairs or warranty work on vessels; or

c. A shoreside facility that:

(I) Is located on a navigable body of water;

(II) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(III) Has necessary shops and equipment to provide repairs or warranty work.

(u) Volunteer fire departments.—Also exempt are firefighting and rescue service equipment and supplies purchased by volunteer fire departments, duly chartered under the Florida Statutes as corporations not for profit.

(v) Professional services.—

1. Also exempted are professional, insurance, or personal service transactions that involve sales as inconsequential elements for which no separate charges are made.

2. The personal service transactions exempted pursuant to subparagraph 1. do not exempt the sale of information services involving the furnishing of printed, mimeographed, or multigraphed matter, or matter duplicating written or printed matter in any other manner, other than professional services and services of employees, agents, or other persons acting in a representative or fiduciary capacity or information services furnished to newspapers and radio and television stations. As used in this subparagraph, the term "information services" includes the services of collecting, compiling, or analyzing information of any kind or nature and furnishing reports thereof to other persons.

3. This exemption does not apply to any service warranty transaction taxable under s. 212.0506.

4. This exemption does not apply to any service transaction taxable under s. 212.05(1)(j).

(w) Certain newspaper, magazine, and newsletter subscriptions, shoppers, and community newspapers.—Likewise exempt are newspaper, magazine, and newsletter subscriptions in which the product is delivered to the customer by mail. Also exempt are free, circulated publications that are published on a regular basis, the content of which is primarily advertising, and that are distributed through the mail, home delivery, or newsstands. The exemption for newspaper, magazine, and newsletter subscriptions which is provided in this paragraph applies only to subscriptions entered into after March 1, 1997.

(x) Sporting equipment brought into the state.—Sporting equipment brought into Florida, for a period of not more than 4 months in any calendar year, used by an athletic team or an individual athlete in a sporting event is exempt from the use tax if such equipment is removed from the state within 7 days after the completion of the event.

(y) Charter fishing vessels.—The charge for chartering any boat or vessel, with the crew furnished, solely for the purpose of fishing is exempt from the tax imposed under s. 212.04 or s. 212.05. This exemption does not apply to any charge to enter or stay upon any "head-boat," party boat, or other boat or vessel. Nothing in this paragraph shall be construed to exempt any boat from sales or use tax upon the purchase thereof except as provided in paragraph (t) and s. 212.05.

(z) Vending machines sponsored by nonprofit or charitable organizations.—Also exempt are food or drinks for human consumption sold for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit corporation qualified as nonprofit pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of 1986, as amended.

(aa) Certain commercial vehicles.—Also exempt is the sale, lease, or rental of a commercial motor vehicle as defined in s. 207.002(2), when the following conditions are met:

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;

2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and

3. Florida sales tax was paid on the acquisition of such vehicle by the seller, lessor, or renter.

(bb) Community cemeteries.—Also exempt are purchases by any nonprofit corporation that has qualified under s. 501(c)(13) of the Internal Revenue Code of 1986, as amended, and is operated for the purpose of maintaining a cemetery that was donated to the community by deed.

(cc) Works of art.—

1. Also exempt are works of art sold to or used by an educational institution.

2. This exemption also applies to the sale to or use in this state of any work of art by any person if it was purchased or imported exclusively for the purpose of being donated to any educational institution, or loaned to and made available for display by any educational institution, provided that the term of the loan agreement is for at least 10 years.

3. The exemption provided by this paragraph for donations is allowed only if the person who purchased the work of art transfers title to the donated work of art to an educational institution. Such transfer of title shall be evidenced by an affidavit meeting requirements established by rule to document entitlement to the exemption. Nothing in this paragraph shall preclude a work of art donated to an educational institution from remaining in the possession of the donor or purchaser, as long as title to the work of art lies with the educational institution.

4. A work of art is presumed to have been purchased in or imported into this state exclusively for loan as provided in subparagraph 2., if it is so loaned or placed in storage in preparation for such a loan within 90 days after purchase or importation, whichever is later; but a work of art is not deemed to be placed in storage in preparation for loan for purposes of this exemption if it is displayed at any place other than an educational institution.

5. The exemptions provided by this paragraph are allowed only if the person who purchased the work of art gives to the vendor an affidavit meeting the requirements, established by rule, to document entitlement to the exemption. The person who purchased the work of art shall forward a copy of such affidavit to the Department of Revenue at the time it is issued to the vendor.

6. The exemption for loans provided by subparagraph 2. applies only for the period during which a work of art is in the possession of the educational institution or is in storage before transfer of possession to that institution; and when it ceases to be so possessed or held, tax based upon the sales price paid by the owner is payable, and the statute of limitations provided in s. 95.091 shall begin to run at that time. However, tax shall not become due if the work of art is donated to an educational institution after the loan ceases.

7. Any educational institution to which a work of art has been donated pursuant to this paragraph shall make available to the department the title to the work of art and any other relevant information. Any educational institution which has received a work of art on loan pursuant to this paragraph shall make available to the department information relating to the work of art. Any educational institution that transfers from its possession a work of art as defined by this paragraph which has been loaned to it must notify the Department of Revenue within 60 days after the transfer.

8. For purposes of the exemptions provided by this paragraph, the term:

a. "Educational institutions" includes state tax-supported, parochial, church, and nonprofit private schools, colleges, or universities that conduct regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc.; nonprofit private schools that conduct regular classes and courses of study accepted for continuing education credit by a board of the Division of Medical Quality Assurance of the Department of Health; or nonprofit libraries, art galleries, performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year, and museums open to the public.

b. "Work of art" includes pictorial representations, sculpture, jewelry, antiques, stamp collections and coin collections, and other tangible personal property, the value of which is attributable predominantly to its artistic, historical, political, cultural, or social importance.

(dd) Taxicab leases.—The lease of or license to use a taxicab or taxicab-related equipment and services provided by a taxicab company to an independent taxicab operator are exempt, provided, however, the exemptions provided under this paragraph only apply if sales or use tax has been paid on the acquisition of the taxicab and its related equipment.

(ee) Aircraft repair and maintenance labor charges.—There shall be exempt from the tax imposed by this chapter all labor charges for the repair and maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight and rotary wing aircraft of more than 10,000 pounds maximum certified takeoff weight. Except as otherwise provided in this chapter, charges for parts and equipment furnished in connection with such labor charges are taxable.

(ff) Certain electricity or steam uses.—

1. Subject to the provisions of subparagraph 4., charges for electricity or steam used to operate machinery and equipment at a fixed location in this state when such machinery and equipment is used to manufacture, process, compound, produce, or prepare for shipment items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt to the extent provided in this paragraph. If 75 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 100 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 75 percent but 50 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 50 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 50 percent of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, none of the charges for electricity or steam used at the fixed location are exempt.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

4. Such exemption shall be applied as follows: beginning July 1, 2000, 100 percent of the charges for such electricity or steam shall be exempt.

~~5. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must first register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.~~

(gg) Fair associations.—Also exempt from the tax imposed by this chapter is the sale, use, lease, rental, or grant of a license to use, made directly to or by a fair association, of real or tangible personal property; any charge made by a fair association, or its agents, for parking, admissions, or for temporary parking of vehicles used for sleeping quarters; rentals, subleases, and sublicenses of real or tangible personal property between the owner of the central amusement attraction and any owner of an amusement ride, as those terms are used in ss. 616.15(1)(b) and 616.242(3)(a), for the furnishing of amusement rides at a public fair or exposition; and other transactions of a fair association which are incurred directly by the fair association in the financing, construction, and operation of a fair, exposition, or other event or facility that is authorized by s. 616.08. As used in this paragraph, the terms "fair association" and "public fair or exposition" have the same meaning as those terms are defined in s. 616.001. This exemption does not apply to the sale of tangible personal property made by a fair association through an agent or independent contractor; sales of admissions and tangible personal property by a concessionaire, vendor, exhibitor, or licensee; or rentals and subleases of tangible personal property or real property between the owner of the central amusement attraction and a concessionaire, vendor, exhibitor, or licensee, except for the furnishing of amusement rides, which transactions are exempt.

(hh) Citizen support organizations.—Also exempt from the tax imposed by this chapter are sales or leases to nonprofit organizations that are incorporated under chapter 617 and that have been designated citizen support organizations in support of state-funded environmental programs or the management of state-owned lands in accordance with s. 20.2551, or to support one or more state parks in accordance with s. 258.015.

(ii) Florida Folk Festival.—There shall be exempt from the tax imposed by this chapter income of a revenue nature received from admissions to the Florida Folk Festival held pursuant to s. 267.16 at the Stephen Foster State Folk Culture Center, a unit of the state park system.

(jj) Solar energy systems.—Also exempt are solar energy systems or any component thereof. The Florida Solar Energy Center shall from time to time certify to the department a list of equipment and requisite hardware considered to be a solar energy system or a component thereof. This exemption is repealed July 1, 2005.

(kk) Nonprofit cooperative hospital laundries.—Also exempt from the tax imposed by this chapter are sales or leases to nonprofit organizations that are incorporated under chapter 617 and which are treated, for federal income tax purposes, as cooperatives under subchapter T of the Internal Revenue Code, whose sole purpose is to offer laundry supplies and services to their members, which members must all be exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code.

(ll) Complimentary meals.—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged room rate by any person offering for rent or lease any transient living accommodations as described in s. 509.013(4)(a) which are licensed

under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown. Such food or drinks are considered to be sold at retail as part of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

(mm) Nonprofit corporation conducting the correctional work programs.—Products sold pursuant to s. 946.515 by the corporation organized pursuant to part II of chapter 946 are exempt from the tax imposed by this chapter. This exemption applies retroactively to July 1, 1983.

(nn) Parent-teacher organizations, parent-teacher associations, and schools having grades K through 12.—

1. Sales or leases to parent-teacher organizations and associations the purpose of which is to raise funds for schools that teach grades K through 12 and that are associated with schools having grades K through 12 are exempt from the tax imposed by this chapter.

2. Parent-teacher organizations and associations *described in subparagraph 1.* ~~qualified as educational institutions as defined by subsubparagraph (ee)8.a. associated with schools having grades K through 12~~, and schools having grades K through 12, may pay tax to their suppliers on the cost price of school materials and supplies purchased, rented, or leased for resale or rental to students in grades K through 12, of items sold for fundraising purposes, and of items sold through vending machines located on the school premises, in lieu of collecting the tax imposed by this chapter from the purchaser. This paragraph also applies to food or beverages sold through vending machines located in the student lunchroom or dining room of a school having kindergarten through grade 12.

(oo) Mobile home lot improvements.—Items purchased by developers for use in making improvements to a mobile home lot owned by the developer may be purchased tax-exempt as a sale for resale if made pursuant to a contract that requires the developer to sell a mobile home to a purchaser, place the mobile home on the lot, and make the improvements to the lot for a single lump-sum price. The developer must collect and remit sales tax on the entire lump-sum price.

(pp) Veterans Administration.—When a veteran of the armed forces purchases an aircraft, boat, mobile home, motor vehicle, or other vehicle from a dealer pursuant to the provisions of 38 U.S.C. s. 3902(a), or any successor provision of the United States Code, the amount that is paid directly to the dealer by the Veterans Administration is not taxable. However, any portion of the purchase price which is paid directly to the dealer by the veteran is taxable.

(qq) Complimentary items.—There is exempt from the tax imposed by this chapter:

1. Any food or drink, whether or not cooked or prepared on the premises, provided without charge as a sample or for the convenience of customers by a dealer that primarily sells food product items at retail.

2. Any item given to a customer as part of a price guarantee plan related to point-of-sale errors by a dealer that primarily sells food products at retail.

The exemptions in this paragraph do not apply to businesses with the primary activity of serving prepared meals or alcoholic beverages for immediate consumption.

(rr) Donated foods or beverages.—Any food or beverage donated by a dealer that sells food products at retail to a food bank or an organization that holds a current exemption from federal corporate income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended, is exempt from the tax imposed by this chapter.

(ss) Racing dogs.—The sale of a racing dog by its owner is exempt if the owner is also the breeder of the animal.

(tt) Equipment used in aircraft repair and maintenance.—There shall be exempt from the tax imposed by this chapter replacement engines, parts, and equipment used in the repair or maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight and rotary wing aircraft of more than 10,300 pounds maximum certified takeoff weight, when such parts or equipment are installed on such aircraft that is being repaired or maintained in this state.

(uu) Aircraft sales or leases.—The sale or lease of an aircraft of more than 15,000 pounds maximum certified takeoff weight for use by a common carrier is exempt from the tax imposed by this chapter. As used in this paragraph, "common carrier" means an airline operating under Federal Aviation Administration regulations contained in Title 14, chapter I, part 121 or part 129 of the Code of Federal Regulations.

(vv) Nonprofit water systems.—Sales or leases to a not-for-profit corporation which holds a current exemption from federal income tax under s. 501(c)(4) or (12) of the Internal Revenue Code, as amended, are exempt from the tax imposed by this chapter if the sole or primary function of the corporation is to construct, maintain, or operate a water system in this state.

(ww) Library cooperatives.—Sales or leases to library cooperatives certified under s. 257.41(2) are exempt from the tax imposed by this chapter.

(xx) Advertising agencies.—

1. As used in this paragraph, the term "advertising agency" means any firm that is primarily engaged in the business of providing advertising materials and services to its clients.

2. The sale of advertising services by an advertising agency to a client is exempt from the tax imposed by this chapter. Also exempt from the tax imposed by this chapter are items of tangible personal property such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, digital audiotapes, analog tapes, printed advertisement copies, compact discs for the purpose of recording, digital equipment, and artwork and the services used to produce those items if the items are:

a. Sold to an advertising agency that is acting as an agent for its clients pursuant to contract, and are created for the performance of advertising services for the clients;

b. Produced, fabricated, manufactured, or otherwise created by an advertising agency for its clients, and are used in the performance of advertising services for the clients; or

c. Sold by an advertising agency to its clients in the performance of advertising services for the clients, whether or not the charges for these items are marked up or separately stated.

The exemption provided by this subparagraph does not apply when tangible personal property such as film, paper, and videotapes is purchased to create items such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, and artwork that are sold to an advertising agency or produced in-house by an advertising agency on behalf of its clients.

3. The items exempted from tax under subparagraph 2. and the creative services used by an advertising agency to design the advertising for promotional goods such as displays, display containers, exhibits, newspaper inserts, brochures, catalogues, direct mail letters or flats, shirts, hats, pens, pencils, key chains, or other printed goods or materials are not subject to tax. However, when such promotional goods are produced or reproduced for distribution, tax applies to the sales price charged to the client for such promotional goods.

4. For items purchased by an advertising agency and exempt from tax under this paragraph, possession of an exemption certificate from the advertising agency certifying the agency's entitlement to exemption relieves the vendor of the responsibility of collecting the tax on the sale of such items to the advertising agency, and the department shall look solely to the advertising agency for recovery of tax if it determines that the advertising agency was not entitled to the exemption.

5. The exemptions provided by this paragraph apply retroactively, except that all taxes that have been collected must be remitted, and taxes that have been remitted before July 1, 1999, on transactions that are subject to exemption under this paragraph are not subject to refund.

6. The department may adopt rules that interpret or define the provisions of these exemptions and provide examples regarding the application of these exemptions.

(yy) Bullion.—The sale of gold, silver, or platinum bullion, or any combination thereof, in a single transaction is exempt if the sales price exceeds $500. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of gold, silver, or platinum bullion and is exempt under this paragraph.

(zz) Certain repair and labor charges.—

1. Subject to the provisions of subparagraphs 2. and 3., there is exempt from the tax imposed by this chapter all labor charges for the repair of, and parts and materials used in the repair of and incorporated into, industrial machinery and equipment which is used for the manufacture, processing, compounding, production, or preparation for shipping of items of tangible personal property at a fixed location within this state.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this subparagraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. This exemption shall be applied as follows:

a. Beginning July 1, 2000, 50 percent of such charges for repair parts and labor shall be exempt.

b. Beginning July 1, 2001, 75 percent of such charges for repair parts and labor shall be exempt.

c. Beginning July 1, 2002, 100 percent of such charges for repair parts and labor shall be exempt.

(aaa) Film and other printing supplies.—Also exempt are the following materials purchased, produced, or created by businesses classified under SIC Industry Numbers 275, 276, 277, 278, or 279 for use in producing graphic matter for sale: film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and negatives. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

(bbb) People-mover systems.—People-mover systems, and parts thereof, which are purchased or manufactured by contractors employed either directly by or as agents for the United States Government, the state, a county, a municipality, a political subdivision of the state, or the public operator of a public-use airport as defined by s. 332.004(14) are exempt from the tax imposed by this chapter when the systems or parts go into or become part of publicly owned facilities. In the case of contractors who manufacture and install such systems and parts, this exemption extends to the purchase of component parts and all other manufacturing and fabrication costs. The department may provide a form to be used by contractors to provide to suppliers of people-mover systems or parts to certify the contractors' eligibility for the exemption provided under this paragraph. As used in this paragraph, "people-mover systems" includes wheeled passenger vehicles and related control and power distribution systems that are part of a transportation system for use by the general public, regardless of whether such vehicles are operator-controlled or driverless, self-propelled or propelled by external power and control systems, or conducted on roads, rails, guidebeams, or other permanent structures that are an integral part of such transportation system. "Related control and power distribution systems" includes any electrical or electronic control or signaling equipment, but does not include the embedded wiring, conduits, or cabling used to transmit electrical or electronic signals among such control equipment, power distribution equipment, signaling equipment, and wheeled vehicles.

~~(ccc) Organizations providing crime prevention, drunk driving prevention, or juvenile delinquency prevention services.—Sales or leases to any nonprofit organization that provides crime prevention services, drunk driving prevention services, or juvenile delinquency prevention services that benefit society as a whole are exempt from the tax imposed by this chapter, if the organization holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code and the organization has as its sole or primary purpose the provision of services that contribute to the prevention of hardships caused by crime, drunk driving, or juvenile delinquency.~~

(ccc)~~(ddd)~~ Florida Fire and Emergency Services Foundation.—Sales or leases to the Florida Fire and Emergency Services Foundation are exempt from the tax imposed by this chapter.

(ddd)~~(eee)~~ Railroad roadway materials.—Also exempt from the tax imposed by this chapter are railroad roadway materials used in the construction, repair, or maintenance of railways. Railroad roadway materials shall include rails, ties, ballasts, communication equipment, signal equipment, power transmission equipment, and any other track materials.

~~Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.~~

(10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT OF ANOTHER STATE.—

(a) The tax collected on the sale of a new or used motor vehicle in this state to a resident of another state shall be an amount equal to the sales tax which would be imposed on such sale under the laws of the state of which the purchaser is a resident, except that such tax shall not exceed the tax that would otherwise be imposed under this chapter. At the time of the sale, the purchaser shall execute a notarized statement of his or her intent to license the vehicle in the state of which the purchaser is a resident within 45 days of the sale and of the fact of the payment to the State of Florida of a sales tax in an amount equivalent to the sales tax of his or her state of residence and shall submit the statement to the appropriate sales tax collection agency in his or her state of residence. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to license the vehicle in the purchaser's home state if the purchaser licenses the vehicle in his or her home state within 45 days after the date of sale.

(b) Notwithstanding the partial exemption allowed in paragraph (a), a vehicle is subject to this state's sales tax at the applicable state sales tax rate plus authorized surtaxes when the vehicle is purchased by a nonresident corporation or partnership and:

1. An officer of the corporation is a resident of this state;

2. A stockholder of the corporation who owns at least 10 percent of the corporation is a resident of this state; or

3. A partner in the partnership who has at least 10 percent ownership is a resident of this state.

However, if the vehicle is removed from this state within 45 days after purchase and remains outside the state for a minimum of 180 days, the vehicle may qualify for the partial exemption allowed in paragraph (a) despite the residency of owners or stockholders of the purchasing entity.

(c) Nothing herein shall require the payment of tax to the State of Florida for assessments made prior to July 1, 2001, if the tax imposed by this section has been paid to the state in which the vehicle was licensed and the department has assessed a like amount of tax on the same transactions. This provision shall apply retroactively to assessments that have been protested prior to August 1, 1999, and have not been paid on the date this act takes effect.

Section 21. *(1) The amendments made by this act to section 212.08(7)(ff) and (nn), Florida Statutes, shall operate retroactively to July 1, 2000.*

(2) No tax imposed by chapter 212, Florida Statutes, on the transactions exempted by section 212.08(7)(nn), Florida Statutes, by this act, and not actually paid or collected by a taxpayer before the effective date of this act, shall be due from such taxpayer. However, any tax actually paid or collected shall be remitted to the Department of Revenue and no refund shall be due. Taxpayers must obtain a sales tax exemption certificate from the department to secure the exemption granted by section 212.08(7)(nn)1., Florida Statutes.

(3) The amendments made by this act to the introductory paragraph and to the final, flush-left passage of section 212.08(7), Florida Statutes,

are made to clarify rather than change existing law and shall operate retroactively to January 1, 2001.

Section 22. Paragraph (a) of subsection (8) and subsection (9) of section 212.08, Florida Statutes, are amended to read:

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

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

(a) The sale or use of vessels and parts thereof used to transport persons or property in interstate or foreign commerce, including commercial fishing vessels, is subject to the taxes imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's vessels which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year. The ratio would be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the vessel begins its initial operations in this state, the vessel's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year and, subsequently, additional tax shall be paid on the vessel, or a refund may be applied for, on the basis of the actual ratio of the vessel's miles in this state to its total miles for that year.* This ratio shall be applied each month to the total Florida purchases of such vessels and parts thereof which are used in Florida to establish that portion of the total used and consumed in intrastate movement and subject to the tax at the applicable rate. The basis for imposition of any discretionary surtax shall be as set forth in s. 212.054. Items, appropriate to carry out the purposes for which a vessel is designed or equipped and used, purchased by the owner, operator, or agent of a vessel for use on board such vessel shall be deemed to be parts of the vessel upon which the same are used or consumed. Vessels and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter. Vessels and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax.

(9) PARTIAL EXEMPTIONS; RAILROADS AND MOTOR VEHICLES ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(a) Railroads *that* ~~which~~ are licensed as common carriers by the *Surface Transportation Board* ~~Interstate Commerce Commission~~ and parts thereof used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the railroad begins its initial operations in this state, the railroad's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year and, subsequently, additional tax shall be paid on the railroad, or a refund may be applied for, on the basis of the actual ratio of the railroad's miles in this state to its total miles for that year.* This ratio shall be applied each month to the ~~total~~ purchases of the railroad *in this state* which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax is set forth in s. 212.054. Railroads *that* ~~which~~ are licensed as common carriers by the *Surface Transportation Board* ~~Interstate Commerce Commission~~ and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter.

(b) Motor vehicles *that* ~~which~~ are engaged in interstate commerce as common carriers, and parts thereof, used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's motor vehicles which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the carrier begins its initial operations in this state, the carrier's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year and, subsequently, additional tax shall be paid on the carrier, or a refund may be applied for, on the basis of the actual ratio of the carrier's miles in this state to its total miles for that year.* This ratio shall be applied each month to the ~~total~~ purchases *in this state* of such motor vehicles and parts thereof which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax is set forth in s. 212.054. Motor vehicles *that* ~~which~~ are engaged in interstate commerce, and parts thereof, used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter. Motor vehicles and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax. For purposes of this paragraph, parts of a motor vehicle engaged in interstate commerce include a separate tank not connected to the fuel supply system of the motor vehicle into which diesel fuel is placed to operate a refrigeration unit or other equipment.

Section 23. Paragraphs (a) and (d) of subsection (1) and paragraph (i) of subsection (3) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(a) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business, located in an enterprise zone. The business must demonstrate to the department that the total number of full-time jobs defined under paragraph (d) has increased from the average of the previous 12 months. ~~The term "eligible business" includes~~ A business that *created* ~~added~~ a minimum of five new full-time jobs in an enterprise zone between July 1, 2000, and December 31, 2001*, is also an eligible business for purposes of the credit provided beginning January 1, 2002*. An eligible business does not include any business which has claimed the credit permitted under s. 220.181 for any new business employee first beginning employment with the business after July 1, 1995.

(d) "Jobs" means full-time positions, as consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation resulting directly from a business operation in this state. *These terms* ~~This number~~ may not include temporary construction jobs involved with the construction of facilities or any jobs that have previously been included in any application for tax credits under s. 220.181(1). The term "jobs" also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month. The person must be performing such duties at a business site located in the enterprise zone.

(3) In order to claim this credit, an eligible business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(i) All applications for a credit pursuant to this section must be submitted to the department within 6 months after the new employee is hired*, except applications for credit for leased employees. Applications for credit for leased employees must be submitted to the department within 7 months after the employee is leased*.

Section 24. Subsections (2) and (3) and paragraph (d) of subsection (6) of section 212.098, Florida Statutes, are amended to read:

212.098 Rural Job Tax Credit Program.—

(2) A new eligible business may apply for a tax credit under this subsection once at any time during its first year of operation. A new eligible business in a ~~tier one~~ qualified area that has at least 10 qualified employees on the date of application shall receive a $1,000 tax credit for each such employee.

(3) An existing eligible business may apply for a tax credit under this subsection at any time it is entitled to such credit, except as restricted by this subsection. An existing eligible business with fewer than 50 employees in a qualified area that on the date of application has at least 20 percent more qualified employees than it had 1 year prior to its date of application shall receive a $1,000 tax credit for each such additional employee. An existing *eligible* business that has 50 employees or more in a qualified area that, on the date of application, has at least 10 more qualified employees than it had 1 year prior to its date of application shall receive a $1,000 tax credit for each additional employee. Any existing eligible business that received a credit under subsection (2) may not apply for the credit under this subsection sooner than 12 months after the application date for the credit under subsection (2).

(6)

(d) A business may not receive more than $500,000 of tax credits *under this section* during any one calendar year ~~for its efforts in creating jobs~~.

Section 25. Subsection (5) is added to section 212.11, Florida Statutes, to read:

212.11 Tax returns and regulations.—

(5)(a) Each dealer that claims any credits granted in this chapter against that dealer's sales and use tax liabilities shall submit to the department, upon request, documentation that provides all of the information required to verify the dealer's entitlement to such credits, excluding credits authorized pursuant to the provisions of s. 212.17. All information must be broken down as prescribed by the department and shall be submitted in a manner that enables the department to verify that the credits are allowable by law. With respect to any credit that is granted in the form of a refund of previously paid taxes, supporting documentation must be provided with the application for refund and the penalty provisions of paragraph (c) do not apply.

(b) The department shall adopt rules regarding the forms and documentation required to verify credits against sales and use tax liabilities and the format in which documentation is to be submitted, which format may include magnetic tape or other means of electronic transmission.

(c) The department shall disallow any credit that is not supported by the information required under this subsection. In addition, the disallowed credit or any part of the credit disallowed is subject to a mandatory penalty of 25 percent and interest as provided for in s. 212.12. A specific penalty of 25 percent of the otherwise available credit shall be applied to any credit for which the required information report is not received within 30 days after a written request from the department.

Section 26. Subsection (14) is added to section 212.12, Florida Statutes, to read:

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

(14) If it is determined upon audit that a dealer has collected and remitted taxes by applying the applicable tax rate to each transaction as described in subsection (9) and rounding the tax due to the nearest whole cent rather than applying the appropriate bracket system provided by law or department rule, the dealer shall not be held liable for additional tax, penalty, and interest resulting from such failure if:

(a) The dealer acted in a good faith belief that rounding to the nearest whole cent was the proper method of determining the amount of tax due on each taxable transaction.

(b) The dealer timely reported and remitted all taxes collected on each taxable transaction.

(c) The dealer agrees in writing to future compliance with the laws and rules concerning brackets applicable to the dealer's transactions.

Section 27. *It is the intent of the Legislature that the amendment made by this act to add subsection (14) to section 212.12, Florida Statutes, applies to all pending sales and use tax audits or other actions or inquiries, including those currently under protest or in litigation. The amendment made by this act to add subsection (14) to section 212.12, Florida Statutes, does not create any right to refund for taxes previously assessed and paid in regard to audits or other actions or inquiries that are no longer pending.*

Section 28. Effective January 1, 2003, paragraph (c) of subsection (6) of section 212.12, Florida Statutes, is amended to read:

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

(6)

(c)1. If the records of a dealer are adequate but voluminous in nature and substance, the department may sample such records, except for fixed assets, and project the audit findings derived therefrom over the entire audit period to determine the proportion that taxable retail sales bear to total retail sales or the proportion that taxable purchases bear to total purchases. In order to conduct such a sample, the department must first make a good faith effort to reach an agreement with the dealer, which agreement provides for the means and methods to be used in the sampling process. In the event that no agreement is reached, the dealer is entitled to a review by the executive director.

2. For the purposes of sampling pursuant to subparagraph 1., the department shall project any deficiencies and overpayments derived therefrom over the entire audit period. In determining the dealer's compliance, the department shall reduce any tax deficiency as derived from the sample by the amount of any overpayment derived from the sample. In the event the department determines from the sample results that the dealer has a net tax overpayment, the department shall provide the findings of this overpayment to the Comptroller for repayment of funds paid into the State Treasury through error pursuant to s. 215.26.

3.a. A taxpayer is entitled, both in connection with an audit and in connection with an application for refund filed independently of any audit, to establish the amount of any refund or deficiency through statistical sampling when the taxpayer's records, other than those regarding fixed assets, are adequate but voluminous. Alternatively, a taxpayer is entitled to establish any refund or deficiency through any other sampling method agreed upon by the taxpayer and the department when the taxpayer's records, other than those regarding fixed assets, are adequate but voluminous. Whether done through statistical sampling or any other sampling method agreed upon by the taxpayer and the department, the completed sample must reflect both overpayments and underpayments of taxes due. The sample shall be conducted through:

(I) A taxpayer request to perform the sampling through the certified audit program pursuant to s. 213.285;

(II) Attestation by a certified public accountant as to the adequacy of the sampling method utilized and the results reached using such sampling method; or

(III) A sampling method that has been submitted by the taxpayer and approved by the department before a refund claim is submitted. This sub-sub-subparagraph does not prohibit a taxpayer from filing a refund claim prior to approval by the department of the sampling method; however, a refund claim submitted before the sampling method has been approved by the department cannot be a complete refund application pursuant to s. 213.255 until the sampling method has been approved by the department.

b. The department shall prescribe by rule the procedures to be followed under each method of sampling. Such procedures shall follow generally accepted auditing procedures for sampling. The rule shall also set forth other criteria regarding the use of sampling, including, but not limited to, training requirements that must be met before a sampling method may be utilized and the steps necessary for the department and the taxpayer to reach agreement on a sampling method submitted by the taxpayer for approval by the department.

Section 29. Paragraph (a) of subsection (3) of section 212.18, Florida Statutes, is amended to read:

212.18 Administration of law; registration of dealers; rules.—

(3)(a) Every person desiring to engage in or conduct business in this state as a dealer, as defined in this chapter, or to lease, rent, or let or grant licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps that are subject to tax under s. 212.03, or to lease, rent, or let or grant licenses in real property, as defined in this chapter, and every person who sells or receives anything of value by way of admissions, must file with the department an application for a certificate of registration for each place of business, showing the names of the persons who have interests in such business and their residences, the address of the business, and such other data as the department may reasonably require. However, owners and operators of vending machines or newspaper rack machines are required to obtain only one certificate of registration for each county in which such machines are located. The department, by rule, may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer in lieu of having the independent seller register as a dealer and remit the tax. The department may appoint the county tax collector as the department's agent to accept applications for registrations. The application must be made to the department before the person, firm, copartnership, or corporation may engage in such business, and it must be accompanied by a registration fee of $5. However, a registration fee is not required to accompany an application to engage in or conduct business to make mail order sales. *The department may waive the registration fee for applications submitted through the department's Internet registration process.*

Section 30. Section 213.015, Florida Statutes, is amended to read:

213.015 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights to guarantee that the rights, privacy, and property of Florida taxpayers are adequately safeguarded and protected during tax assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements which explain, in simple, nontechnical terms, the rights and obligations of the Department of Revenue and taxpayers. *Section 192.0105 provides additional rights afforded to payors of property taxes and assessments.* The rights afforded taxpayers to *ensure* ~~assure~~ that their privacy and property are safeguarded and protected during tax assessment and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed Florida taxpayers in the Florida Statutes and the departmental rules are:

(1) The right to available information and prompt, accurate responses to questions and requests for tax assistance.

(2) The right to request assistance from a taxpayers' rights advocate of the department, who shall be responsible for facilitating the resolution of taxpayer complaints and problems not resolved through the normal administrative channels within the department, including any taxpayer complaints regarding unsatisfactory treatment by department employees. The taxpayers' rights advocate may issue a stay order if a taxpayer has suffered or is about to suffer irreparable loss as a result of an action by the department (see ss. 20.21(3) and 213.018).

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

(4) The right to freedom from penalty attributable to any taxes administered by the Department of Revenue; freedom from payment of uncollected sales, use, motor or diesel fuel, or other transaction-based excise taxes administered by the Department of Revenue; and to abatement of interest attributable to any taxes administered by the Department of Revenue, when the taxpayer reasonably relies upon binding written advice furnished to the taxpayer by the department through authorized representatives in response to the taxpayer's specific written request which provided adequate and accurate information (see ss. 120.565 and 213.22).

(5) The right to obtain simple, nontechnical statements which explain the reason for audit selection and the procedures, remedies, and rights available during audit, appeals, and collection proceedings, including, but not limited to, the rights pursuant to this Taxpayer's Bill of Rights and the right to be provided with a narrative description which explains the basis of audit changes, proposed assessments, assessments, and denials of refunds; identifies any amount of tax, interest, or penalty due; and states the consequences of the taxpayer's failure to comply with the notice.

(6) The right to be informed of impending collection actions which require sale or seizure of property or freezing of assets, except jeopardy assessments, and the right to at least 30 days' notice in which to pay the liability or seek further review (see ss. 198.20, 199.262, 201.16, 206.075, 206.24, 211.125(5), 212.03(5), 212.0305(3)(j), 212.04(7), 212.14(1), 213.73(3), 213.731, and 220.739).

(7) The right to have all other collection actions attempted before a jeopardy assessment unless delay will endanger collection and, after a jeopardy assessment, the right to have an immediate review of the jeopardy assessment (see ss. 212.15, 213.73(3), 213.732, and 220.719(2)).

(8) The right to seek review, through formal or informal proceedings, of any adverse decisions relating to determinations in the audit or collections processes and the right to seek a reasonable administrative stay of enforcement actions while the taxpayer pursues other administrative remedies available under Florida law (see ss. 120.80(14)(b), 213.21(1), 220.717, and 220.719(2)).

(9) The right to have the taxpayer's tax information kept confidential unless otherwise specified by law (see s. 213.053).

(10) The right to procedures for retirement of tax obligations by installment payment agreements which recognize both the taxpayer's financial condition and the best interests of the state, provided that the taxpayer gives accurate, current information and meets all other tax obligations on schedule (see s. 213.21(4)).

(11) The right to procedures for requesting cancellation, release, or modification of liens filed by the department and for requesting that any lien which is filed in error be so noted on the lien cancellation filed by the department, in public notice, and in notice to any credit agency at the taxpayer's request (see ss. 198.22, 199.262, 212.15(4), 213.733, and 220.819).

(12) The right to procedures which assure that the individual employees of the department are not paid, evaluated, or promoted on the basis of the amount of assessments or collections from taxpayers (see s. 213.30(2)).

(13) The right to an action at law within the limitations of s. 768.28, relating to sovereign immunity, to recover damages against the state or the Department of Revenue for injury caused by the wrongful or negligent act or omission of a department officer or employee (see s. 768.28).

(14) The right of the taxpayer or the department, as the prevailing party in a judicial or administrative action brought or maintained without the support of justiciable issues of fact or law, to recover all costs of the administrative or judicial action, including reasonable attorney's fees, and of the department and taxpayer to settle such claims through negotiations (see ss. 57.105 and 57.111).

(15) The right to have the department begin and complete its audits in a timely and expeditious manner after notification of intent to audit (see s. 95.091).

(16) The right to have the department actively identify and review multistate proposals that offer more efficient and effective methods for administering the revenue sources of this state (see s. 213.256).

(17) The right to have the department actively investigate and, where appropriate, implement automated or electronic business methods that enable the department to more efficiently and effectively administer the revenue sources of this state at less cost and effort for taxpayers.

(18) The right to waiver of interest that accrues as the result of errors or delays caused by a department employee (see s. 213.21(3)).

(19) The right to participate in free educational activities that help the taxpayer successfully comply with the revenue laws of this state.

(20) The right to pay a reasonable fine or percentage of tax, whichever is less, to reinstate an exemption from any tax which a taxpayer would have been entitled to receive but which was lost because the taxpayer failed to properly register as a tax dealer in this state or obtain the necessary certificates entitling the taxpayer to the exemption (see s. 212.07(9)).

(21) The right to fair and consistent application of the tax laws of this state by the Department of Revenue.

Section 31. Subsection (3) and paragraphs (n) and (r) of subsection (7) of section 213.053, Florida Statutes, are amended, and paragraph (w) is added to subsection (7) of said section, to read:

213.053 Confidentiality and information sharing.—

(3) The department shall permit a taxpayer, his or her authorized representative, or the personal representative of an estate to inspect the taxpayer's return and may furnish him or her an abstract of such return. A taxpayer may authorize the department in writing to divulge specific information concerning the taxpayer's account. *The department, while performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation, may release unemployment tax rate information to the agent of an employer, which agent provides payroll services for more than 500 employers, pursuant to the terms of a memorandum of understanding. The memorandum of understanding shall state that the agent affirms, subject to the criminal penalties contained in ss. 443.171 and 443.1715, that the agent will retain the confidentiality of the information, that the agent has in effect a power of attorney from the employer which permits the agent to obtain unemployment tax rate information, and that the agent shall provide the department with a copy of the employer's power of attorney upon request.*

(7) Notwithstanding any other provision of this section, the department may provide:

(n) Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related to a certified public accountant participating in the certified audits project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audits project. In any judicial proceeding brought by the department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section. This paragraph is repealed on July 1, *2006* ~~2002~~.

(r) Information relative to the returns required by ss. 175.111 and 185.09 to the Department of Management Services in the conduct of its official duties. The Department of Management Services is, in turn, authorized to disclose payment information to a governmental agency *or the agency's agent for purposes related to budget preparation, auditing, revenue or financial administration, or* ~~as necessary in the~~ administration of chapters 175 and 185.

(w) Tax registration information to the Agency for Workforce Innovation for use in the conduct of its official duties, which information may not be redisclosed by the Agency for Workforce Innovation.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 32. Effective July 1, 2002, paragraph (c) is added to subsection (4) of section 213.0535, Florida Statutes, to read:

213.0535 Registration Information Sharing and Exchange Program.—

(4) There are two levels of participation:

(c) A level-two participant may disclose information as provided in paragraph (b) in response to a request for such information from any other level-two participant. Information relative to specific taxpayers shall be requested or disclosed under this paragraph only to the extent necessary in the administration of a tax or licensing provision as enumerated in paragraph (a). When a disclosure made under this paragraph involves confidential information provided to the participant by the Department of Revenue, the participant who provides the information shall maintain records of the disclosures, which records shall be subject to review by the Department of Revenue for a period of 5 years after the date of the disclosure.

Section 33. Paragraph (a) of subsection (3) and subsection (8) of section 213.21, Florida Statutes, are amended, and subsections (9) and (10) are added to said section, to read:

213.21 Informal conferences; compromises.—

(3)(a) A taxpayer's liability for any tax or interest specified in s. 72.011(1) may be compromised by the department upon the grounds of doubt as to liability for or collectibility of such tax or interest. *A taxpayer's liability for interest under any of the chapters specified in s. 72.011(1) shall be settled or compromised in whole or in part whenever or to the extent that the department determines that the delay in the determination of the amount due is attributable to the action or inaction of the department.* A taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) may be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. *The facts and circumstances are subject to de novo review to determine the existence of reasonable cause in any administrative proceeding or judicial action challenging an assessment of penalty under any of the chapters specified in s. 72.011(1).* A taxpayer who establishes reasonable reliance on the written advice issued by the department to the taxpayer will be deemed to have shown reasonable cause for the noncompliance. In addition, a taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) in excess of 25 percent of the tax shall be settled or compromised if the department determines that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. The department shall maintain records of all compromises, and the records shall state the basis for the compromise. The records of compromise under this paragraph shall not be subject to disclosure pursuant to s. 119.07(1) and shall be considered confidential information governed by the provisions of s. 213.053.

(8) In order to determine whether certified audits are an effective tool in the overall state tax collection effort, the executive director of the department or the executive director's designee shall settle or compromise penalty liabilities of taxpayers who participate in the certified audits project. As further incentive for participating in the program, the department shall abate the first $25,000 of any interest liability and 25 percent of any interest due in excess of the first $25,000. A settlement or compromise of penalties or interest pursuant to this subsection shall not be subject to the provisions of paragraph (3)(a), except for the requirement relating to confidentiality of records. The department may consider an additional compromise of tax or interest pursuant to the provisions of paragraph (3)(a). This subsection does not apply to any liability related to taxes collected but not remitted to the department. This subsection is repealed on July 1, *2006* ~~2002~~.

(9) A penalty for failing to collect a tax imposed by chapter 212 shall be settled or compromised upon payment of tax and interest if a taxpayer failed to collect the tax due to a good faith belief that tax was not due on the transaction and, because of that good faith belief, the taxpayer is now unable to charge and collect the tax from the taxpayer's purchaser. The Department of Revenue shall adopt rules necessary to implement and administer this subsection, including rules establishing procedures and forms.

(10)(a) Effective July 1, 2003, notwithstanding any other provision of law and solely for the purpose of administering the tax imposed by chapter 212, under the circumstances set forth in this subsection, the department shall settle or compromise a taxpayer's liability for penalty without requiring the taxpayer to submit a written request for compromise or settlement.

(b) For taxpayers who file returns and remit tax on a monthly basis:

1. Any penalty related to a noncompliant filing event shall be settled or compromised if the taxpayer has:

a. No noncompliant filing event in the immediately preceding 12-month period and no unresolved chapter 212 liability resulting from a noncompliant filing event; or

b. One noncompliant filing event in the immediately preceding 12-month period, resolution of the current noncompliant filing event through payment of tax and interest and the filing of a return within 30 days after notification by the department, and no unresolved chapter 212 liability resulting from a noncompliant filing event.

2. If a taxpayer has two or more noncompliant filing events in the immediately preceding 12-month period, the taxpayer shall be liable, absent a showing by the taxpayer that the noncompliant filing event was due to extraordinary circumstances, for the penalties provided in s. 212.12, including loss of collection allowance, and shall be reported to a credit bureau.

(c) For taxpayers who file returns and remit tax on a quarterly basis, any penalty related to a noncompliant filing event shall be settled or compromised if the taxpayer has no noncompliant filing event in the immediately preceding 12-month period and no unresolved chapter 212 liability resulting from a noncompliant filing event.

(d) For purposes of this subsection:

1. "Noncompliant filing event" means a failure to timely file a complete and accurate return required under chapter 212 or a failure to timely pay the amount of tax reported on a return required by chapter 212.

2. "Extraordinary circumstances" means the occurrence of events beyond the control of the taxpayer, such as, but not limited to, the death of the taxpayer, acts of war or terrorism, natural disasters, fire, or other casualty, or the nonfeasance or misfeasance of the taxpayer's employees or representatives responsible for compliance with the provisions of chapter 212. With respect to the acts of an employee or representative, the taxpayer must show that the principals of the business lacked actual knowledge of the noncompliance and that the noncompliance was resolved within 30 days after actual knowledge.

Section 34. Subsection (2) of section 213.24, Florida Statutes, is amended to read:

213.24 Accrual of penalties and interest on deficiencies; deficiency billing costs.—

(2)(a) Billings for deficiencies *or automated refunds* of tax, penalty, or interest shall not be issued for any amount less than the actual costs incurred ~~by the department~~ to produce a billing *or automated refund*.

(b) The cost of issuing billings *or automated refunds* for any tax enumerated in s. 213.05 shall be computed in a study performed by the inspector general of the department. The study shall be conducted every 3 years and at such other times as deemed necessary by the inspector general. A minimum billing *and automated refund* amount shall be established and adjusted in accordance with the results of such study.

(c) Any change in minimum billing *or automated refund amounts* ~~amount~~ shall be made effective on July 1 following the completion of the study.

Section 35. Subsection (4) of section 213.255, Florida Statutes, is amended to read:

213.255 Interest.—Interest shall be paid on overpayments of taxes, payment of taxes not due, or taxes paid in error, subject to the following conditions:

(4) Interest shall not commence until 90 days after a complete refund application has been filed and the amount of overpayment has not been refunded to the taxpayer or applied as a credit to the taxpayer's account. *However, if there is a prohibition against refunding a tax overpayment before the first day of the state fiscal year, interest on the tax overpayment shall not commence until August 1 of the year the tax was due.* If the department and the taxpayer mutually agree that an audit or verification is necessary in order to determine the taxpayer's entitlement to the refund, interest shall not commence until the audit or verification of the claim is final.

Section 36. Paragraph (c) of subsection (2) of section 213.285, Florida Statutes, is amended to read:

213.285 Certified audits.—

(2)

(c) The certified audits project is repealed on July 1, *2006* ~~2002~~, or upon completion of the project as determined by the department, whichever occurs first.

Section 37. Subsection (3) is added to section 213.30, Florida Statutes, to read:

213.30 Compensation for information relating to a violation of the tax laws.—

(3) Notwithstanding any other provision of law, this section is the sole means by which any person may seek or obtain any moneys as the result of, in relation to, or founded upon the failure by another person to comply with the tax laws of this state. A person's use of any other law to seek or obtain moneys for such failure is in derogation of this section and conflicts with the state's duty to administer the tax laws.

Section 38. Effective January 1, 2003, section 213.755, Florida Statutes, is amended to read:

213.755 *Filing of returns and* payment of taxes by electronic *means* ~~funds transfer~~.—

(1) The executive director of the Department of Revenue shall have authority to require a taxpayer to *file returns and* remit *payments* ~~taxes~~ by electronic *means* ~~funds transfer~~ where the taxpayer~~, including consolidated filers,~~ is subject to tax and has paid that tax in the prior state fiscal year in an amount of *$30,000* ~~$50,000~~ or more. *Any taxpayer who operates two or more places of business for which returns are required to be filed with the department shall combine the tax payments for all such locations in order to determine whether they are obligated under this section. This subsection does not override additional requirements in any provision of a revenue law which the department has the responsibility for regulating, controlling, and administering.*

(2) As used in any revenue law administered by the department, the term:

(a) "Payment" means any payment or remittance required to be made or paid within a prescribed period or on or before a prescribed date under the authority of any provision of a revenue law which the department has the responsibility for regulating, controlling, and administering. The term does not include any remittance unless the amount of the remittance is actually received by the department.

(b) "Return" means any report, claim, statement, notice, application, affidavit, or other document required to be filed within a prescribed period or on or before a prescribed date under the authority of any provision of a revenue law which the department has the responsibility of regulating, controlling, and administering.

(c) "Electronic means" includes, but is not limited to, electronic data interchange; electronic funds transfer; or use of the Internet, telephone, or other technology specified by the department.

(3) Solely for the purposes of administering this section:

(a) Taxes levied under parts I and II of chapter 206 shall be considered a single tax.

(b) A person required to remit a tax acting as a collection agent or dealer for the state shall nonetheless be considered the taxpayer.

(4) The executive director may require a taxpayer to file by electronic means returns for which no tax is due for the specific taxing period.

(5) Beginning January 1, 2003, consolidated filers shall file returns and remit taxes by electronic means.

(6) A taxpayer required to file returns by electronic means shall also remit payments by electronic means. A taxpayer who fails to file returns pursuant to this section is liable for a penalty of $10 for each report submitted, which is in addition to any other penalty that may be applicable, unless the taxpayer has first obtained a waiver of such requirement from the department. A taxpayer who fails to remit payments pursuant to this section is liable for a penalty of $10 for each remittance submitted, which is in addition to any other penalty that may be applicable.

(7) The department shall give due regard to developing uniform standards for formats as adopted by the American National Standards Institute for encryption and taxpayer authentication to ensure that the return and payment information is kept confidential. The department shall also provide several options for filing reports and remitting payments by electronic means in order to make compliance with the requirements of this section as simple as possible for the taxpayer.

(8) The department shall prescribe by rule the format and instructions necessary for filing returns and reports and for remitting payments in accordance with this section to ensure a full collection of taxes, interest, and penalties due. The acceptable method of transfer; the method, form, and content of the electronic filing of returns or remittance of payments of tax, penalty, or interest; and the means, if any, by which the taxpayer will be provided with an acknowledgment of receipt shall be prescribed by the department.

(9) The department may waive the requirement to file a return by electronic means for taxpayers that are unable to comply despite good faith efforts or due to circumstances beyond the taxpayer's reasonable control.

(a) As prescribed by the department, grounds for approving the waiver include, but are not limited to, circumstances in which the taxpayer, the owner, or an officer of the business, or the taxpayer's accountant or bookkeeper, does not:

1. Currently file information or data electronically with any business or government agency; or

2. Have a compatible computer that meets or exceeds the department's minimum standards.

(b) The department shall accept other reasons for requesting a waiver from the requirement to submit a return by electronic means, including, but not limited to:

1. That the taxpayer needs additional time to program his or her computer;

2. That complying with this requirement causes the taxpayer financial hardship; or

3. That complying with this requirement conflicts with the taxpayer's business procedures.

(c) The department may establish by rule the length of time a waiver is valid and may determine whether subsequent waivers will be authorized, based on the provisions of this subsection.

Section 39. Paragraphs (q) and (gg) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(q) "New employee," for the purposes of the enterprise zone jobs credit, means a person residing in an enterprise zone or a participant in the welfare transition program who is employed at a business located in an enterprise zone who begins employment in the operations of the business after July 1, 1995, and who has not been previously employed full-time within the preceding 12 months by the business or a successor business claiming the credit pursuant to s. 220.181. A person shall be deemed to be employed by such a business if the person performs duties in connection with the operations of the business on a full-time basis, provided she or he is performing such duties for an average of at least 36 hours per week each month. ~~The term "jobs" also includes employment of an employee leased from an employee leasing company licensed under chapter 468, if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.~~ The person must be performing such duties at a business site located in an enterprise zone. The provisions of this paragraph shall expire and be void on June 30, 2005.

(gg) "Jobs" means full-time positions, as consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation resulting directly from business operations in this state. *These terms* ~~This number~~ may not include temporary construction jobs involved with the construction of facilities or any jobs that have previously been included in any application for tax credits under s. *212.096* ~~220.181(1)~~. *The term "jobs" also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if the employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.*

Section 40. Effective upon this act becoming a law, and applying to tax years beginning on or after January 1, 2002, paragraph (b) of subsection (5) of section 220.15, Florida Statutes, is amended to read:

220.15 Apportionment of adjusted federal income.—

(5) The sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(b)1. Sales of tangible personal property occur in this state if the property is delivered or shipped to a purchaser within this state, regardless of the f.o.b. point, other conditions of the sale, or ultimate destination of the property, unless shipment is made via a common or contract carrier. *However, for industries in SIC Industry Number 2037, if the ultimate destination of the product is to a location outside this state, regardless of the method of shipment or f.o.b. point, the sale shall not be deemed to occur in this state.*

2. When citrus fruit is delivered by a cooperative for a grower-member, by a grower-member to a cooperative, or by a grower-participant to a Florida processor, the sales factor for the growers for such citrus fruit delivered to such processor shall be the same as the sales factor for the most recent taxable year of that processor. That sales factor, expressed only as a percentage and not in terms of the dollar volume of sales, so as to protect the confidentiality of the sales of the processor, shall be furnished on the request of such a grower promptly after it has been determined for that taxable year.

3. Reimbursement of expenses under an agency contract between a cooperative, a grower-member of a cooperative, or a grower and a processor is not a sale within this state.

Section 41. Paragraph (a) of subsection (1) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(1)(a) Beginning January 1, 2002, there shall be allowed a credit against the tax imposed by this chapter to any business located in an enterprise zone which demonstrates to the department that the total number of full-time jobs has increased from the average of the previous 12 months. ~~This credit is also available for~~ A business that *created* ~~added~~ a minimum of five new full-time jobs in an enterprise zone between July 1, 2000, and December 31, 2001*, may also be eligible to claim the credit for eligible employees under the provisions that took effect January 1, 2002*. The credit shall be computed as 20 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, as defined under s. 220.03(1)(ff), unless the business is located in a rural enterprise zone, pursuant to s. 290.004(8), in which case the credit shall be 30 percent of the actual monthly wages paid. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 30 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located in a rural enterprise zone, in which case the credit shall be 45 percent of the actual monthly wages paid, for a period of up to 24 consecutive months. If the new employee hired when a new job is created is a participant in the welfare transition program, the following credit shall be a percent of the actual monthly

wages paid: 40 percent for $4 above the hourly federal minimum wage rate; 41 percent for $5 above the hourly federal minimum wage rate; 42 percent for $6 above the hourly federal minimum wage rate; 43 percent for $7 above the hourly federal minimum wage rate; and 44 percent for $8 above the hourly federal minimum wage rate.

Section 42. Effective upon this act becoming a law and applying to tax years beginning on or after January 1, 2002, paragraph (e) of subsection (2) of section 220.187, Florida Statutes, is amended to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

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

(e) "Qualified student" means a student who qualifies for free or reduced-price school lunches under the National School Lunch Act and who:

1. Was counted as a full-time-equivalent student during the previous state fiscal year for purposes of state per-student funding; ~~or~~

2. Received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year*; or*~~.~~

3. Is eligible to enter kindergarten or first grade.

Section 43. Subsection (4) of section 220.22, Florida Statutes, is amended to read:

220.22 Returns; filing requirement.—

(4) *The department shall designate by rule certain not-for-profit entities and others that are not required to file a return under this code, including an initial information return, unless the entities have taxable income as defined in s. 220.13(2). These entities shall include subchapter S corporations, tax-exempt entities, and others that do not usually owe federal income tax.* ~~For the year in which an election is made pursuant to s. 1361(b)(3) of the Internal Revenue Code, the qualified subchapter S subsidiary shall file an informational return with the department, which return shall be restricted to information identifying the subsidiary, the electing S corporation parent, and the effective date of the election.~~

Section 44. Effective January 1, 2003, paragraph (c) of subsection (2) of section 220.23, Florida Statutes, is amended to read:

220.23 Federal returns.—

(2) In the event the taxable income, any item of income or deduction, or the income tax liability reported in a federal income tax return of any taxpayer for any taxable year is adjusted by amendment of such return or as a result of any other recomputation or redetermination of federal taxable income or loss, if such adjustment would affect any item or items entering into the computation of such taxpayer's net income subject to tax for any taxable year under this code, the following special rules shall apply:

(c) In any case where notification of an adjustment is required under paragraph (a), then notwithstanding any other provision contained in s. 95.091(3):

1. A notice of deficiency may be issued at any time within 5 years after the date such notification is given; or

2. If a taxpayer either fails to notify the department or fails to report a change or correction which is treated in the same manner as if it were a deficiency for federal income tax purposes, a notice of deficiency may be issued at any time;

3. In either case, the amount of any proposed assessment set forth in such notice shall be limited to the amount of any deficiency resulting under this code from recomputation of the taxpayer's income for the taxable year after giving effect only to the item or items reflected in the adjustment.

Interest in accordance with s. 220.807 is due on the amount of any deficiency from the date fixed for filing the original return for the taxable year, determined without regard to any extension of time for filing the original return, until the date of payment of the deficiency.

Section 45. Subsection (1) of section 220.809, Florida Statutes, is amended to read:

220.809 Interest on deficiencies.—

(1) *Except as provided in s. 220.23(2)(c),* if any amount of tax imposed by this chapter is not paid on or before the date, determined without regard to any extensions, prescribed for payment of such tax, interest shall be paid in accordance with the provisions of s. 220.807 on the unpaid amount from such date to the date of payment.

Section 46. Subsection (2) of section 290.00677, Florida Statutes, is amended to read:

290.00677 Rural enterprise zones; special qualifications.—

(2) Notwithstanding the enterprise zone residency requirements set out in s. 220.03(1)(q), ~~eligible~~ businesses as defined by s. *220.03(1)(c)* ~~212.096(1)(a)~~, located in rural enterprise zones as defined in s. 290.004, may receive the basic minimum credit provided under s. 220.181 for creating a new job and hiring a person residing within the jurisdiction of a rural county, as defined by s. 288.106(1)(r). All other provisions of s. 220.181, including, but not limited to, those relating to the award of enhanced credits apply to such businesses.

Section 47. Subsection (5) of section 336.021, Florida Statutes, is amended to read:

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

(5) *All impositions of* the tax shall be *levied* ~~imposed before November 1, 1993, to be effective January 1, 1994, and~~ before July 1 of each year ~~thereafter~~ to be effective January 1 of the following year. However, levies of the tax which were in effect on July 1, *2002* ~~1996~~, and which expire on August 31 of any year may be reimposed *at the current authorized rate to be* effective September 1 of the year of expiration. *All impositions shall be required to end on December 31 of a year. A* ~~No~~ decision to rescind the tax shall *not* take effect *on any date other than December 31 and shall require a minimum of* ~~until at least~~ 60 *days' notice to* ~~days after the county notifies~~ the department of such decision.

Section 48. Paragraphs (a) and (b) of subsection (1) and paragraph (a) of subsection (5) of section 336.025, Florida Statutes, are amended to read:

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

(1)(a) In addition to other taxes allowed by law, there may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option fuel tax upon every gallon of motor fuel and diesel fuel sold in a county and taxed under the provisions of part I or part II of chapter 206.

1. *All impositions and rate changes of* the tax shall be levied before July 1 to be effective January 1 of the following year for a period not to exceed 30 years, and the applicable method of distribution shall be established pursuant to subsection (3) or subsection (4). However, levies of the tax which were in effect on July 1, *2002* ~~1996~~, and which expire on August 31 of any year may be reimposed *at the current authorized rate* effective September 1 of the year of expiration. Upon expiration, the tax may be relevied provided that a redetermination of the method of distribution is made as provided in this section.

2. County and municipal governments shall utilize moneys received pursuant to this paragraph only for transportation expenditures.

3. Any tax levied pursuant to this paragraph may be extended on a majority vote of the governing body of the county. A redetermination of the method of distribution shall be established pursuant to subsection (3) or subsection (4), if, after July 1, 1986, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.

(b) In addition to other taxes allowed by law, there may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.

1. *All impositions and rate changes of* the tax shall be levied before July 1, to be effective January 1 of the following year. However, levies of the tax which were in effect on July 1, *2002* ~~1996~~, and which expire on August 31 of any year may be reimposed *at the current authorized rate* effective September 1 of the year of expiration.

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall utilize moneys received pursuant to this paragraph only for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

(5)(a) By July 1 of each year, the county shall notify the Department of Revenue of the rate of *the taxes* ~~tax~~ levied pursuant to paragraphs (1)(a) and (b), *and* of its decision to rescind *or change the rate of a* ~~the~~ tax, if applicable, and *shall* provide the department with a certified copy of the interlocal agreement established under subparagraph (1)(b)2. or subparagraph (3)(a)1. with distribution proportions established by such agreement or pursuant to subsection (4), if applicable. *A* ~~No~~ decision to rescind *a* ~~the~~ tax shall *not* take effect *on any date other than December 31 and shall require a minimum of* ~~until at least~~ 60 *days' notice to* ~~days after the county notifies~~ the Department of Revenue of such decision.

Section 49. Subsection (2) of section 376.70, Florida Statutes, is amended to read:

376.70 Tax on gross receipts of drycleaning facilities.—

(2) Each drycleaning facility or dry drop-off facility imposing a charge for the drycleaning or laundering of clothing or other fabrics is required to register with the Department of Revenue and become licensed for the purposes of this section. The owner or operator of the facility shall register the facility with the Department of Revenue. Drycleaning facilities or dry drop-off facilities operating at more than one location are only required to have a single registration. The fee for registration is $30. The owner or operator of the facility shall pay the registration fee to the Department of Revenue. *The department may waive the registration fee for applications submitted through the department's Internet registration process.*

Section 50. Subsection (1) and paragraph (e) of subsection (3) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(1) WHEN PAYABLE.—Contributions shall accrue and become payable by each employer for each calendar quarter in which he or she is subject to this chapter, with respect to wages paid during such calendar quarter for employment. Such contributions shall become due and be paid by each employer to the *Agency for Workforce Innovation or its designee* ~~division~~ for the fund, in accordance with such rules as the *Agency for Workforce Innovation or its designee* ~~division~~ may prescribe. However, nothing in this subsection shall be construed to prohibit the *Agency for Workforce Innovation or its designee* ~~division~~ from allowing, ~~on a limited basis,~~ at the request of the employer, ~~certain~~ employers of employees performing domestic services, as defined in s. 443.036(21)(g) ~~and by rule of the division~~, to pay contributions or report wages at intervals other than quarterly when such payment or reporting is to the advantage of the *Agency for Workforce Innovation or its designee* ~~division and the employers~~, and when such nonquarterly payment and reporting is authorized under federal law. This provision gives employers of employees performing domestic services the option to elect to report wages and pay taxes annually, with a due date of *January* ~~April~~ 1 and a delinquency date of *February 1* ~~April 30~~. In order to qualify for this election, the employer must *employ* ~~have~~ only *employees who perform* domestic *services* ~~employees~~, be *eligible for a variation from the standard rate as computed pursuant to subsection (3)* ~~in good standing~~, apply to this program no later than December *1* ~~30~~ of the preceding calendar year, and agree to provide the *Agency for Workforce Innovation or its designee* ~~division~~ with any special reports which might be requested, as required by rule *60BB-2.025(5)* ~~38B-2.025(5)~~, including copies of all federal employment tax forms. Failure to *timely* furnish any *wage* information when required *by the Agency for Workforce Innovation or its designee shall* ~~may~~ result in the employer's loss of the privilege to elect participation in this program*, effective the calendar quarter immediately following the calendar quarter in which such failure occurred. The employer is eligible to reapply for annual reporting after 1 complete calendar year has elapsed since the employer's disqualification if the employer timely furnished any requested wage information during the period in which annual reporting was denied*. Contributions shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(e)1. Variations from the standard rate of contributions shall be assigned with respect to each calendar year to employers eligible therefor. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors provided for in sub-subparagraphs a.-c. will be added to the benefit ratio. This addition will be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor as defined below. The sum of these adjustment factors provided for in sub-subparagraphs a.-c. will first be algebraically summed. The sum of these adjustment factors will then be divided by a gross benefit ratio to be determined as follows: Total benefit payments for the previous 3 years, as defined in subparagraph (b)1., charged to employers eligible to be assigned a contribution rate different from the standard rate minus excess payments for the same period divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to the gross benefit ratio will be multiplied by each individual benefit ratio below the maximum tax rate to obtain variable adjustment factors; except that in any instance in which the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum tax rate, the variable adjustment factor will be reduced so that the sum equals the maximum tax rate. The variable adjustment factor of each such employer will be multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products will be divided by the taxable payroll of such employers that entered into the computation of their benefit ratios. The resulting ratio will be subtracted from the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor will be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor will be added to the variable adjustment factor and benefit ratio of each employer to obtain each employer's contribution rate; however, at no time shall an employer's contribution rate be rounded to less than 0.1 percent.

a. An adjustment factor for noncharge benefits will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the amount of benefit payments noncharged in the 3 preceding years as defined in subparagraph (b)1. by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the taxable payrolls for the 3 years ending June 30 of the current calendar year that had been reported to the division by

September 30 of the same calendar year. Noncharge benefits for the purpose of this section shall be defined as benefit payments to an individual which were paid from the Unemployment Compensation Trust Fund but which were not charged to the unemployment record of any employer.

b. An excess payments adjustment factor will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the total excess payments during the 3 preceding years as defined in subparagraph (b)1. by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the same as used in computing the noncharge adjustment factor as described in sub-subparagraph a. The term "excess payments" for the purpose of this section is defined as the amount of benefit payments charged to the employment record of an employer during the 3 preceding years, as defined in subparagraph (b)1., less the product of the maximum contribution rate and his or her taxable payroll for the 3 years ending June 30 of the current calendar year that had been reported to the division by September 30 of the same calendar year. The term "total excess payments" is defined as the sum of the individual employer excess payments for those employers that were eligible to be considered for assignment of a contribution rate different from the standard rate.

c. If the balance in the Unemployment Compensation Trust Fund as of June 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than *3.7* ~~4~~ percent of the taxable payrolls for the year ending June 30 as reported to the division by September 30 of that calendar year, a positive adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of June 30 of such calendar year and the sum of *4.7* ~~5~~ percent of the total taxable payrolls for that year. Such adjustment factor will remain in effect in subsequent years until a balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of such contribution rate equals or exceeds *3.7* ~~4~~ percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year. If the balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds *4.7* ~~5~~ percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year, a negative adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of June 30 of the current calendar year and *4.7* ~~5~~ percent of the total taxable payrolls of such year. Such adjustment factor will remain in effect in subsequent years until the balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of such contribution rate is less than *4.7* ~~5~~ percent but more than *3.7* ~~4~~ percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year.

d. The maximum contribution rate that can be assigned to any employer shall be 5.4 percent, except those employers participating in an approved short-time compensation plan in which case the maximum shall be 1 percent above the current maximum contribution rate, with respect to any calendar year in which short-time compensation benefits are in the employer's employment record.

2. In the event of the transfer of employment records to an employing unit pursuant to paragraph (g) which, prior to such transfer, was an employer, the division shall recompute a benefit ratio for the successor employer on the basis of the combined employment records and reassign an appropriate contribution rate to such successor employer as of the beginning of the calendar quarter immediately following the effective date of such transfer of employment records.

Section 51. Effective upon this act becoming a law and operating retroactively to December 21, 2000, section 443.1315, Florida Statutes, is created to read:

443.1315 Treatment of Indian tribes.—

(1) As used in this section:

(a) "Employer" includes any Indian tribe for which service in employment as defined by this chapter is performed.

(b) "Employment" includes service performed in the employ of an Indian tribe, as defined by s. 3306(u) of the Federal Unemployment Tax Act, provided such service is excluded from employment as defined by that act solely by reason of s. 3306(c)(7) of such act and is not otherwise excluded from employment under this chapter. For purposes of this section, the exclusions from employment under s. 443.036(21)(d) apply to services performed in the employ of an Indian tribe.

(2) Benefits based on service in employment shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter.

(3)(a) Indian tribes or tribal units thereof, including subdivisions, subsidiaries, or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as all other subject employers unless they elect to pay into the Unemployment Compensation Trust Fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe.

(b) Indian tribes electing to make payments in lieu of contributions must make such election in the same manner and under the same conditions as provided by s. 443.131 for state and local governments and nonprofit organizations subject to this chapter. Indian tribes shall determine whether reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal units thereof, or by combinations of individual tribal units.

(c) Indian tribes or tribal units thereof shall be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.

(d) At the discretion of the director of the Agency for Workforce Innovation or his or her designee, any Indian tribe or tribal unit thereof that elects to become liable for payments in lieu of contributions shall be required, within 90 days after the effective date of such election, to:

1. Execute and file with the director or his or her designee a surety bond approved by the director or his or her designee; or

2. Deposit with the director or his or her designee money or securities on the same basis as other employers with the same election option.

(4)(a)1. Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalty, within 90 days after receipt of the bill will cause the Indian tribe to lose the option to make payments in lieu of contributions as provided in subsection (3) for the following tax year unless payment in full is received before contribution rates for the next tax year are computed.

2. Any Indian tribe that loses the option to make payments in lieu of contributions due to late payment or nonpayment pursuant to subparagraph 1. shall have such option reinstated if, after a period of 1 year, all contributions have been made timely, provided no contributions, payments in lieu of contributions for benefits paid, penalties, or interest remain outstanding.

(b)1. Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalty, after all collection activities deemed necessary by the director of the Agency for Workforce Innovation or his or her designee have been exhausted will cause services performed for such tribe to not be treated as employment for purposes of paragraph (1)(b).

2. The director or his or her designee may determine that any Indian tribe that loses coverage under subparagraph 1. may have services performed for such tribe again included as employment for purposes of paragraph (1)(b) if all contributions, payments in lieu of contributions, penalties, and interest have been paid.

(c) If an Indian tribe fails to make payments required under this section, including assessments of interest and penalty, within 90 days

after a final notice of delinquency, the director of the Agency for Workforce Innovation shall immediately notify the United States Internal Revenue Service and the United States Department of Labor.

(5) Notices of payment and reporting delinquency to Indian tribes or tribal units thereof shall include information that failure to make full payment within the prescribed timeframe:

(a) Will cause the Indian tribe to be liable for taxes under the Federal Unemployment Tax Act.

(b) Will cause the Indian tribe to lose the option to make payments in lieu of contributions.

(c) Could cause the Indian tribe to be excepted from the definition of "employer" provided in paragraph (1)(a) and services in the employ of the Indian tribe provided in paragraph (1)(b) to be excepted from employment.

(6) Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the Federal Government shall be financed in their entirety by such Indian tribe.

(7) The Agency for Workforce Innovation shall adopt any rules necessary to administer this section.

Section 52. Effective January 1, 2003, section 443.163, Florida Statutes, is amended to read:

443.163 Electronic reporting *and remitting of taxes*.—

(1) An employer may choose to file any report *and remit any taxes* required by this chapter *by electronic means* ~~in a form initiated through an electronic data interchange using an advanced encrypted transmission by means of the Internet or other suitable transmission~~. The *Agency for Workforce Innovation or its designee* ~~division~~ shall prescribe by rule the format and instructions necessary for such filing *of reports and remitting of taxes* to ensure a full collection of contributions due. The acceptable method of transfer, the method, form, and content of the electronic *means* ~~data interchange~~, and the *method* ~~means~~, if any, by which the employer will be provided with an acknowledgment~~,~~ shall be prescribed by the *agency or its designee* ~~division~~. *However, any employer who employed 10 or more employees in any quarter during the preceding state fiscal year, or any person that prepared and reported for 5 or more employers in the preceding state fiscal year, must submit the Employers Quarterly Reports (UCT-6) for the current calendar year and remit the taxes due by electronic means approved by the agency or its designee.*

(2) Any employer or person who fails to file an Employers Quarterly Report (UCT-6) by electronic means required by law is liable for a penalty of 10 percent of the tax due, but not less than $10 for each report, which is in addition to any other penalty provided by this chapter which may be applicable, unless the employer or person has first obtained a waiver for such requirement from the agency or its designee. Any employer or person who fails to remit tax by electronic means as required by law is liable for a penalty of $10 for each remittance submitted, which is in addition to any other penalty provided by this chapter which may be applicable.

(3) The agency or its designee may waive the requirement to file an Employers Quarterly Report (UCT-6) by electronic means for employers or persons that are unable to comply despite good faith efforts or due to circumstances beyond the employer's or person's reasonable control.

(a) As prescribed by the agency or its designee, grounds for approving the waiver include, but are not limited to, circumstances in which the employer or person does not:

1. Currently file information or data electronically with any business or government agency; or

2. Have a compatible computer that meets or exceeds the standards prescribed by the agency or its designee.

(b) The agency or its designee shall accept other reasons for requesting a waiver from the requirement to submit the Employers Quarterly Report (UCT-6) by electronic means, including, but not limited to:

1. That the employer or person needs additional time to program his or her computer;

2. That complying with this requirement causes the employer or person financial hardship; or

3. That complying with this requirement conflicts with the employer's business procedures.

(c) The agency or its designee may establish by rule the length of time a waiver is valid and may determine whether subsequent waivers will be authorized, based on the provisions of this subsection; however, the agency or its designee shall only grant a waiver from electronic reporting if the employer or person timely files the Employers Quarterly Report (UCT-6) by telefile, unless the employer wage detail exceeds the agency's or its designee's telefile system capabilities.

(4) For purposes of this section, the term "electronic means" includes, but is not limited to, electronic data interchange; electronic funds transfer; and use of the Internet, telephone, or other technology specified by the agency or its designee.

Section 53. Effective January 1, 2003, subsection (3) is added to section 608.471, Florida Statutes, to read:

608.471 Tax exemption on income of certain limited liability companies.—

(3) Single-member limited liability companies and other entities that are disregarded for federal income tax purposes must be treated as separate legal entities for all non-income-tax purposes. The Department of Revenue shall adopt rules to take into account that single-member disregarded entities such as limited liability companies and qualified subchapter S corporations may be disregarded as separate entities for federal tax purposes and therefore may report and account for income, employment, and other taxes under the taxpayer identification number of the owner of the single-member entity.

Section 54. Effective July 1, 2002, subsection (1) of section 681.117, Florida Statutes, is amended to read:

681.117 Fee.—

(1) A $2 fee shall be collected by a motor vehicle dealer, or by a person engaged in the business of leasing motor vehicles, from the consumer at the consummation of the sale of a motor vehicle or at the time of entry into a lease agreement for a motor vehicle. Such fees shall be remitted to the county tax collector or private tag agency acting as agent for the Department of Revenue. *If the purchaser or lessee removes the motor vehicle from the state for titling and registration outside this state, the fee shall be remitted to the Department of Revenue.* All fees, less the cost of administration, shall be transferred monthly to the Department of Legal Affairs for deposit into the Motor Vehicle Warranty Trust Fund. The Department of Legal Affairs shall distribute monthly an amount not exceeding one-fourth of the fees received to the Division of Consumer Services of the Department of Agriculture and Consumer Services to carry out the provisions of ss. 681.108 and 681.109. The Department of Legal Affairs shall contract with the Division of Consumer Services for payment of services performed by the division pursuant to ss. 681.108 and 681.109.

Section 55. Sections 3 and 4 of chapter 2000-345, Laws of Florida, are amended to read:

Section 3. Effective July 1, *2006* ~~2003~~, subsection (10) of section 212.031, Florida Statutes, as created by this act, is repealed, and paragraph (a) of subsection (1) and subsection (3) of said section, as amended by this act, are amended to read:

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

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

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

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

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

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, excluding buildings, wherever located, on which antennas, cables, adjacent accessory structures, or adjacent accessory equipment used in the provision of cellular, enhanced specialized mobile radio, or personal communications services are placed.

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

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

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

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

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

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

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

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

~~12. Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license payment which is based on a percentage of sales and not based on a fixed price.~~

(3) The tax imposed by this section shall be in addition to the total amount of the rental or license fee, shall be charged by the lessor or person receiving the rent or payment in and by a rental or license fee arrangement with the lessee or person paying the rental or license fee, and shall be due and payable at the time of the receipt of such rental or license fee payment by the lessor or other person who receives the rental or payment. ~~Notwithstanding any other provision of this chapter, the tax imposed by this section on the rental, lease, or license for the use of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility to hold an event of not more than 7 consecutive days' duration shall be collected at the time of the payment for that rental, lease, or license but is not due and payable to the department until the first day of the month following the last day that the event for which the payment is made is actually held, and becomes delinquent on the 21st day of that month.~~ The owner, lessor, or person receiving the rent or license fee shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage any leases or operate real property, hotels, apartment houses, roominghouses, or tourist and trailer camps and all persons who collect or receive rents or license fees taxable under this chapter on behalf of owners or lessors.

Section 4. Effective July 1, *2006* ~~2003~~, paragraph (b) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 212.04, Florida Statutes, as amended by this act, are amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(1)

(b) For the exercise of such privilege, a tax is levied at the rate of 6 percent of sales price, or the actual value received from such admissions, which 6 percent shall be added to and collected with all such admissions from the purchaser thereof, and such tax shall be paid for the exercise of the privilege as defined in the preceding paragraph. Each ticket must show on its face the actual sales price of the admission, or each dealer selling the admission must prominently display at the box office or other place where the admission charge is made a notice disclosing the price of the admission, and the tax shall be computed and collected on the basis of the actual price of the admission charged by the dealer. The sale price or actual value of admission shall, for the purpose of this chapter, be that price remaining after deduction of federal taxes ~~and state or locally imposed or authorized seat surcharges, taxes, or fees~~, if any, imposed upon such admission*, and*~~. The sale price or actual value does not include separately stated ticket service charges that are imposed by a facility ticket office or a ticketing service and added to a separately stated, established ticket price.~~ the rate of tax on each admission shall be according to the brackets established by s. 212.12(9).

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Family Services, and state correctional institutions when only student, faculty, or inmate talent is

used. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 240.533(3)(c).

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

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

~~c. No tax shall be levied on admission charges to an event sponsored by a governmental entity, sports authority, or sports commission when held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility and when 100 percent of the risk of success or failure lies with the sponsor of the event and 100 percent of the funds at risk for the event belong to the sponsor, and student or faculty talent is not exclusively used. As used in this sub-subparagraph, the terms "sports authority" and "sports commission" mean a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and that contracts with a county or municipal government for the purpose of promoting and attracting sports-tourism events to the community with which it contracts.~~

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

4. No tax shall be levied on admissions to the National Football League championship game, on admissions to any semifinal game or championship game of a national collegiate tournament, or on admissions to a Major League Baseball all-star game.

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

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

7. Also exempt from the tax imposed by this section are entry fees for participation in freshwater fishing tournaments.

8. Also exempt from the tax imposed by this section are participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event.

9. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

(3) Such taxes shall be paid and remitted at the same time and in the same manner as provided for remitting taxes on sales of tangible personal property, as hereinafter provided. ~~Notwithstanding any other provision of this chapter, the tax on admission to an event at a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility shall be collected at the time of payment for the admission but is not due to the department until the first day of the month following the actual date of the event for which the admission is sold and becomes delinquent on the 21st day of that month.~~

Section 56. Paragraph (f) of subsection (4) of section 11 of chapter 2000-165, Laws of Florida, is amended to read:

Section 11.

(4) Effective October 1, 2000, the following programs and functions are transferred to the Agency for Workforce Innovation:

(f) The Division of Unemployment Compensation is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Workforce Innovation. The resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the Office of the Secretary or any other division, office, bureau, or unit within the Department of Labor and Employment Security that support the Division of Unemployment Compensation are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security. By January 1, 2001, the Agency for Workforce Innovation shall enter into a contract with the Department of Revenue which shall provide for the Department of Revenue to provide unemployment tax collection services. The Department of Revenue, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed to provide unemployment tax collection services within the Department of Revenue. The number of unemployment tax collection service positions the Department of Revenue determines are needed shall not exceed the number of positions that, prior to the contract, were authorized to the Department of Labor and Employment Security for this purpose. Upon entering into the contract with the Agency for Workforce Innovation to provide unemployment tax collection services, the number of required positions, as determined by the Department of Revenue, shall be authorized within the Department of Revenue. Beginning January 1, 2002, the Office of Program Policy Analysis and Government Accountability shall conduct a feasibility study regarding privatization of unemployment tax collection services. A report on the conclusions of this study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. *The Department of Revenue is considered to be administering a revenue law of this state when the department provides unemployment compensation tax collection services pursuant to a contract of the department with the Agency for Workforce Innovation. Sections 213.018, 213.025, 213.051, 213.053, 213.055, 213.071, 213.10, 213.2201, 213.23, 213.24(2), 213.27, 213.28, 213.285, 213.37, 213.50, 213.67, 213.69, 213.73, 213.733, 213.74, and 213.757, Florida Statutes, apply to the collection of unemployment contributions by the Department of Revenue unless prohibited by federal law.*

Section 57. *Notwithstanding the percentage increase provided in section 218.21(6), Florida Statutes, for the purpose of calculating distributions made under section 212.20(6)(d)6., Florida Statutes, for the 2001-2002 fiscal year, the percentage increase for any government exercising municipal powers under section 6(f), Article VIII of the State Constitution shall be calculated as the revenues from the Revenue Sharing Trust Fund for Municipalities for the 2000-2001 fiscal year, divided by the sum of revenues from the Revenue Sharing Trust Fund for Municipalities for the 1999-2000 fiscal year and revenues from the Municipal Financial Assistance Trust Fund for the 1999-2000 fiscal year, minus one. Notwithstanding this section, actual payments during fiscal year 2001-2002 shall not be affected by this provision and such recalculated amount shall be used to determine the percentage increase for the 2002-2003 fiscal year, as provided in section 218.21(6)(b), Florida Statutes. Any adjustment because of an overpayment during the 2001-2002 fiscal year shall be treated as a credit to the payment in fiscal year 2002-2003.*

Section 58. *Effective upon this act becoming a law and applying to tax years beginning on or after January 1, 2002, section 9 of chapter 2001-225, Laws of Florida, is repealed.*

Section 59. *Effective upon this act becoming a law and applying to tax years beginning on or after January 1, 2002, section 220.331, Florida Statutes, is repealed.*

Section 60. *(1) Subsections (1) and (2) of section 199.062, section 201.05, and subsection (6) of s. 212.084, Florida Statutes, are repealed.*

(2) Effective July 1, 2002, subsection (10) of section 624.509, Florida Statutes, is repealed.

Section 61. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows: Remove: the entire title, and insert: A bill to be entitled An act relating to taxation; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 55.202, F.S.; enabling a designee of the Department of Revenue to enter lien information into the Secretary of State's database without incurring a fee; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 72.011, F.S.; providing for the venue and jurisdiction of taxpayer actions in circuit court; amending s. 199.052, F.S.; eliminating the requirement that a corporation file an intangibles tax return when no tax is due; amending s. 199.218, F.S.; eliminating the requirement that a corporation maintain records relating to certain information; amending s. 199.282, F.S.; eliminating the penalty imposed upon a corporation for failure to file a certain required notice; amending s. 201.02, F.S.; specifying nonapplication of the tax on deeds and other instruments relating to real property to contracts to sell certain residences under certain circumstances; amending s. 201.08, F.S.; specifying a maximum tax on unsecured obligations; specifying payment of tax on certain excess aggregate amounts; conforming cross references; reenacting and amending s. 206.9825(1)(b), F.S.; authorizing the continuation of an aviation fuel tax credit for certain wholesalers or terminal suppliers; amending s. 211.3103, F.S.; specifying the basis for annual calculations of county distributions of the severance tax on phosphate rock; amending s. 212.02, F.S.; revising definitions; amending s. 212.06, F.S.; revising a definition; providing legislative intent; prohibiting certain assessments or refunds under certain circumstances; amending s. 212.07, F.S.; providing for dealer reliance on resale certificates without seeking certain verification; specifying vendor nonliability for certain taxes, interest, or penalties under certain circumstances; requiring the Department of Revenue to impose certain mandatory, nonwaivable penalties in lieu of certain taxes, interest, and penalties under certain circumstances; authorizing the department to adopt certain rules and forms; providing legislative intent as to application; amending s. 212.08, F.S.; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the selling vendor instead of the department; providing for retroactive application; revising definitions of industrial machinery and equipment, motion picture or video equipment, and sound recording equipment; providing legislative intent; providing purposes; clarifying application of exemptions to taxable transactions; specifying requirements for eligibility for exemptions; specifying tax liability for noncompliance; authorizing the department to adopt rules; reinstating the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; providing for retroactive operation of certain provisions; providing for nonliability of tax on certain transactions; providing an exception; providing requirements for a specified exemption; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 212.096, F.S.; clarifying definitions; specifying a time requirement for applications for an enterprise zone jobs credit for leased employees; amending s. 212.098, F.S.; clarifying Rural Job Tax Credit Program provisions; amending s. 212.11, F.S.; authorizing the Department of Revenue to require a report to be submitted when filing a sales and use tax return that claims certain credits; requiring the department to adopt rules regarding the forms and documentation required to verify these credits; requiring the department to disallow any credit not supported by the required report and to impose penalties and interest; amending s. 212.12, F.S.; limiting liability of dealers for certain additional tax, penalty, and interest under certain circumstances; providing legislative intent relating to application; providing for methods of determining overpayments by persons paying the tax on sales, use, and other transactions; amending ss. 212.18 and 376.70, F.S.; authorizing the Department of Revenue to waive registration fees for applications made using the department's Internet registration process; amending s. 213.015, F.S.; specifying additional taxpayer rights; amending s. 213.053, F.S.; authorizing the Department of Revenue and the Department of Management Services to release certain unemployment tax rate information under certain circumstances; amending s. 213.0535, F.S.; providing for additional disclosures of certain tax information under the Registration Information Sharing and Exchange Program; requiring maintenance of confidentiality of certain information under certain circumstances; amending s. 213.21, F.S.; requiring settlement or compromise of a taxpayer's liability for certain interest under certain circumstances; providing for de novo review of certain facts and circumstances in certain proceedings; extending a future repeal of department authority to settle or compromise certain penalty liabilities; specifying additional circumstances for settling or compromising certain penalties; providing prosective operation; providing requirements, criteria, and procedures; requiring the Department of Revenue to adopt rules; amending s. 213.24, F.S.; including automated refunds in provisions for certain billing cost limitations; amending s. 213.255, F.S.; clarifying application of certain interest determination limitations; amending s. 213.285, F.S.; extending a future repeal of a certified audits project; amending s. 213.30, F.S.; specifying preemption for seeking or obtaining compensation for certain tax law violation information; amending s. 213.755, F.S.; requiring certain taxpayers to file returns and pay taxes electronically; amending s. 220.03, F.S.; revising definitions; amending s. 220.15, F.S., which provides for apportionment of adjusted federal income to this state; revising the conditions for determining when sales of tangible personal property occur in this state for certain industries; providing for retroactive effect; amending s. 220.181, F.S.; clarifying eligibility for claiming an enterprise zone jobs credit; amending s. 220.187, F.S.; providing for an additional class of "qualified student"; providing application; amending s. 220.22, F.S.; requiring the Department of Revenue to designate certain entities not required to file certain returns; amending s. 220.23, F.S.; specifying determination of interest on deficiencies; amending s. 220.809, F.S.; providing an exception to certain determinations of interest on deficiencies; amending s. 290.00677, F.S.; correcting a cross reference; amending ss. 336.021 and 336.025, F.S.; revising time limitations on imposition and rate changes of certain local option fuel taxes; amending s. 443.131, F.S.; providing for payment of employer contributions to the Agency for Workforce Innovation instead of the Division of Unemployment Compensation of the Department of Labor and Employment Security; revising procedures and requirements for such payments by employers of employees providing domestic services; reducing trust fund balance thresholds used in computing contribution rate adjustment factors; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units thereof may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be

required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; requiring the agency to adopt rules; providing for retroactive application; amending s. 443.163, F.S.; requiring certain employers to file unemployment compensation reports and taxes electronically; amending s. 608.471, F.S.; providing for the tax treatment of certain types of limited liability companies; amending s. 681.117, F.S.; requiring motor vehicle dealers to remit directly to the Department of Revenue the Lemon Law Fee for vehicles registered and titled outside of Florida; amending ss. 3 and 4 of ch. 2000-345, Laws of Florida; extending the effective date of such sections; amending s. 11(4)(f) of ch. 2000-165, Laws of Florida; revising application of certain sections to collections of unemployment compensation contributions by the Department of Revenue; providing a revised calculation for revenue sharing distributions to municipalities; repealing s. 9 of ch. 2001-225, Laws of Florida, relating to an incorrect statutory reference; providing application; repealing s. 220.331, F.S., relating to application of certain credits to certain estimated payments; providing application; repealing s. 199.062(1) and (2), F.S., relating to a requirement that a corporation file an annual information return regarding stock value; repealing s. 201.05, F.S., relating to tax on stock certificates; repealing s. 212.084(6), F.S., relating to temporary exemption certificates; repealing s. 624.509(10), F.S., relating to an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; providing effective dates.

On motion by Senator Campbell, the Senate concurred in the House amendment.

CS for SB 426 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Brown-Waite	Geller	Sanderson
Burt	King	Saunders
Campbell	Latvala	Sebesta
Carlton	Laurent	Smith
Clary	Lawson	Sullivan
Cowin	Lee	Villalobos
Crist	Mitchell	Webster
Diaz de la Portilla	Peaden	Wise
Futch	Posey	
Garcia	Pruitt	

Nays—7

Dyer	Meek	Silver
Holzendorf	Miller	Wasserman Schultz
Jones		

Vote after roll call:

Yea—Constantine, Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 460, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 460—A bill to be entitled An act relating to special assessments; creating ss. 125.0168 and 166.223, F.S.; providing the method for the levy of assessments by counties and municipalities on recreational vehicle parks; providing an effective date.

House Amendment 1 (583405)—On page 1, line 20, and on page 2, line 1, after *assessed*, insert: *as a commercial entity*

On motion by Senator Carlton, the Senate concurred in the House amendment.

CS for SB 460 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Posey, Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 522, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 522—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; amending s. 316.2397, F.S.; authorizing the emergency-response vehicles of the Department of Health to use red flashing lights; reenacting s. 316.520, F.S., relating to penalties for violation of load limits on vehicles; amending s. 318.1451, F.S.; revising provisions governing driver improvement schools; amending s. 319.001, F.S.; revising definitions with respect to component parts of motor vehicles; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to affix a decal on rebuilt motor vehicles; redefining the term "assembled from parts" and eliminating the definition of the term "combined"; providing a penalty for the removal of rebuilt decals; amending s. 319.22, F.S.; prohibiting the transfer of title without a purchaser's name; providing a penalty; amending s. 319.30, F.S.; redefining the term "major component part"; providing a penalty for falsely reporting certain information to the Department of Highway Safety and Motor Vehicles; amending s. 319.22, F.S.; prohibiting the transfer of title without a purchaser's name; providing a penalty; amending s. 319.32, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 319.33, F.S.; revising provisions relating to state-assigned vehicle identification numbers; amending s. 320.03, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 320.27, F.S.; revising provisions relating to the denial, suspension, or revocation of motor vehicle dealer licenses; amending s. 320.60, F.S.; redefining the term "motor vehicle"; amending s. 322.095, F.S.; revising provisions governing traffic law and substance abuse education courses; amending s. 328.73, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 713.78, F.S.; limiting the number of times a certificate of destruction may be reassigned; authorizing employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers to inspect certain records; providing penalties for failure to maintain or produce certain records; providing an effective date.

House Amendment 1 (272373)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (c) is added to subsection (3) of section 316.006, Florida Statutes, to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(3) COUNTIES.—

(c) If the governing body of a county abandons the roads and rights-of-way dedicated in a recorded residential subdivision, and simultaneously conveys the county's interest therein to a homeowners' association

for the subdivision in the manner prescribed in s. 316.00825, that county's traffic control jurisdiction over the abandoned and conveyed roads ceases unless the requirements of paragraph (b) are met.

Notwithstanding the provisions of subsection (2), each county shall have original jurisdiction to regulate parking, by resolution of the board of county commissioners and the erection of signs conforming to the manual and specifications of the Department of Transportation, in parking areas located on property owned or leased by the county, whether or not such areas are located within the boundaries of chartered municipalities.

Section 2. Section 316.00825, Florida Statutes, is created to read:

316.00825 Closing and abandonment of roads; optional conveyance to homeowners' association; traffic control jurisdiction.—

(1)(a) In addition to the authority provided in s. 336.12, the governing body of the county may abandon the roads and rights-of-way dedicated in a recorded residential subdivision plat and simultaneously convey the county's interest in such roads, rights-of-way, and appurtenant drainage facilities to a homeowners' association for the subdivision, if the following conditions have been met:

1. The homeowners' association has requested the abandonment and conveyance in writing for the purpose of converting the subdivision to a gated neighborhood with restricted public access.

2. No fewer than four-fifths of the owners of record of property located in the subdivision have consented in writing to the abandonment and simultaneous conveyance to the homeowners' association.

3. The homeowners' association is both a corporation not for profit organized and in good standing under chapter 617, and a "homeowners' association" as defined in s. 720.301(7) with the power to levy and collect assessments for routine and periodic major maintenance and operation of street lighting, drainage, sidewalks, and pavement in the subdivision.

4. The homeowners' association has entered into and executed such agreements, covenants, warranties, and other instruments; has provided, or has provided assurance of, such funds, reserve funds, and funding sources; and has satisfied such other requirements and conditions as may be established or imposed by the county with respect to the ongoing operation, maintenance, and repair and the periodic reconstruction or replacement of the roads, drainage, street lighting, and sidewalks in the subdivision after the abandonment by the county.

(b) The homeowners' association shall install, operate, maintain, repair, and replace all signs, signals, markings, striping, guardrails, and other traffic control devices necessary or useful for the private roads unless an agreement has been entered into between the county and the homeowners' association, as authorized under s. 316.006(3)(b), expressly providing that the county has traffic control jurisdiction.

(2) Upon abandonment of the roads and rights-of-way and the conveyance thereof to the homeowners' association, the homeowners' association shall have all the rights, title, and interest in the roads and rights-of-way, including all appurtenant drainage facilities, as were previously vested in the county. Thereafter, the homeowners' association shall hold the roads and rights-of-way in trust for the benefit of the owners of the property in the subdivision, and shall operate, maintain, repair, and, from time to time, replace and reconstruct the roads, street lighting, sidewalks, and drainage facilities as necessary to ensure their use and enjoyment by the property owners, tenants, and residents of the subdivision and their guests and invitees. The provisions of this section shall be regarded as supplemental and additional to the provisions of s. 336.12, and shall not be regarded as in derogation of that section.

Section 3. Subsection (3) is added to section 316.061, Florida Statutes, to read:

316.061 Crashes involving damage to vehicle or property.—

(3) Employees or authorized agents of the Department of Transportation, law enforcement with proper jurisdiction, or an expressway authority created pursuant to chapter 348, in the exercise, management, control, and maintenance of its highway system, may undertake the removal from the main traveled way of roads on its highway system of all vehicles incapacitated as a result of a motor vehicle crash and of debris caused thereby. Such removal is applicable when such a motor vehicle crash results only in damage to a vehicle or other property, and when such removal can be accomplished safely and will result in the improved safety or convenience of travel upon the road. The driver or any other person who has removed a motor vehicle from the main traveled way of the road as provided in this section shall not be considered liable or at fault regarding the cause of the accident solely by reason of moving the vehicle.

Section 4. Section 316.520, Florida Statutes, is re-enacted to read:

316.520 Loads on vehicles.—

(1) A vehicle may not be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate or trash, garbage, or any similar material that could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover is required.

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 5. Subsection (5) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(5)(a) ~~No governmental entity or court shall provide, issue, or maintain any information or orders regarding driver improvement schools or course providers, with the exception of directing inquiries or requests to the local telephone directory heading of driving instruction or the traffic school reference guide. However,~~ The department is authorized to maintain the information and records necessary to administer its duties and responsibilities for driver improvement courses. Where such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1).

(b) The department *or court may* ~~shall~~ prepare ~~for any governmental entity to distribute~~ a traffic school reference guide which *lists* ~~shall list~~ the benefits of attending a driver improvement school *and contains the names of the fully approved course providers with a single telephone number for each provider as furnished by the provider*~~, but under no circumstance may any list of course providers or schools be included, and shall refer further inquiries to the telephone directory under driving instruction~~.

Section 6. Paragraphs (f) and (g) are added to subsection (3) of section 318.18, Florida Statutes, to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(3)

(b) For moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by:	Fine:
1-5 m.p.h.	Warning
6-9 m.p.h.	$ 25
10-14 m.p.h.	$100
15-19 m.p.h.	$125
20-29 m.p.h.	$150
30 m.p.h. and above	$250

Section 7. Section 319.001, Florida Statutes, is amended to read:

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

(1) "Department" means the Department of Highway Safety and Motor Vehicles.

(2) "Front-end assembly" means fenders, hood, grill, and bumper.

(3)~~(2)~~ "Licensed dealer," unless otherwise specifically provided, means a motor vehicle dealer licensed under s. 320.27, a mobile home dealer licensed under s. 320.77, or a recreational vehicle dealer licensed under s. 320.771.

(4) "Motorcycle body assembly" means frame, fenders, and gas tanks.

(5) "Motorcycle engine" means cylinder block, heads, engine case, and crank case.

(6) "Motorcycle transmission" means drive train.

(7)~~(3)~~ "New mobile home" means a mobile home the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser.

(8)~~(4)~~ "New motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser; however, when legal title is not transferred but possession of a motor vehicle is transferred pursuant to a conditional sales contract or lease and the conditions are not satisfied and the vehicle is returned to the motor vehicle dealer, the motor vehicle may be resold by the motor vehicle dealer as a new motor vehicle, provided the selling motor vehicle dealer gives the following written notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER." The purchaser shall sign an acknowledgment, a copy of which is kept in the selling dealer's file.

(9) "Rear body section" means both quarter panels, decklid, bumper, and floor pan.

(10)~~(5)~~ "Satisfaction of lien" means full payment of a debt or release of a debtor from a lien by the lienholder.

(11)~~(6)~~ "Used motor vehicle" means any motor vehicle that is not a "new motor vehicle" as defined in subsection *(8)* ~~(4)~~.

Section 8. Section 319.14, Florida Statutes, is amended to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles and nonconforming vehicles.—

(1)(a) No person shall knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle, or a vehicle that has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, until the department has stamped in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle or the title has been stamped "Manufacturer's Buy Back" to reflect that the vehicle is a nonconforming vehicle. If the certificate of title or duplicate was not so stamped upon initial issuance thereof or if, subsequent to initial issuance of the title, the use of the vehicle is changed to a use requiring the notation provided for in this section, the owner or lienholder of the vehicle shall surrender the certificate of title or duplicate to the department prior to offering the vehicle for sale, and the department shall stamp the certificate or duplicate as required herein. When a vehicle has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, the title shall be stamped "Manufacturer's Buy Back" to reflect that the vehicle is a nonconforming vehicle.

(b) No person shall knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt *or*~~,~~ assembled from parts~~, or combined~~, or is a kit car, glider kit, replica, or flood vehicle unless proper application for a certificate of title for a vehicle that is rebuilt *or*~~,~~ assembled from parts~~, or combined~~, or is a kit car, glider kit, replica, or flood vehicle has been made to the department in accordance with this chapter and the department has conducted the physical examination of the vehicle to assure the identity of the vehicle *and all major component parts, as defined in s. 319.30(1)(e), which have been repaired or replaced. Thereafter, the department shall affix a decal to the vehicle, in the manner prescribed by the department, showing the vehicle to be rebuilt*.

(c) As used in this section:

1. "Police vehicle" means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

2.a. "Short-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one or more persons from time to time for a period of less than 12 months.

b. "Long-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one person for a period of 12 months or longer.

c. "Lease vehicle" includes both short-term-lease vehicles and long-term-lease vehicles.

3. "Rebuilt vehicle" means a motor vehicle or mobile home built from salvage or junk, as defined in s. 319.30(1).

4. "Assembled from parts" means a motor vehicle or mobile home assembled from parts *or combined from parts* of motor vehicles or mobile homes, new or used. "Assembled from parts" does not mean a motor vehicle defined as a "rebuilt vehicle" in subparagraph 3., which has been declared a total loss pursuant to s. 319.30.

~~5. "Combined" means assembled by combining two motor vehicles neither of which has been titled and branded as "Salvage Unrebuildable."~~

5.~~6.~~ "Kit car" means a motor vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated motor vehicle with a new body kit.

6.~~7.~~ "Glider kit" means a vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated truck or truck tractor.

7.~~8.~~ "Replica" means a complete new motor vehicle manufactured to look like an old vehicle.

8.~~9.~~ "Flood vehicle" means a motor vehicle or mobile home that has been declared to be a total loss pursuant to s. 319.30(3)(a) resulting from damage caused by water.

9.~~10.~~ "Nonconforming vehicle" means a motor vehicle which has been purchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681.

10.~~11.~~ "Settlement" means an agreement entered into between a manufacturer and a consumer that occurs after a dispute is submitted to a program, or an informal dispute settlement procedure established by a manufacturer or is approved for arbitration before the New Motor Vehicle Arbitration Board as defined in s. 681.102.

(2) No person shall knowingly sell, exchange, or transfer a vehicle referred to in subsection (1) without, prior to consummating the sale, exchange, or transfer, disclosing in writing to the purchaser, customer, or transferee the fact that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle or is a vehicle that is rebuilt *or*~~,~~ assembled from parts~~, or combined~~, or is a kit car, glider kit, replica, or flood vehicle, or is a nonconforming vehicle, as the case may be.

(3) Any person who, with intent to offer for sale or exchange any vehicle referred to in subsection (1), knowingly or intentionally advertises, publishes, disseminates, circulates, or places before the public in any communications medium, whether directly or indirectly, any offer to sell or exchange the vehicle shall clearly and precisely state in each such offer that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle or that the vehicle or mobile home is a vehicle that is rebuilt *or*~~,~~ assembled from parts~~, or combined~~, or is a kit car, glider kit, replica, or flood vehicle, or a nonconforming vehicle, as the case may be. Any person who violates this subsection *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) When a certificate of title, including a foreign certificate, is branded to reflect a condition or prior use of the titled vehicle, the brand must be noted on the registration certificate of the vehicle and such brand shall be carried forward on all subsequent certificates of title and registration certificates issued for the life of the vehicle.

(5) Any person who knowingly sells, exchanges, or offers to sell or exchange a motor vehicle or mobile home contrary to the provisions of this section or any officer, agent, or employee of a person who knowingly authorizes, directs, aids in, or consents to the sale, exchange, or offer to sell or exchange a motor vehicle or mobile home contrary to the provisions of this section *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any person who removes a rebuilt decal from a rebuilt vehicle with the intent to conceal the rebuilt status of the vehicle commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7)~~(6)~~ This section applies to a mobile home, travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer only when such mobile home or vehicle is a rebuilt vehicle or is assembled from parts.

(8)~~(7)~~ No person shall be liable or accountable in any civil action arising out of a violation of this section if the designation of the previous use or condition of the motor vehicle is not noted on the certificate of title and registration certificate of the vehicle which was received by, or delivered to, such person, unless such person has actively concealed the prior use or condition of the vehicle from the purchaser.

(9)~~(8)~~ Subsections (1), (2), and (3) do not apply to the transfer of ownership of a motor vehicle after the motor vehicle has ceased to be used as a lease vehicle and the ownership has been transferred to an owner for private use or to the transfer of ownership of a nonconforming vehicle with 36,000 or more miles on its odometer, or 34 months whichever is later and the ownership has been transferred to an owner for private use. Such owner, as shown on the title certificate, may request the department to issue a corrected certificate of title that does not contain the statement of the previous use of the vehicle as a lease vehicle or condition as a nonconforming vehicle.

Section 9. Subsection (5) is added to section 319.22, Florida Statutes, to read:

319.22 Transfer of title.—

(5) It is illegal to transfer title to a motor vehicle when the purchaser's name does not appear on the title. Any buyer or seller who knowingly and willfully violates this subsection with intent to commit fraud commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. Section 319.30, Florida Statutes, is amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(1) As used in this section, the term:

(a) "Certificate of destruction" means the certificate issued pursuant to s. 713.78(11).

(b) "Certificate of registration number" means the certificate of registration number issued by the Department of Revenue of the State of Florida pursuant to s. 538.25.

(c) "Derelict" means any material which is or may have been a motor vehicle or mobile home, with or without all component parts, which is inoperable and which material is in such condition that its highest or primary value is either in its sale or transfer as scrap metal or for its component parts, or a combination of the two.

(d) "Junk" means any material which is or may have been a motor vehicle or mobile home, with or without all component parts, which is inoperable and which material is in such condition that its highest or primary value is either in its sale or transfer as scrap metal or for its component parts, or a combination of the two, except when sold or delivered to or when purchased, possessed, or received by a secondary metals recycler or salvage motor vehicle dealer.

(e) "Major component parts" means*:*

1. For motor vehicles other than motorcycles, the front-end assembly (fenders, hood, grill, and bumper), cowl assembly, rear body section (both quarter panels, trunk lid, door, decklid, and bumper), floor pan, door assemblies, engine, frame, transmission, and airbag.

2. For trucks, in addition to those parts listed in subparagraph 1., any truck bed, including dump, wrecker, crane, mixer, cargo box, or any bed which mounts to a truck frame.

3. For motorcycles, the body assembly, frame, fenders, gas tanks, engine, cylinder block, heads, engine case, crank case, transmission, drive train, front fork assembly, and wheels.

4. For mobile homes, the frame. ~~the front-end assembly (fenders, hood, grill, and bumper); cowl assembly; rear body section (both quarter panels, decklid, bumper, and floor pan); door assemblies; engine; frame; or transmission.~~

(f) "Major part" means the front-end assembly*,* ~~(fenders, hood, grill, and bumper);~~ cowl assembly*,*~~;~~ or rear body section ~~(both quarter panels, decklid, bumper, and floor pan)~~.

(g) "Materials" means motor vehicles, derelicts, and major parts that are not prepared materials.

(h) "Mobile home" means mobile home as defined in s. 320.01(2).

(i) "Motor vehicle" means motor vehicle as defined in s. 320.01(1).

(j) "Parts" means parts of motor vehicles or combinations thereof that do not constitute materials or prepared materials.

(k) "Personal identification card" means personal identification card as defined in s. 538.18(5).

(l) "Prepared materials" means motor vehicles, mobile homes, derelicts, major parts, or parts that have been processed by mechanically flattening or crushing, or otherwise processed such that they are not the motor vehicle or mobile home described in the certificate of title, or their only value is as scrap metal.

(m) "Processing" means the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, or the purchase of materials, prepared materials, or parts therefor.

(n) "Salvage" means a motor vehicle or mobile home which is a total loss as defined in paragraph (3)(a).

(o) "Salvage motor vehicle dealer" means salvage motor vehicle dealer as defined in s. 320.27(1)(c)5.

(p) "Secondary metals recycler" means secondary metals recycler as defined in s. 538.18(8).

(2)(a) Each person mentioned as owner in the last issued certificate of title, when such motor vehicle or mobile home is dismantled, destroyed, or changed in such manner that it is not the motor vehicle or mobile home described in the certificate of title, shall surrender his or her certificate of title to the department, and thereupon the department shall, with the consent of any lienholders noted thereon, enter a cancellation upon its records. Upon cancellation of a certificate of title in the manner prescribed by this section, the department may cancel and destroy all certificates in that chain of title. Any person who willfully and deliberately violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) When a motor vehicle is sold, transported, or delivered to a salvage motor vehicle dealer, it shall be accompanied by:

1. A properly endorsed certificate of title, salvage certificate of title, or vehicle certificate of destruction issued by the department; or

2. If the certificate of title has been surrendered to the department, a notarized affidavit signed by the owner stating that the title has been returned to the State of Florida pursuant to paragraph (a), the date on which such return was made, the year, make, and vehicle identification number of the motor vehicle, and the name, address, and personal identification card number of the owner. Any person who willfully and deliberately violates this subparagraph by falsifying a required affidavit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Anyone who willfully and knowingly induces a person to sign an affidavit that falsely asserts that the vehicle title has been surrendered to the department commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) As used in this section, a motor vehicle or mobile home is a "total loss":

1. When an insurance company pays the vehicle owner to replace the wrecked or damaged vehicle with one of like kind and quality or when an insurance company pays the owner upon the theft of the motor vehicle or mobile home; a motor vehicle or mobile home shall not be considered a "total loss" if the insurance company and the owner agree to repair, rather than to replace, the motor vehicle or mobile home; or

2. When an uninsured motor vehicle or mobile home is wrecked or damaged and the cost, at the time of loss, of repairing or rebuilding the vehicle is 80 percent or more of the cost to the owner of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality.

(b) The owner of any motor vehicle or mobile home which is considered to be salvage*, including persons who are self-insured,* shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle or mobile home described therein. This certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title, and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than $1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide or when a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine. Any person who willfully and deliberately violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) It is unlawful for any person to have in his or her possession any motor vehicle or mobile home when the manufacturer's *or state-assigned* identification number plate or serial plate has been removed therefrom.

(a) ~~However,~~ Nothing in this subsection shall be applicable when a vehicle defined in this section as a derelict or salvage was purchased or acquired from a foreign state requiring such vehicle's identification number plate to be surrendered to such state, provided the person shall have an affidavit from the seller describing the vehicle by manufacturer's serial number and the state to which such vehicle's identification number plate was surrendered.

(b) Nothing in this subsection shall be applicable if a certificate of destruction has been obtained for the vehicle.

(5)(a) It is unlawful for any person to knowingly possess, sell, or exchange, offer to sell or exchange, or give away any certificate of title or manufacturer's *or state-assigned* identification number plate or serial plate of any motor vehicle, mobile home, or derelict that has been sold as salvage contrary to the provisions of this section, and it is unlawful for any person to authorize, direct, aid in, or consent to the possession, sale, or exchange or to offer to sell, exchange, or give away such certificate of title or manufacturer's *or state-assigned* identification number plate or serial plate.

(b) It is unlawful for any person to knowingly possess, sell, or exchange, offer to sell or exchange, or give away any manufacturer's *or state-assigned* identification number plate or serial plate of any motor vehicle or mobile home that has been removed from the motor vehicle or mobile home for which it was manufactured, and it is unlawful for any person to authorize, direct, aid in, or consent to the possession, sale, or exchange or to offer to sell, exchange, or give away such manufacturer's *or state-assigned* identification number plate or serial plate.

(c) This chapter does not apply to anyone who removes, possesses, or replaces a manufacturer's *or state-assigned* identification number plate, in the course of performing repairs on a vehicle, that require such removal or replacement. If the repair requires replacement of a vehicle part that contains the manufacturer's *or state-assigned* identification number plate, the manufacturer's *or state-assigned* identification number plate that is assigned to the vehicle being repaired will be installed on the replacement part. The manufacturer's *or state-assigned* identification number plate that was removed from this replacement part will be installed on the part that was removed from the vehicle being repaired.

(6) In the event of a purchase by a salvage motor vehicle dealer of materials or major component parts for any reason, the purchaser shall:

(a) For each item of materials or major component parts purchased, the salvage motor vehicle dealer shall record the date of purchase, name and address of the seller, and the personal identification card number of the person delivering such items, as well as the vehicle identification number, if available.

(b) With respect to each item of materials or major component parts purchased, obtain such documentation as may be required by subsection (2).

Any person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) In the event of a purchase by a secondary metals recycler, that has been issued a certificate of registration number, of:

(a) Materials, prepared materials, or parts from any seller for purposes other than the processing of such materials, prepared materials, or parts, the purchaser shall obtain such documentation as may be required by this section, and shall record the seller's name and address, date of purchase, and the personal identification card number of the person delivering such items.

(b) Parts or prepared materials from any seller for purposes of the processing of such parts or prepared materials, the purchaser shall record the seller's name and address and date of purchase; and, in the event of a purchase transaction consisting primarily of parts or prepared materials, the personal identification card number of the person delivering such items.

(c) Materials from another secondary metals recycler for purposes of the processing of such materials, the purchaser shall record the seller's name, address, and date of purchase.

(d) Motor vehicles, mobile homes, or derelicts from other than a secondary metals recycler for purposes of the processing of such motor vehicles, mobile homes, or derelicts, the purchaser shall record the seller's name, address, date of purchase, and the personal identification card number of the person delivering such items, and shall obtain the following documentation from the seller with respect to each item purchased:

1. A valid certificate of title issued in the name of the seller or properly endorsed over to the seller;

2. A valid certificate of destruction issued in the name of the seller or properly endorsed over to the seller; or

3. If a valid certificate of title or a valid certificate of destruction is not available, an affidavit signed by the seller stating that the seller

returned the certificate of title to the State of Florida pursuant to subsection (2) and the date on which such return was made, and setting forth the vehicle identification number of such motor vehicle, mobile home, or derelict.

(e) Major parts from other than a secondary metals recycler for purposes of the processing of such major parts, the purchaser shall record the seller's name, address, date of purchase, and the personal identification card number of the person delivering such items, as well as the vehicle identification number, if available, of each major part purchased.

Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)(a) Secondary metals recyclers and salvage motor vehicle dealers shall return to the department on a monthly basis all certificates of title required by this section to be obtained.

(b) Secondary metals recyclers and salvage motor vehicle dealers shall keep all certificates of destruction, seller's affidavits, and all other information required by this section to be recorded or obtained, on file in the offices of such secondary metals recyclers or salvage motor vehicle dealers for a period of 3 years from the date of purchase of the items reflected in such certificates of destruction or seller's affidavits. These records shall be maintained in chronological order.

(c) For the purpose of enforcement of this section, the department or its agents and employees have the same right of inspection as law enforcement officers as provided in s. 812.055.

(9) Except as otherwise provided in this section, any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. Subsection (6) is added to section 319.32, Florida Statutes, to read:

319.32 Fees; service charges; disposition.—

(6) Notwithstanding chapter 116, every county officer within this state authorized to collect funds provided for in this chapter shall pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds. Payment by county officers to the state shall be made by means of electronic funds transfer.

Section 12. Subsection (5) of section 319.33, Florida Statutes, is amended to read:

319.33 Offenses involving vehicle identification numbers, applications, certificates, papers; penalty.—

(5) It is unlawful for any person, firm, or corporation to knowingly possess, manufacture, sell or exchange, offer to sell or exchange, supply in blank, or give away any counterfeit manufacturer's *or state-assigned* identification number plates or serial plates or any decal used for the purpose of identification of any motor vehicle; or for any officer, agent, or employee of any person, firm, or corporation, or any person who shall authorize, direct, aid in exchange, or give away such counterfeit manufacturer's *or state-assigned* identification number plates or serial plates or any decal; or conspire to do any of the foregoing. However, nothing in this subsection shall be applicable to any approved replacement manufacturer's *or state-assigned* identification number plates or serial plates or any decal issued by the department or any state.

Section 13. Subsection (3) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(3) Each tax collector shall keep a full and complete record and account of all validation stickers, mobile home stickers, or other properties received by him or her from the department, or from any other source~~, and shall make prompt remittance of moneys collected by him or her at such times and in such manner as prescribed by law~~. *Notwithstanding chapter 116, every county officer within this state authorized to collect funds provided for in this chapter shall pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds. Payment by county officers to the state shall be made by means of electronic funds transfer.*

Section 14. Subsection (9) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(a) The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771, upon proof that a licensee has *committed any of the following activities* ~~failed to comply with any of the following provisions with sufficient frequency so as to establish a pattern of wrongdoing on the part of the licensee~~:

~~(a) Willful violation of any other law of this state, including chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile homes or willful failure to comply with any administrative rule promulgated by the department. Additionally, in the case of used motor vehicles, the willful violation of the federal law and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.~~

1.~~(b)~~ Commission of fraud or willful misrepresentation in application for or in obtaining a license.

2. Conviction of a felony.

3. Failure to honor a bank draft or check given to a motor vehicle dealer for the purchase of a motor vehicle by another motor vehicle dealer within 10 days after notification that the bank draft or check has been dishonored. If the transaction is disputed, the maker of the bank draft or check shall post a bond in accordance with the provisions of s. 559.917, and no proceeding for revocation or suspension shall be commenced until the dispute is resolved.

(b) The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that a licensee has committed, with sufficient frequency so as to establish a pattern of wrongdoing on the part of a licensee, violations of one or more of the following activities:

~~(c) Perpetration of a fraud upon any person as a result of dealing in motor vehicles, including, without limitation, the misrepresentation to any person by the licensee of the licensee's relationship to any manufacturer, importer, or distributor.~~

1.~~(d)~~ Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a "demonstrator," a "new motor vehicle," and a "used motor vehicle" shall be defined as under s. 320.60.

2.~~(e)~~ Unjustifiable refusal to comply with a licensee's responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

3.~~(f)~~ Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

4. Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract or agreement of purchase connected with the purchase of the motor vehicle purchased by the customer or purchaser.

5. Failure of any motor vehicle dealer to comply with the terms of any bona fide written, executed agreement, pursuant to the sale of a motor vehicle.

6. Failure to apply for transfer of a title as prescribed in s. 319.23(6).

7. Use of the dealer license identification number by any person other than the licensed dealer or his or her designee.

8. Failure to continually meet the requirements of the licensure law.

9. Representation to a customer or any advertisement to the public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other member of the public by the seller using a manufacturer's statement of origin as permitted in s. 319.23(1).

10.~~(g)~~ Requirement by any motor vehicle dealer that a customer or purchaser accept equipment on his or her motor vehicle which was not ordered by the customer or purchaser.

11.~~(h)~~ Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

~~(i) Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract or agreement of purchase connected with the purchase of the motor vehicle purchased by the customer or purchaser.~~

~~(j) Failure of any motor vehicle dealer to comply with the terms of any bona fide written, executed agreement, pursuant to the sale of a motor vehicle.~~

12.~~(k)~~ Requirement by *any* ~~the~~ motor vehicle dealer that the purchaser of a motor vehicle contract with the dealer for physical damage insurance.

13. Perpetration of a fraud upon any person as a result of dealing in motor vehicles, including, without limitation, the misrepresentation to any person by the licensee of the licensee's relationship to any manufacturer, importer, or distributor.

14.~~(l)~~ Violation of any of the provisions of s. 319.35 by any motor vehicle dealer.

15. Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.

16. Willful failure to comply with any administrative rule adopted by the department.

17. Violation of chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile homes. Additionally, in the case of used motor vehicles, the willful violation of the federal law and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.

~~(m) Either a history of bad credit or an unfavorable credit rating as revealed by the applicant's official credit report or by investigation by the department.~~

~~(n) Failure to apply for transfer of a title as prescribed in s. 319.23(6).~~

~~(o) Use of the dealer license identification number by any person other than the licensed dealer or his or her designee.~~

~~(p) Conviction of a felony.~~

~~(q) Failure to continually meet the requirements of the licensure law.~~

(c)~~(r)~~ When a motor vehicle dealer is convicted of a crime which results in his or her being prohibited from continuing in that capacity, the dealer may not continue in any capacity within the industry. The offender shall have no financial interest, management, sales, or other role in the operation of a dealership. Further, the offender may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business.

~~(s) Representation to a customer or any advertisement to the general public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other member of the general public by the seller using a manufacturer's statement of origin as permitted in s. 319.23(1).~~

~~(t) Failure to honor a bank draft or check given to a motor vehicle dealer for the purchase of a motor vehicle by another motor vehicle dealer within 10 days after notification that the bank draft or check has been dishonored. A single violation of this paragraph is sufficient for revocation or suspension. If the transaction is disputed, the maker of the bank draft or check shall post a bond in accordance with the provisions of s. 559.917, and no proceeding for revocation or suspension shall be commenced until the dispute is resolved.~~

~~(u) Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.~~

Section 15. Subsection (7) of section 322.095, Florida Statutes, is amended to read:

322.095 Traffic law and substance abuse education program for driver's license applicants.—

(7)~~(a) No governmental entity or court shall provide, issue, or maintain any information or orders regarding traffic law and substance abuse education program schools or course providers, with the exception of directing inquiries or requests to the local telephone directory heading of driving instruction or the driver's license applicant reference guide. However,~~ The department is authorized to maintain the information and records necessary to administer its duties and responsibilities for the program. Where such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1). *The department shall approve and regulate courses that use technology as the delivery method of all traffic law and substance abuse education courses as the courses relate to this section.*

~~(b) The department shall prepare for any governmental entity to distribute a driver's license applicant reference guide which shall list the benefits of attending a traffic law and substance abuse education school, but under no circumstance may include any list of course providers or schools. The department shall refer further inquiries to the telephone directory heading of driving instruction.~~

Section 16. Subsection (4) is added to section 328.73, Florida Statutes, to read:

328.73 Registration; duties of tax collectors.—

(4) Notwithstanding chapter 116, every county officer within this state authorized to collect funds provided for in this chapter shall pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds. Payment by county officers to the state shall be made by means of electronic funds transfer.

Section 17. Subsections (11) and (12) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(11)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2) and who has complied with the provisions of subsections (3) and (6), when such vehicle or vessel is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle, vessel, or mobile home described in the certificate of title, shall apply to the county tax collector for a certificate of destruction. A certificate of destruction, which authorizes the dismantling or destruction of the vehicle or vessel described therein, shall be reassignable *a maximum of two times before dismantling or destruction of the vehicle shall be required,* and shall accompany the vehicle or vessel for which it is issued, when such vehicle or vessel is sold for such purposes, in lieu of a certificate of title. The application for a certificate of destruction must include an affidavit from the applicant that it has complied with all applicable requirements of this section and, if the vehicle or vessel is not registered in this state, by a statement from a law enforcement officer that the vehicle or vessel is not reported stolen, and shall be accompanied by such documentation as may be required by the department.

(b) The Department of Highway Safety and Motor Vehicles shall charge a fee of $3 for each certificate of destruction. A service charge of $4.25 shall be collected and retained by the tax collector who processes the application.

(c) The Department of Highway Safety and Motor Vehicles may adopt such rules as it deems necessary or proper for the administration of this subsection.

(12)(a) Any person who violates any provision of subsection (1), subsection (2), subsection (4), subsection (5), subsection (6), or subsection (7) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who violates the provisions of subsections (8) through (11) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who uses a false or fictitious name, gives a false or fictitious address, or makes any false statement in any application or affidavit required under the provisions of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers are authorized to inspect the records of any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels or transporting vehicles or vessels by wrecker, tow truck, or car carrier, to ensure compliance with the requirements of this section. Any person who fails to maintain records, or fails to produce records when required in a reasonable manner and at a reasonable time, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 18. Subsection (2) of section 316.251, Florida Statutes, is amended to read:

316.251 Maximum bumper heights.—

(2) "New motor vehicles" as defined in s. 319.001*(8)*~~(4)~~, "antique automobiles" as defined in s. 320.08, "horseless carriages" as defined in s. 320.086, and "street rods" as defined in s. 320.0863 shall be excluded from the requirements of this section.

Section 19. Subsection (20) of section 501.976, Florida Statutes, is amended to read:

501.976 Actionable, unfair, or deceptive acts or practices.—It is an unfair or deceptive act or practice, actionable under the Florida Deceptive and Unfair Trade Practices Act, for a dealer to:

(20) Fail to disclose damage to a new motor vehicle, as defined in s. 319.001*(8)*~~(4)~~, of which the dealer had actual knowledge, if the dealer's actual cost of repairs exceeds the threshold amount, excluding replacement items.

In any civil litigation resulting from a violation of this section, when evaluating the reasonableness of an award of attorney's fees to a private person, the trial court shall consider the amount of actual damages in relation to the time spent.

Section 20. Subsection (3) of section 681.103, Florida Statutes, is amended to read:

681.103 Duty of manufacturer to conform a motor vehicle to the warranty.—

(3) At the time of acquisition, the manufacturer shall inform the consumer clearly and conspicuously in writing how and where to file a claim with a certified procedure if such procedure has been established by the manufacturer pursuant to s. 681.108. *The nameplate manufacturer of a recreational vehicle shall, at the time of vehicle acquisition, inform the consumer clearly and conspicuously in writing how and where to file a claim with a program pursuant to s. 681.1096.* The manufacturer shall provide to the dealer and, at the time of acquisition, the dealer shall provide to the consumer a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared by the Department of Legal Affairs and shall contain a toll-free number for the division that the consumer can contact to obtain information regarding the consumer's rights and obligations under this chapter or to commence arbitration. If the manufacturer obtains a signed receipt for timely delivery of sufficient quantities of this written statement to meet the dealer's vehicle sales requirements, it shall constitute prima facie evidence of compliance with this subsection by the manufacturer. The consumer's signed acknowledgment of receipt of materials required under this subsection shall constitute prima facie evidence of compliance by the manufacturer and dealer. The form of the acknowledgments shall be approved by the Department of Legal Affairs, and the dealer shall maintain the consumer's signed acknowledgment for 3 years.

Section 21. Subsection (1) of section 681.1096, Florida Statutes, is amended to read:

681.1096 Pilot RV Mediation and Arbitration Program; creation and qualifications.—

(1) This section and s. 681.1097 shall apply to disputes determined eligible under this chapter involving recreational vehicles acquired on or after October 1, 1997, and shall remain in effect until September 30, *2006* ~~2002~~, at which time recreational vehicle disputes shall be subject to the provisions of ss. 681.109 and 681.1095. The Attorney General shall report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, and appropriate legislative committees regarding the effectiveness of the pilot program.

Section 22. Paragraph (e) is added to subsection (3) of section 681.1097, Florida Statutes, and paragraph (a) of subsection (4) of said section is amended, to read:

681.1097 Pilot RV Mediation and Arbitration Program; dispute eligibility and program function.—

(3) The consumer's application for participation in the program must be on a form prescribed or approved by the department. The department shall screen all applications to participate in the program to determine eligibility. The department shall forward to the program administrator all applications the department determines are potentially entitled to relief under this chapter.

(e) The department may delegate responsibility for the screening of claims to the program, in which event claims filed with the department shall be forwarded to the program administrator and the provisions of this section shall apply to claims screened by the program.

(4) Mediation shall be mandatory for both the consumer and manufacturer, unless the dispute is settled prior to the scheduled mediation conference. The mediation conference shall be confidential and inadmissible in any subsequent adversarial proceedings. Participation shall be limited to the parties directly involved in the dispute and their attorneys, if any. All manufacturers shall be represented by persons with settlement authority.

(a) Upon receipt of an eligible application ~~from the department~~, the program administrator shall notify the consumer and all involved manufacturers in writing that an eligible application has been received. Such notification shall include a statement that a mediation conference will be scheduled, shall identify the assigned mediator, and provide information regarding the program's procedures. The program administrator shall provide all involved manufacturers with a copy of the completed application.

Section 23. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1 and 2 of the bill, remove: all of said lines, and insert: An act relating to transportation; amending s. 316.006, F.S.; revising the traffic control jurisdiction of a county over certain roads and rights-of-way dedicated in a residential subdivision under certain circumstances; creating s. 316.00825, F.S.; authorizing the governing body of a county to abandon the roads and rights-of-way dedicated in a recorded subdivision plat under certain circumstances; providing for traffic control jurisdiction of such roads; amending s. 316.061, F.S.; authorizing specified entities to remove crashed motor vehicles in certain circumstances; limiting liability; amending s. 316.520, F.S.; revising language with respect to penalties relating to loads on vehicles; amending s. 318.1451, F.S.; revising provisions governing driver improvement schools; amending s. 318.18, F.S.; amending s. 319.001, F.S.; providing definitions with respect to provisions of law relating to title certificates; correcting a cross

reference, to conform; amending s. 319.14, F.S.; revising language with respect to the sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles and nonconforming vehicles; amending s. 319.22, F.S.; providing that it is illegal to transfer title to a motor vehicle under certain circumstances; providing a penalty; amending s. 319.30, F.S., relating to salvage; revising circumstances; limiting liability; re-enacting s. 316.520, F.S.; relating to loads on vehicles; amending s. 319.32, F.S.; providing a time period for the payment of certain funds by county officers to the State Treasury by electronic funds transfer; amending s. 319.33, F.S.; including reference to state-assigned identification number plates; amending s. 320.03, F.S.; providing a time period for county officers to pay certain funds to the State Treasury by electronic funds transfer; amending s. 320.27, F.S.; revising language with respect to the denial, suspension, or revocation of a license by the department with respect to motor vehicle dealers; amending s. 322.095, F.S.; revising provisions governing traffic law and substance abuse education courses; amending s. 328.73, F.S.; providing a time period for county officers to pay certain funds to the State Treasury by electronic funds transfer; amending s. 713.78, F.S.; authorizing employees of the department and law enforcement officers to inspect the records of persons regularly engaged in the business of recovering, towing, or storing vehicles or vessels; providing a penalty for failure to maintain required records or failure to produce records when required; amending ss. 316.251 and 501.976, F.S.; correcting a cross reference, to conform; amending s. 681.103, F.S.; requiring that certain information relating to filing a claim with a mediation and arbitration program be provided by the name plate manufacturer to the consumer; amending s. 681.1096, F.S.; postponing termination of the mediation and arbitration pilot program; amending s. 681.1097, F.S.; providing for screening of claims by the program; providing an effective date.

On motion by Senator Sebesta, the Senate concurred in the House amendment.

CS for CS for SB 522 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Carlton, Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 632, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 632—A bill to be entitled An act relating to out-of-home care; repealing s. 39.521(5), F.S., relating to the mandatory assessment of specified children for placement in licensed residential group care; creating s. 39.523, F.S.; prescribing procedures for the mandatory assessment of certain children for placement in licensed residential group care; providing for reports; providing for a residential group care appropriations category in the General Appropriations Act; providing for funding increases to be appropriated in a lump-sum category; specifying that the release of certain funds is contingent on the approval of a spending plan; prescribing elements of the plan; authorizing one-time startup funding; amending s. 39.407, F.S.; clarifying that the Department of Children and Family Services may place a child who is in its custody in a residential treatment center without prior approval of the court; amending s. 409.1671, F.S.; providing intent that the Department of Children and Family Services and the Department of Juvenile Justice establish an interagency agreement regarding referral to residential group care facilities; specifying that a residential group care facility must be licensed as a child-caring agency; requiring such facilities serving certain children to meet specified staff qualifications; redefining and adding terms; redefining the term "serious behavioral problems"; authorizing the department to adopt rules; specifying timeframes for initiating and for completing privatization of foster care and related services; providing for the establishment of a model comprehensive residential services program in specified counties; providing that community-based providers and subcontractors require employees to obtain bodily injury liability insurance on personal automobiles; providing certain immunity from liability when transporting clients in privately owned automobiles; directing the Department of Children and Family Services to adopt written policies and procedures for contract monitoring of community-based providers; modifying the requirement for community-based providers to furnish information to the department; modifying the conditions under which a provider may close a case; modifying the requirements concerning dual licensure of foster homes; eliminating the authority for a risk pool; requiring the development of a proposal for a shared-earnings program; providing direction for the development of the proposal; providing for submission of the proposal to the Legislative Budget Commission and for submission to the Legislature under certain conditions; expanding the program relating to excess federal earnings and certain additional state funds to additional entities; eliminating a specified expiration for this program; requiring that the Legislature appropriate a lump sum in the Administered Funds Program each year for a specified purpose; specifying the type of bond that may be required; eliminating an obsolete review requirement; amending s. 409.1676, F.S.; removing a reference to specific districts and regions of the department; amending s. 409.175, F.S.; defining the term "family foster group home"; amending s. 409.906, F.S.; expanding the authority for the establishment of child welfare targeted case management projects; eliminating reference to a pilot project; eliminating the requirement to report to the Child Welfare Estimating Conference regarding targeted case management; directing the Office of Program Policy Analysis and Government Accountability, in consultation with the Agency for Health Care Administration, to conduct a review of the process for placing children for residential mental health treatment; providing for a report to the Governor and Legislature; providing an effective date.

House Amendment 1 (734597)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Subsection (5) of section 39.521, Florida Statutes, is repealed.*

Section 2. Section 39.523, Florida Statutes, is created to read:

39.523 Placement in residential group care.—

(1) Except as provided in s. 39.407, any dependent child 11 years of age or older who has been in licensed family foster care for 6 months or longer and who is then moved more than once and who is a child with extraordinary needs as defined in s. 409.1676 must be assessed for placement in licensed residential group care. The assessment procedures shall be conducted by the department or its agent and shall incorporate and address current and historical information from any psychological testing or evaluation that has occurred; current and historical information from the guardian ad litem, if one has been assigned; current and historical information from any current therapist, teacher, or other professional who has knowledge of the child and has worked with the child; information regarding the placement of any siblings of the child and the impact of the child's placement in residential group care on the child's siblings; the circumstances necessitating the moves of the child while in family foster care and the recommendations of the former foster families, if available; the status of the child's case plan and a determination as to the impact of placing the child in residential group care on the goals of the case plan; the age, maturity, and desires of the child concerning placement; the availability of any less restrictive, more family-like setting for the child in which the foster parents have the necessary training and skills for providing a suitable placement for the child; and any other information concerning the availability of suitable residential group care. If such placement is determined to be appropriate as a result of this procedure, the child must be placed in residential group care, if available.

(2) The results of the assessment described in subsection (1) and the actions taken as a result of the assessment must be included in the next judicial review of the child. At each subsequent judicial review, the court must be advised in writing of the status of the child's placement, with special reference regarding the stability of the placement and the permanency planning for the child.

(3) Any residential group care facility that receives children under the provisions of this subsection shall establish special permanency teams dedicated to overcoming the special permanency challenges presented by this population of children. Each facility shall report to the department its success in achieving permanency for children placed by the department in its care at intervals that allow the current information to be provided to the court at each judicial review for the child.

(4) This section does not prohibit the department from assessing and placing children who do not meet the criteria in subsection (1) in residential group care if such placement is the most appropriate placement for such children.

(5)(a) By December 1 of each year, the department shall report to the Legislature on the placement of children in licensed residential group care during the year, including the criteria used to determine the placement of children, the number of children who were evaluated for placement, the number of children who were placed based upon the evaluation, and the number of children who were not placed. The department shall maintain data specifying the number of children who were referred to licensed residential child care for whom placement was unavailable and the counties in which such placement was unavailable. The department shall include this data in its report to the Legislature due on December 1, so that the Legislature may consider this information in developing the General Appropriations Act.

(b) As part of the report required in paragraph (a), the department shall also provide a detailed account of the expenditures incurred for "Special Categories: Grants and Aids – Specialized Residential Group Care Services" for the fiscal year immediately preceding the date of the report. This section of the report must include whatever supporting data is necessary to demonstrate full compliance with paragraph (6)(c). The document must present the information by district and must specify, at a minimum, the number of additional beds, the average rate per bed, the number of additional persons served, and a description of the enhanced and expanded services provided.

(6)(a) The provisions of this section shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.

(b) Each year, funds included in the General Appropriations Act for Enhanced Residential Group Care as provided for in s. 409.1676, shall be appropriated in a separately identified special category that is designated in the act as "Special Categories: Grants and Aids – Specialized Residential Group Care Services."

(c) Each fiscal year, all funding increases for Enhanced Residential Group Care as provided in s. 409.1676, which are included in the General Appropriations Act shall be appropriated in a lump-sum category as defined in s. 216.011(1)(aa). In accordance with s. 216.181(6)(a), the Executive Office of the Governor shall require the department to submit a spending plan that identifies the residential group care bed capacity shortage throughout the state and proposes a distribution formula by district which addresses the reported deficiencies. The spending plan must have as its first priority the reduction or elimination of any bed shortage identified and must also provide for program enhancements to ensure that residential group care programs meet a minimum level of expected performance and provide for expansion of the comprehensive residential group care services described in s. 409.1676. Annual appropriation increases appropriated in the lump-sum appropriation must be used in accordance with the provisions of the spending plan.

(d) Funds from "Special Categories: Grants and Aids – Specialized Residential Group Care Services" may be used as one-time startup funding for residential group care purposes that include, but are not limited to, remodeling or renovation of existing facilities, construction costs, leasing costs, purchase of equipment and furniture, site development, and other necessary and reasonable costs associated with the startup of facilities or programs upon the recommendation of the lead community-based provider if one exists and upon specific approval of the terms and conditions by the secretary of the department.

Section 3. Subsection (5) of section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical or mental examination of parent or person requesting custody of child.—

(5) Children who are in the legal custody of the department may be placed by the department*, without prior approval of the court,* in a residential treatment center licensed under s. 394.875 or a hospital licensed under chapter 395 for residential mental health treatment only pursuant to this section or may be placed by the court in accordance with an order of involuntary examination or involuntary placement entered pursuant to s. 394.463 or s. 394.467. All children placed in a residential treatment program under this subsection must have a guardian ad litem appointed.

(a) As used in this subsection, the term:

1. "Residential treatment" means placement for observation, diagnosis, or treatment of an emotional disturbance in a residential treatment center licensed under s. 394.875 or a hospital licensed under chapter 395.

2. "Least restrictive alternative" means the treatment and conditions of treatment that, separately and in combination, are no more intrusive or restrictive of freedom than reasonably necessary to achieve a substantial therapeutic benefit or to protect the child or adolescent or others from physical injury.

3. "Suitable for residential treatment" or "suitability" means a determination concerning a child or adolescent with an emotional disturbance as defined in s. 394.492(5) or a serious emotional disturbance as defined in s. 394.492(6) that each of the following criteria is met:

a. The child requires residential treatment.

b. The child is in need of a residential treatment program and is expected to benefit from mental health treatment.

c. An appropriate, less restrictive alternative to residential treatment is unavailable.

(b) Whenever the department believes that a child in its legal custody is emotionally disturbed and may need residential treatment, an examination and suitability assessment must be conducted by a qualified evaluator who is appointed by the Agency for Health Care Administration. This suitability assessment must be completed before the placement of the child in a residential treatment center for emotionally disturbed children and adolescents or a hospital. The qualified evaluator must be a psychiatrist or a psychologist licensed in Florida who has at least 3 years of experience in the diagnosis and treatment of serious emotional disturbances in children and adolescents and who has no actual or perceived conflict of interest with any inpatient facility or residential treatment center or program.

(c) Before a child is admitted under this subsection, the child shall be assessed for suitability for residential treatment by a qualified evaluator who has conducted a personal examination and assessment of the child and has made written findings that:

1. The child appears to have an emotional disturbance serious enough to require residential treatment and is reasonably likely to benefit from the treatment.

2. The child has been provided with a clinically appropriate explanation of the nature and purpose of the treatment.

3. All available modalities of treatment less restrictive than residential treatment have been considered, and a less restrictive alternative that would offer comparable benefits to the child is unavailable.

A copy of the written findings of the evaluation and suitability assessment must be provided to the department and to the guardian ad litem, who shall have the opportunity to discuss the findings with the evaluator.

(d) Immediately upon placing a child in a residential treatment program under this section, the department must notify the guardian ad litem and the court having jurisdiction over the child and must provide

the guardian ad litem and the court with a copy of the assessment by the qualified evaluator.

(e) Within 10 days after the admission of a child to a residential treatment program, the director of the residential treatment program or the director's designee must ensure that an individualized plan of treatment has been prepared by the program and has been explained to the child, to the department, and to the guardian ad litem, and submitted to the department. The child must be involved in the preparation of the plan to the maximum feasible extent consistent with his or her ability to understand and participate, and the guardian ad litem and the child's foster parents must be involved to the maximum extent consistent with the child's treatment needs. The plan must include a preliminary plan for residential treatment and aftercare upon completion of residential treatment. The plan must include specific behavioral and emotional goals against which the success of the residential treatment may be measured. A copy of the plan must be provided to the child, to the guardian ad litem, and to the department.

(f) Within 30 days after admission, the residential treatment program must review the appropriateness and suitability of the child's placement in the program. The residential treatment program must determine whether the child is receiving benefit towards the treatment goals and whether the child could be treated in a less restrictive treatment program. The residential treatment program shall prepare a written report of its findings and submit the report to the guardian ad litem and to the department. The department must submit the report to the court. The report must include a discharge plan for the child. The residential treatment program must continue to evaluate the child's treatment progress every 30 days thereafter and must include its findings in a written report submitted to the department. The department may not reimburse a facility until the facility has submitted every written report that is due.

(g)1. The department must submit, at the beginning of each month, to the court having jurisdiction over the child, a written report regarding the child's progress towards achieving the goals specified in the individualized plan of treatment.

2. The court must conduct a hearing to review the status of the child's residential treatment plan no later than 3 months after the child's admission to the residential treatment program. An independent review of the child's progress towards achieving the goals and objectives of the treatment plan must be completed by a qualified evaluator and submitted to the court before its 3-month review.

3. For any child in residential treatment at the time a judicial review is held pursuant to s. 39.701, the child's continued placement in residential treatment must be a subject of the judicial review.

4. If at any time the court determines that the child is not suitable for continued residential treatment, the court shall order the department to place the child in the least restrictive setting that is best suited to meet his or her needs.

(h) After the initial 3-month review, the court must conduct a review of the child's residential treatment plan every 90 days.

(i) The department must adopt rules for implementing timeframes for the completion of suitability assessments by qualified evaluators and a procedure that includes timeframes for completing the 3-month independent review by the qualified evaluators of the child's progress towards achieving the goals and objectives of the treatment plan which review must be submitted to the court. The Agency for Health Care Administration must adopt rules for the registration of qualified evaluators, the procedure for selecting the evaluators to conduct the reviews required under this section, and a reasonable, cost-efficient fee schedule for qualified evaluators.

Section 4. Section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall privatize the provision of foster care and related services statewide. It is further the Legislature's intent to encourage communities and other stakeholders in the well-being of children to participate in assuring that children are safe and well-nurtured. However, while recognizing that some local governments are presently funding portions of certain foster care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by its privatization of foster care and related services that any county, municipality, or special district be required to assist in funding programs that previously have been funded by the state. Nothing in this paragraph prohibits any county, municipality, or special district from future voluntary funding participation in foster care and related services. As used in this section, the term "privatize" means to contract with competent, community-based agencies. The department shall submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which privatization cannot be accomplished within the 3-year timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total privatization, such as public-private partnerships. As used in this section, the term "related services" includes, but is not limited to, family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, permanent foster care, and family reunification. Unless otherwise provided for, beginning in fiscal year 1999-2000, either the state attorney or the Office of the Attorney General shall provide child welfare legal services, pursuant to chapter 39 and other relevant provisions, in Sarasota, Pinellas, Pasco, Broward, and Manatee Counties. Such legal services shall commence and be effective, as soon as determined reasonably feasible by the respective state attorney or the Office of the Attorney General, after the privatization of associated programs and child protective investigations has occurred. When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the privatization project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.

(b) It is the intent of the Legislature that the department will continue to work towards full privatization by initiating the competitive procurement process in each county by January 1, 2003. In order to provide for an adequate transition period to develop the necessary administrative and service delivery capacity in each community, the full transfer of all foster care and related services must be completed statewide by December 31, 2004.

(c)~~(b)~~ As used in this section, the term "eligible lead community-based provider" means a single agency with which the department shall contract for the provision of child protective services in a community that is no smaller than a county. The secretary of the department may authorize more than one eligible lead community-based provider within a single county when to do so will result in more effective delivery of foster care and related services. To compete for a privatization project, such agency must have:

1. The ability to coordinate, integrate, and manage all child protective services in the designated community in cooperation with child protective investigations.

2. The ability to ensure continuity of care from entry to exit for all children referred from the protective investigation and court systems.

3. The ability to provide directly, or contract for through a local network of providers, all necessary child protective services.

4. The willingness to accept accountability for meeting the outcomes and performance standards related to child protective services established by the Legislature and the Federal Government.

5. The capability and the willingness to serve all children referred to it from the protective investigation and court systems, regardless of the level of funding allocated to the community by the state, provided all related funding is transferred.

6. The willingness to ensure that each individual who provides child protective services completes the training required of child protective service workers by the Department of Children and Family Services.

7. The ability to maintain eligibility to receive all federal child welfare funds, including Title IV-E and IV-A funds, currently being used by the Department of Children and Family Services.

8. Written agreements with Healthy Families Florida lead entities in their community, pursuant to s. 409.153, to promote cooperative planning for the provision of prevention and intervention services.

(d)~~(c)~~1. If attempts to competitively procure services through an eligible lead community-based provider as defined in paragraph *(c)*~~(b)~~ do not produce a capable and willing agency, the department shall develop a plan in collaboration with the local community alliance. The plan must detail how the community will continue to implement privatization*, to be accomplished by December 31, 2004,* through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships. In the absence of a community alliance, the plan must be submitted to the President of the Senate and the Speaker of the House of Representatives for their comments.

2. The Legislature finds that the state has traditionally provided foster care services to children who have been the responsibility of the state. As such, foster children have not had the right to recover for injuries beyond the limitations specified in s. 768.28. The Legislature has determined that foster care and related services need to be privatized pursuant to this section and that the provision of such services is of paramount importance to the state. The purpose for such privatization is to increase the level of safety, security, and stability of children who are or become the responsibility of the state. One of the components necessary to secure a safe and stable environment for such children is that private providers maintain liability insurance. As such, insurance needs to be available and remain available to nongovernmental foster care and related services providers without the resources of such providers being significantly reduced by the cost of maintaining such insurance.

3. The Legislature further finds that, by requiring the following minimum levels of insurance, children in privatized foster care and related services will gain increased protection and rights of recovery in the event of injury than provided for in s. 768.28.

(e) In any county in which a service contract has not been executed by December 31, 2004, the department shall ensure access to a model comprehensive residential services program as described in s. 409.1677 which, without imposing undue financial, geographic, or other barriers, ensures reasonable and appropriate participation by the family in the child's program.

1. In order to ensure that the program is operational by December 31, 2004, the department must, by December 31, 2003, begin the process of establishing access to a program in any county in which the department has not either entered into a transition contract or approved a community plan, as described in paragraph (d), which ensures full privatization by the statutory deadline.

2. The program must be procured through a competitive process.

3. The Legislature does not intend for the provisions of this paragraph to substitute for the requirement that full conversion to community-based care be accomplished.

(f)~~(d)~~ Other than an entity to which s. 768.28 applies, any eligible lead community-based provider, as defined in paragraph *(c)*~~(b)~~, or its employees or officers, except as otherwise provided in paragraph *(g)*~~(e)~~, must, as a part of its contract, obtain a minimum of $1 million per claim/$3 million per incident in general liability insurance coverage. *The eligible lead community-based provider must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of $100,000 per claim, $300,000 per incident, on their personal automobiles.* In any tort action brought against such an eligible lead community-based provider *or employee*, net economic damages shall be limited to $1 million per *liability* claim *and $100,000 per automobile claim*, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such an eligible lead community-based provider, noneconomic damages shall be limited to $200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76. The lead community-based provider shall not be liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.

(g)~~(e)~~ The liability of an eligible lead community-based provider described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such providers shall extend as well to each employee of the provider when such employee is acting in furtherance of the provider's business*, including the transportation of clients served, as described in this subsection, in privately owned vehicles*. Such immunities shall not be applicable to a provider or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same provider when each is operating in the furtherance of the provider's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a provider shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(h)~~(f)~~ Any subcontractor of an eligible lead community-based provider, as defined in paragraph *(c)*~~(b)~~, which is a direct provider of foster care and related services to children and families, and its employees or officers, except as otherwise provided in paragraph *(g)*~~(e)~~, must, as a part of its contract, obtain a minimum of $1 million per claim/$3 million per incident in general liability insurance coverage. *The subcontractor of an eligible lead community-based provider must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of $100,000 per claim, $300,000 per incident, on their personal automobiles.* In any tort action brought against such subcontractor *or employee*, net economic damages shall be limited to $1 million per *liability* claim *and $100,000 per automobile claim*, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such subcontractor, noneconomic damages shall be limited to $200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76.

(i)~~(g)~~ The liability of a subcontractor of an eligible lead community-based provider that is a direct provider of foster care and related services as described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by

such subcontractor provider shall extend as well to each employee of the subcontractor when such employee is acting in furtherance of the subcontractor's business*, including the transportation of clients served, as described in this subsection, in privately owned vehicles*. Such immunities shall not be applicable to a subcontractor or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same subcontractor when each is operating in the furtherance of the subcontractor's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a subcontractor shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(j)~~(h)~~ The Legislature is cognizant of the increasing costs of goods and services each year and recognizes that fixing a set amount of compensation actually has the effect of a reduction in compensation each year. Accordingly, the conditional limitations on damages in this section shall be increased at the rate of 5 percent each year, prorated from the effective date of this paragraph to the date at which damages subject to such limitations are awarded by final judgment or settlement.

(2)(a) The department may contract for the delivery, administration, or management of protective services, the services specified in subsection (1) relating to foster care, and other related services or programs, as appropriate. The department shall retain responsibility for the quality of contracted services and programs and shall ensure that services are delivered in accordance with applicable federal and state statutes and regulations. *The department must adopt written policies and procedures for monitoring the contract for delivery of services by lead community-based providers. These policies and procedures must, at a minimum, address the evaluation of fiscal accountability and program operations, including provider achievement of performance standards, provider monitoring of subcontractors, and timely followup of corrective actions for significant monitoring findings related to providers and subcontractors. These policies and procedures must also include provisions for reducing the duplication of the department's program monitoring activities both internally and with other agencies, to the extent possible. The department's written procedures must ensure that the written findings, conclusions, and recommendations from monitoring the contract for services of lead community-based providers are communicated to the director of the provider agency as expeditiously as possible.*

(b) Persons employed by the department in the provision of foster care and related services whose positions are being privatized pursuant to this statute shall be given hiring preference by the provider, if provider qualifications are met.

(3)(a) In order to help ensure a seamless child protection system, the department shall ensure that contracts entered into with community-based agencies pursuant to this section include provisions for a case-transfer process to determine the date that the community-based agency will initiate the appropriate services for a child and family. This case-transfer process must clearly identify the closure of the protective investigation and the initiation of service provision. At the point of case transfer, and at the conclusion of an investigation, the department must provide a complete summary of the findings of the investigation to the community-based agency.

(b) The contracts must also ensure that each community-based agency shall furnish *information on its activities in all cases in client case records* ~~regular status reports of its cases to the department as specified in the contract~~. A provider may not discontinue services *on any voluntary case without prior written notification to the department 30 days before planned case closure. If the department disagrees with the recommended case closure date, written notification to the provider must be provided before the case closure date.* ~~without prior written notification to the department. After discontinuing services to a child or a child and family, the community-based agency must provide a written case summary, including its assessment of the child and family, to the department.~~

(c) The contract between the department and community-based agencies must include provisions that specify the procedures to be used by the parties to resolve differences in interpreting the contract or to resolve disputes as to the adequacy of the parties' compliance with their respective obligations under the contract.

(4)(a) The department shall establish a quality assurance program for privatized services. The quality assurance program shall be based on standards established by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or CARF—the Rehabilitation Accreditation Commission. The department may develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted to have limited flexibility to use funds for improving quality assurance. To this end, effective January 1, 2000, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed $300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this paragraph may be established, notwithstanding ss. 216.262(1)(a) and 216.351. The department, in consultation with the community-based agencies that are undertaking the privatized projects, shall establish minimum thresholds for each component of service, consistent with standards established by the Legislature. Each program operated under contract with a community-based agency must be evaluated annually by the department. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year.

(b) The department shall use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the child welfare system.

(5)(a) The community-based agency must comply with statutory requirements and agency rules in the provision of contractual services. Each foster home, therapeutic foster home, emergency shelter, or other placement facility operated by the community-based agency or agencies must be licensed by the Department of Children and Family Services under chapter 402 or this chapter. Each community-based agency must be licensed as a child-caring or child-placing agency by the department under this chapter. The department, in order to eliminate or reduce the number of duplicate inspections by various program offices, shall coordinate inspections required pursuant to licensure of agencies under this section.

(b) Substitute care providers who are licensed under s. 409.175 and have contracted with a lead agency authorized under this section shall also be authorized to provide registered or licensed family day care under s. 402.313, if consistent with federal law and if the home has met~~:~~

~~1.~~ the requirements of s. 402.313.~~; and~~

~~2. The requirements of s. 402.281 and has received Gold Seal Quality Care designation.~~

(c) A dually licensed home under this section shall be eligible to receive both *an out-of-home care payment and a subsidized child care payment for the same child pursuant to federal law. The department may adopt administrative rules necessary to administer this paragraph* ~~the foster care board rate and the subsidized child care rate for the same child only if care is provided 24 hours a day. The subsidized child care rate shall be no more than the approved full-time rate~~.

(6) Beginning January 1, 1999, and continuing at least through June 30, 2000, the Department of Children and Family Services shall privatize all foster care and related services in district 5 while continuing to contract with the current model programs in districts 1, 4, and 13, and in subdistrict 8A, and shall expand the subdistrict 8A pilot program to incorporate Manatee County. Planning for the district 5 privatization shall be done by providers that are currently under contract with the department for foster care and related services and shall be done in consultation with the department. A lead provider of the district 5 program shall be competitively selected, must demonstrate the ability to provide necessary comprehensive services through a local network of providers, and must meet criteria established in this section. Contracts with organizations responsible for the model programs must include the

management and administration of all privatized services specified in subsection (1). However, the department may use funds for contract management only after obtaining written approval from the Executive Office of the Governor. The request for such approval must include, but is not limited to, a statement of the proposed amount of such funds and a description of the manner in which such funds will be used. If the community-based organization selected for a model program under this subsection is not a Medicaid provider, the organization shall be issued a Medicaid provider number pursuant to s. 409.907 for the provision of services currently authorized under the state Medicaid plan to those children encompassed in this model and in a manner not to exceed the current level of state expenditure.

(7) The department*, in consultation with existing lead agencies, shall develop a proposal regarding the long-term use and structure of a statewide shared earnings program which addresses* ~~is authorized to establish and administer a risk pool to reduce~~ the financial risk to eligible lead community-based providers resulting from unanticipated caseload growth *or from significant changes in client mixes or services eligible for federal reimbursement. The recommendations in the statewide proposal must also be available to entities of the department until the conversion to community-based care takes place. At a minimum, the proposal must allow for use of federal earnings received from child welfare programs, which earnings are determined by the department to be in excess of the amount appropriated in the General Appropriations Act, to be used for specific purposes. These purposes include, but are not limited to:*

(a) Significant changes in the number or composition of clients eligible to receive services.

(b) Significant changes in the services that are eligible for reimbursement.

(c) Significant changes in the availability of federal funds.

(d) Shortfalls in state funds available for eligible or ineligible services.

(e) Significant changes in the mix of available funds.

(f) Scheduled or unanticipated, but necessary, advances to providers or other cash-flow issues.

(g) Proposals to participate in optional Medicaid services or other federal grant opportunities.

(h) Appropriate incentive structures.

(i) Continuity of care in the event of lead agency failure, discontinuance of service, or financial misconduct.

The department shall further specify the necessary steps to ensure the financial integrity of these dollars and their continued availability on an ongoing basis. The final proposal shall be submitted to the Legislative Budget Commission for formal adoption before December 31, 2002. If the Legislative Budget Commission refuses to concur with the adoption of the proposal, the department shall present its proposal in the form of recommended legislation to the President of the Senate and the Speaker of the House of Representatives before the commencement of the next legislative session. For fiscal year 2003-2004 and annually thereafter, the Department of Children and Family Services may request in its legislative budget request, and the Governor may recommend, the funding necessary to carry out paragraph (i) from excess federal earnings. The General Appropriations Act shall include any funds appropriated for this purpose in a lump sum in the Administered Funds Program, which funds constitute partial security for lead agency contract performance. The department shall use this appropriation to offset the need for a performance bond for that year after a comparison of risk to the funds available. In no event shall this performance bond exceed 2.5 percent of the annual contract value. The department may separately require a bond to mitigate the financial consequences of potential acts of malfeasance, misfeasance, or criminal violations by the provider. Prior to the release of any funds in the lump sum, the department shall submit a detailed operational plan, which must identify the sources of specific trust funds to be used. The release of the trust fund shall be subject to the notice and review provisions of s. 216.177. However, the release shall not require approval of the Legislative Budget Commission.

(8) Notwithstanding the provisions of s. 215.425, all documented federal funds earned for the current fiscal year by the department and community-based agencies which exceed the amount appropriated by the Legislature shall be distributed to all entities that contributed to the excess earnings based on a schedule and methodology developed by the department and approved by the Executive Office of the Governor. Distribution shall be pro rata based on total earnings and shall be made only to those entities that contributed to excess earnings. Excess earnings of community-based agencies shall be used only in the service district in which they were earned. Additional state funds appropriated by the Legislature for community-based agencies or made available pursuant to the budgetary amendment process described in s. 216.177 shall be transferred to the community-based agencies. The department shall amend a community-based agency's contract to permit expenditure of the funds. The distribution program applies only to entities that were under privatization contracts as of July 1, *2002* ~~1999~~. ~~This program is authorized for a period of 3 years beginning July 1, 1999, and ending June 30, 2002. The Office of Program Policy Analysis and Government Accountability shall review this program and report to the President of the Senate and the Speaker of the House of Representatives by December 31, 2001. The review shall assess the program to determine how the additional resources were used, the number of additional clients served, the improvements in quality of service attained, the performance outcomes associated with the additional resources, and the feasibility of continuing or expanding this program.~~

(9) Each district and subdistrict that participates in the model program effort or any future privatization effort as described in this section must thoroughly analyze and report the complete direct and indirect costs of delivering these services through the department and the full cost of privatization, including the cost of monitoring and evaluating the contracted services.

Section 5. Section 409.1676, Florida Statutes, is amended to read:

409.1676 Comprehensive residential *group care* services to children who have extraordinary needs.—

(1) It is the intent of the Legislature to provide comprehensive residential *group care* services, including residential care, case management, and other services, to children in the child protection system who have extraordinary needs~~, such as serious behavioral problems or having been determined to be without the options of either reunification with family or adoption~~. These services are to be provided in a residential group care setting by a not-for-profit corporation or a local government entity under a contract with the Department of Children and Family Services or by a lead agency as described in s. 409.1671. These contracts should be designed to provide an identified number of children with access to a full array of services for a fixed price. *Further, it is the intent of the Legislature that the Department of Children and Family Services and the Department of Juvenile Justice establish an interagency agreement by December 1, 2002, which describes respective agency responsibilities for referral, placement, service provision, and service coordination for dependent and delinquent youth who are referred to these residential group care facilities. The agreement must require interagency collaboration in the development of terms, conditions, and performance outcomes for residential group care contracts serving the youth referred who have been adjudicated both dependent and delinquent.*

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

(a) "Child with extraordinary needs" means a dependent child who has serious behavioral problems or who has been determined to be without the options of either reunification with family or adoption.

(b)~~(a)~~ "Residential group care" means a living environment for children who have been adjudicated dependent and are expected to be in foster care for at least 6 months with 24-hour-awake staff or live-in group home parents or staff. *Each facility* ~~Beginning July 1, 2001, all facilities~~ must be appropriately licensed in this state *as a residential child caring agency as defined in s. 409.175(2)(j)*, and ~~they~~ must be accredited by July 1, 2005. *A residential group care facility serving children having a serious behavioral problem as defined in this section must have available staff or contract personnel with the clinical expertise, credentials, and training to provide services identified in subsection (4).*

(c)~~(b)~~ "Serious behavioral problems" means behaviors of children who have been assessed by a licensed master's-level human-services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492~~(6) or~~ (7). A child with an emotional disturbance as defined in s. 394.492(5) *or (6)* may be served in residential

group care unless a determination is made by a mental health professional that such a setting is inappropriate. *A child having a serious behavioral problem must have been determined in the assessment to have at least one of the following risk factors:*

1. An adjudication of delinquency and be on conditional release status with the Department of Juvenile Justice.

2. A history of physical aggression or violent behavior toward self or others, animals, or property within the past year.

3. A history of setting fires within the past year.

4. A history of multiple episodes of running away from home or placements within the past year.

5. A history of sexual aggression toward other youth.

(3) The department, in accordance with a specific appropriation for this program, shall contract with a not-for-profit corporation, a local government entity, or the lead agency that has been established in accordance with s. 409.1671 for the performance of residential group care services described in this section ~~in, at a minimum, districts 4, 11, 12, and the Suncoast Region of the Department of Children and Family Services and with a not-for-profit entity serving children from multiple districts~~. A lead agency that is currently providing residential care may provide this service directly with the approval of the local community alliance. The department or a lead agency may contract for more than one site in a county if that is determined to be the most effective way to achieve the goals set forth in this section.

(4) The lead agency, the contracted not-for-profit corporation, or the local government entity is responsible for a comprehensive assessment, residential care, transportation, *access to* behavioral health services, recreational activities, clothing, supplies, and miscellaneous expenses associated with caring for these children; for necessary arrangement for or provision of educational services; and for assuring necessary and appropriate health and dental care.

(5) The department may transfer all casework responsibilities for children served under this program to the entity that provides this service, including case management and development and implementation of a case plan in accordance with current standards for child protection services. When the department establishes this program in a community that has a lead agency as described in s. 409.1671, the casework responsibilities must be transferred to the lead agency.

(6) This section does not prohibit any provider of these services from appropriately billing Medicaid for services rendered, from contracting with a local school district for educational services, or from earning federal or local funding for services provided, as long as two or more funding sources do not pay for the same specific service that has been provided to a child.

(7) The lead agency, not-for-profit corporation, or local government entity has the legal authority for children served under this program, as provided in chapter 39 or this chapter, as appropriate, to enroll the child in school, to sign for a driver's license for the child, to cosign loans and insurance for the child, to sign for medical treatment, and to authorize other such activities.

(8) The department shall provide technical assistance as requested and contract management services.

(9) The provisions of this section shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.

(10) The department may adopt rules necessary to administer this section.

Section 6. Paragraph (e) of subsection (2) of section 409.175, Florida Statutes, is amended, present subsections (3) through (15) of said section are renumbered as subsections (4) through (16), respectively, present subsections (5), (8), (9), and (11) are amended, and a new subsection (3) is added to said section, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

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

(e) "Family foster home" means a private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes~~, family foster group homes,~~ and specialized foster homes for children with special needs. A person who cares for a child of a friend for a period not to exceed 90 days, a relative who cares for a child and does not receive reimbursement for such care from the state or federal government, or an adoptive home which has been approved by the department or by a licensed child-placing agency for children placed for adoption is not considered a family foster home.

(3)(a) The total number of children placed in each family foster home shall be based on the recommendation of the department, or the community-based care lead agency where one is providing foster care and related services, based on the needs of each child in care, the ability of the foster family to meet the individual needs of each child, including any adoptive or biological children living in the home, the amount of safe physical plant space, the ratio of active and appropriate adult supervision, and the background, experience, and skill of the family foster parents.

(b) If the total number of children in a family foster home will exceed five, including the family's own children, a comprehensive behavioral health assessment of each child to be placed in the home must be completed prior to placement of any additional children in the home. The comprehensive behavioral health assessment must comply with Medicaid rules and regulations, assess and document the mental, physical, and psychosocial needs of the child, and recommend the maximum number of children in a family foster home that will allow the child's needs to be met.

(c) For any licensed family foster home, the appropriateness of the number of children in the home must be reassessed annually as part of the relicensure process. For a home with more than five children, if it is determined by the licensure study at the time of relicensure that the total number of children in the home is appropriate and that there have been no substantive licensure violations and no indications of child maltreatment or child-on-child sexual abuse within the past 12 months, the relicensure of the home shall not be denied based on the total number of children in the home.

(6)~~(5)~~(a) An application for a license shall be made on forms provided, and in the manner prescribed, by the department. The department shall make a determination as to the good moral character of the applicant based upon screening.

(b) Upon application, the department shall conduct a licensing study based on its licensing rules; shall inspect the home or the agency and the records, including financial records, of the agency; and shall interview the applicant. The department may authorize a licensed child-placing agency to conduct the licensing study of a family foster home to be used exclusively by that agency and to verify to the department that the home meets the licensing requirements established by the department. Upon certification by a licensed child-placing agency that a family foster home meets the licensing requirements, the department shall issue the license.

(c) A licensed family foster home, child-placing agency, or residential child-caring agency which applies for renewal of its license shall submit to the department a list of personnel who have worked on a continuous basis at the applicant family foster home or agency since submitting fingerprints to the department, identifying those for whom a written assurance of compliance was provided by the department and identifying those personnel who have recently begun working at the family foster home or agency and are awaiting the results of the required fingerprint check, along with the date of the submission of those fingerprints for processing. The department shall by rule determine the frequency of requests to the Department of Law Enforcement to run state criminal records checks for such personnel except for those personnel awaiting the results of initial fingerprint checks for employment at the applicant family foster home or agency.

(d)1. The department may pursue other remedies provided in this section in addition to denial or revocation of a license for failure to comply with the screening requirements. The disciplinary actions determination to be made by the department and the procedure for hearing for applicants and licensees shall be in accordance with chapter 120.

2. When the department has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the applicant, licensee, or summer or recreation camp, and the personnel affected, stating the specific record which indicates noncompliance with the screening requirements.

3. Procedures established for hearing under chapter 120 shall be available to the applicant, licensee, summer day camp, or summer 24-hour camp, and affected personnel, in order to present evidence relating either to the accuracy of the basis for exclusion or to the denial of an exemption from disqualification.

4. Refusal on the part of an applicant to dismiss personnel who have been found not to be in compliance with the requirements for good moral character of personnel shall result in automatic denial or revocation of license in addition to any other remedies provided in this section which may be pursued by the department.

(e) At the request of the department, the local county health department shall inspect a home or agency according to the licensing rules promulgated by the department. Inspection reports shall be furnished to the department within 30 days of the request. Such an inspection shall only be required when called for by the licensing agency.

(f) All residential child-caring agencies must meet firesafety standards for such agencies adopted by the Division of State Fire Marshal of the Department of Insurance and must be inspected annually. At the request of the department, firesafety inspections shall be conducted by the Division of State Fire Marshal or a local fire department official who has been certified by the division as having completed the training requirements for persons inspecting such agencies. Inspection reports shall be furnished to the department within 30 days of a request.

(g) In the licensing process, the licensing staff of the department shall provide consultation on request.

(h) Upon determination that the applicant meets the state minimum licensing requirements, the department shall issue a license without charge to a specific person or agency at a specific location. A license may be issued if all the screening materials have been timely submitted; however, a license may not be issued or renewed if any person at the home or agency has failed the required screening. The license is nontransferable. A copy of the license shall be displayed in a conspicuous place. Except as provided in paragraph (j), the license is valid for 1 year from the date of issuance, unless the license is suspended or revoked by the department or is voluntarily surrendered by the licensee. The license is the property of the department.

(i) A license issued for the operation of a family foster home or agency, unless sooner suspended, revoked, or voluntarily returned, will expire automatically 1 year from the date of issuance except as provided in paragraph (j). Ninety days prior to the expiration date, an application for renewal shall be submitted to the department by a licensee who wishes to have the license renewed. A license shall be renewed upon the filing of an application on forms furnished by the department if the applicant has first met the requirements established under this section and the rules promulgated hereunder.

(j) *Except for a family foster group home having a licensed capacity for more than five children,* the department may issue a license that is valid for longer than 1 year but no longer than 3 years to a family foster home that:

1. Has maintained a license with the department as a family foster home for at least the 3 previous consecutive years;

2. Remains in good standing with the department; and

3. Has not been the subject of a report of child abuse or neglect with any findings of maltreatment.

A family foster home that has been issued a license valid for longer than 1 year must be monitored and visited as frequently as one that has been issued a 1-year license. The department reserves the right to reduce a licensure period to 1 year at any time.

(k) The department may not license summer day camps or summer 24-hour camps. However, the department shall have access to the personnel records of such facilities to ensure compliance with the screening requirements.

(9)~~(8)~~(a) The department may deny, suspend, or revoke a license.

(b) Any of the following actions by a home or agency or its personnel is a ground for denial, suspension, or revocation of a license:

1. An intentional or negligent act materially affecting the health or safety of children in the home or agency.

2. A violation of the provisions of this section or of licensing rules promulgated pursuant to this section.

3. Noncompliance with the requirements for good moral character as specified in paragraph *(5)*~~(4)~~(a).

4. Failure to dismiss personnel found in noncompliance with requirements for good moral character.

(10)~~(9)~~(a) The department may institute injunctive proceedings in a court of competent jurisdiction to:

1. Enforce the provisions of this section or any license requirement, rule, or order issued or entered into pursuant thereto; or

2. Terminate the operation of an agency in which any of the following conditions exist:

a. The licensee has failed to take preventive or corrective measures in accordance with any order of the department to maintain conformity with licensing requirements.

b. There is a violation of any of the provisions of this section, or of any licensing requirement promulgated pursuant to this section, which violation threatens harm to any child or which constitutes an emergency requiring immediate action.

3. Terminate the operation of a summer day camp or summer 24-hour camp providing care for children when such camp has willfully and knowingly refused to comply with the screening requirements for personnel or has refused to terminate the employment of personnel found to be in noncompliance with the requirements for good moral character as determined in paragraph *(5)*~~(4)~~(a).

(b) If the department finds, within 30 days after written notification by registered mail of the requirement for licensure, that a person or agency continues to care for or to place children without a license or, within 30 days after written notification by registered mail of the requirement for screening of personnel and compliance with paragraph *(5)*~~(4)~~(a) for the hiring and continued employment of personnel, that a summer day camp or summer 24-hour camp continues to provide care for children without complying, the department shall notify the appropriate state attorney of the violation of law and, if necessary, shall institute a civil suit to enjoin the person or agency from continuing the placement or care of children or to enjoin the summer day camp or summer 24-hour camp from continuing the care of children.

(c) Such injunctive relief may be temporary or permanent.

(12)~~(11)~~(a) It is unlawful for any person or agency to:

1. Provide continuing full-time care for or to receive or place a child apart from her or his parents in a residential group care facility, family foster home, or adoptive home without a valid license issued by the department if such license is required by subsection *(5)*~~(4)~~; or

2. Make a willful or intentional misstatement on any license application or other document required to be filed in connection with an application for a license.

(b) It is unlawful for any person, agency, summer day camp, or summer 24-hour camp providing care for children to:

1. Willfully or intentionally fail to comply with the requirements for the screening of personnel or the dismissal of personnel found not to be in compliance with the requirements for good moral character as specified in paragraph *(5)*~~(4)~~(a).

2. Use information from the criminal records obtained under this section for any purpose other than screening a person for employment as specified in this section or to release such information to any other

person for any purpose other than screening for employment as specified in this section.

(c) It is unlawful for any person, agency, summer day camp, or summer 24-hour camp providing care for children to use information from the juvenile records of any person obtained under this section for any purpose other than screening for employment as specified in this section or to release information from such records to any other person for any purpose other than screening for employment as specified in this section.

(d)1. A first violation of paragraph (a) or paragraph (b) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A second or subsequent violation of paragraph (a) or paragraph (b) is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

3. A violation of paragraph (c) is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Subsection (24) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.—The Agency for Health Care Administration, in consultation with the Department of Children and Family Services, may establish a targeted case-management ~~pilot~~ project in those counties identified by the Department of Children and Family Services and for *all counties with a* ~~the~~ community-based child welfare project ~~in Sarasota and Manatee counties~~, as authorized under s. 409.1671*, which have been specifically approved by the department*. ~~These projects shall be established for the purpose of determining the impact of targeted case management on the child welfare program and the earnings from the child welfare program.~~ Results of *targeted case management* ~~the pilot~~ projects shall be reported to ~~the Child Welfare Estimating Conference and~~ the Social Services Estimating Conference established under s. 216.136. ~~The number of projects may not be increased until requested by the Department of Children and Family Services, recommended by the Child Welfare Estimating Conference and the Social Services Estimating Conference, and approved by the Legislature.~~ The covered group of individuals who are eligible to receive targeted case management include children who are eligible for Medicaid; who are between the ages of birth through 21; and who are under protective supervision or postplacement supervision, under foster-care supervision, or in shelter care or foster care. The number of individuals who are eligible to receive targeted case management shall be limited to the number for whom the Department of Children and Family Services has available matching funds to cover the costs. The general revenue funds required to match the funds for services provided by the community-based child welfare projects are limited to funds available for services described under s. 409.1671. The Department of Children and Family Services may transfer the general revenue matching funds as billed by the Agency for Health Care Administration.

Section 8. Section 393.0657, Florida Statutes, is amended to read:

393.0657 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175*(5)*~~(4)~~, shall not be required to be refingerprinted or rescreened in order to comply with any direct service provider screening or fingerprinting requirements.

Section 9. Section 402.3057, Florida Statutes, is amended to read:

402.3057 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175*(5)*~~(4)~~, shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 10. Section 409.1757, Florida Statutes, is amended to read:

409.1757 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and this chapter, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175*(5)*~~(4)~~, shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 11. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Department of Children and Family Services and the Agency for Health Care Administration, shall conduct a review of the process for placing children for residential mental health treatment as specified in section 39.407(5), Florida Statutes. This review is to be used to determine whether changes are needed in this process. The integrity of the examination process that is intended to ensure that only a child with an emotional disturbance or a serious emotional disturbance is placed in a residential mental health facility and to ensure that a child who is diagnosed with an emotional disturbance or a serious emotional disturbance receives the most appropriate mental health treatment in the least restrictive setting must be maintained. The review shall analyze and make recommendations relative to issues pertinent to the process such as the number of children who are assessed and the outcomes of the assessments, the costs associated with the suitability assessments based on geographic differentials, delays in receiving appropriate mental health treatment services in both residential and nonresidential settings which can be attributed to the assessment process, and the need to expand the mental health professional groups who may conduct the suitability assessment. The Office of Program Policy Analysis and Government Accountability shall submit a report of its findings and any proposed changes to substantive law to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003.*

Section 12. This act shall take effect July 1, 2002.

And the title is amended as follows: remove: the entire title and insert: A bill to be entitled An act relating to out-of-home care; repealing s. 39.521(5), F.S., relating to the mandatory assessment of specified children for placement in licensed residential group care; creating s. 39.523, F.S.; prescribing procedures for the mandatory assessment of certain children for placement in licensed residential group care; providing for reports; providing for a specialized residential group care services appropriations category in the General Appropriations Act; providing for funding increases to be appropriated in a lump-sum category; specifying that the release of certain funds is contingent on the approval of a

spending plan; prescribing elements of the plan; authorizing one-time startup funding; amending s. 39.407, F.S.; clarifying that the Department of Children and Family Services may place a child who is in its custody in a residential treatment center without prior approval of the court; amending s. 409.1671, F.S.; specifying timeframes for initiating and for completing privatization of foster care and related services; requiring cooperative planning agreements between lead community-based providers and Healthy Families Florida lead agencies for certain purposes; providing for the establishment of a model comprehensive residential services program in specified counties; providing that community-based providers and subcontractors require employees to obtain bodily injury liability insurance on personal automobiles; providing certain immunity from liability when transporting clients in privately owned automobiles; directing the Department of Children and Family Services to adopt written policies and procedures for contract monitoring of community-based providers; modifying the requirement for community-based providers to furnish information to the department; modifying the conditions under which a provider may close a case; modifying the requirements concerning dual licensure of foster homes; authorizing the department to adopt rules; eliminating the authority for a risk pool; requiring the development of a proposal for a statewide shared earnings program; providing for use of excess federal earnings and certain additional state funds for the development of the proposal; providing for submission of the proposal to the Legislative Budget Commission and for submission to the Legislature under certain conditions; requiring that the Legislature appropriate a lump sum in the Administered Funds Program each year for a specified purpose; specifying the type of bond that may be required; eliminating a specified expiration for this program; eliminating an obsolete review requirement; amending s. 409.1676, F.S.; providing intent that the Department of Children and Family Services and the Department of Juvenile Justice establish an interagency agreement regarding referral to residential group care facilities; specifying that a residential group care facility must be licensed as a child-caring agency; requiring such facilities serving certain children to meet specified staff qualifications; redefining and adding terms; redefining the term "serious behavioral problems"; authorizing the department to adopt rules; removing a reference to specific districts and regions of the department; amending s. 409.175, F.S.; conforming the definition of "family foster home"; providing criteria for the number of children placed in each family foster home; providing for a comprehensive behavioral health assessment of each child under certain circumstances; requiring assessment of the appropriateness of the number of children as a condition of annual relicensure; correcting cross references; amending s. 409.906, F.S.; expanding the authority for the establishment of child welfare targeted case management projects; eliminating reference to a pilot project; eliminating the requirement to report to the Child Welfare Estimating Conference regarding targeted case management; amending ss. 393.0657, 402.3057, and 409.1757, F.S.; correcting cross references; directing the Office of Program Policy Analysis and Government Accountability, in consultation with the Agency for Health Care Administration, to conduct a review of the process for placing children for residential mental health treatment; providing for a report to the Governor and Legislature; providing an effective date.

On motion by Senator Peaden, the Senate concurred in the House amendment.

CS for CS for SB 632 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 862, with amendment(s), by the required constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 862—A bill to be entitled An act relating to trust funds; re-creating the Federal Law Enforcement Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; repealing s. 339.082(3), F.S., which terminates the trust fund on July 1, 2004; providing an effective date.

House Amendment 1 (615599)—On page 2, line 3 remove: July 1 and insert: May 25

On motion by Senator Clary, the Senate concurred in the House amendment.

SB 862 passed as amended by the required constitutional three-fifths vote of the membership and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Laurent, Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 998, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 998—A bill to be entitled An act relating to criminal justice; amending ss. 790.163, 790.164, F.S.; prohibiting making a false report concerning the placing or planting of a weapon of mass destruction; providing a penalty; prohibiting the court from suspending or withholding adjudication of guilt or imposition of sentence for such offense; providing that proof of a person knowingly making a false report is prima facie evidence of intent to deceive or provide misinformation; amending s. 790.165, F.S.; revising the elements of the offense of planting a hoax bomb to prohibit sending, mailing, or using a hoax bomb or threatening, attempting, or conspiring to use a hoax bomb; enhancing the penalty imposed for committing such offense; amending s. 790.166, F.S.; redefining the term "weapon of mass destruction" to include a device or object

that is intended to kill or injure an animal, that involves a biological agent, or that is designed to release radiation or any biological agent, toxin, vector, or delivery system; prohibiting the court from suspending or withholding adjudication of guilt or imposition of sentence for specified offenses involving a hoax weapon of mass destruction; providing that proof a device caused injury or death or released radiation is prima facie evidence that the device was designed or intended to cause such death, injury, or release; providing that it is a felony of the second degree to possess, display, or threaten to use a hoax weapon of mass destruction while committing or attempting to commit a felony; providing that certain devices or instruments are not weapons of mass destruction; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming cross-references and provisions to changes made by the act; providing an effective date.

House Amendment 1 (542981)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 790.163, Florida Statutes, is amended to read:

790.163 False report about planting bomb*,* ~~or~~ explosive*, or weapon of mass destruction*; penalty.—

(1) It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, ~~or~~ other deadly explosive*, or weapon of mass destruction as defined in s. 790.166*; and any person convicted thereof *commits* ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Notwithstanding any other law, adjudication of guilt or imposition of sentence for a violation of this section may not be suspended, deferred, or withheld. However, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

(3) Proof that a person accused of violating this section knowingly made a false report is prima facie evidence of the accused person's intent to deceive, mislead, or otherwise misinform any person.

(4) In addition to any other penalty provided by law with respect to any person who is convicted of a violation of this section that resulted in the mobilization or action of any law enforcement officer or any state or local agency, a person convicted of a violation of this section may be required by the court to pay restitution for all of the costs and damages arising from the criminal conduct.

Section 2. Section 790.164, Florida Statutes, is amended to read:

790.164 False reports *concerning planting a bomb, explosive, or weapon of mass destruction in,* ~~of bombing~~ or *committing* arson against*,* state-owned property; penalty; reward.—

(1) It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, ~~or~~ other deadly explosive, *or weapon of mass destruction as defined in s. 790.166,* or concerning any act of arson or other violence to property owned by the state or any political subdivision. Any person violating ~~the provisions of~~ this subsection *commits* ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Notwithstanding any other law, adjudication of guilt or imposition of sentence for a violation of this section may not be suspended, deferred, or withheld. However, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

(3) Proof that a person accused of violating this section knowingly made a false report is prima facie evidence of the accused person's intent to deceive, mislead, or otherwise misinform any person.

(4)~~(2)~~(a) There shall be a $5,000 reward for the giving of information to any law enforcement agency in the state, which information leads to the arrest and conviction of any person violating the provisions of this section. Any person claiming such reward shall apply to the law enforcement agency developing the case and be paid by the Department of Law Enforcement from the deficiency fund.

(b) There shall be only one reward given for each case, regardless of how many persons are arrested and convicted in connection with the case and regardless of how many persons submit claims for the reward.

(c) The Department of Law Enforcement shall establish procedures to be used by all reward applicants, and the circuit judge in whose jurisdiction the action occurs shall review all such applications and make final determination as to those applicants entitled to receive an award.

(d) In addition to any other penalty provided by law with respect to any person who is convicted of a violation of this section that resulted in the mobilization or action of any law enforcement officer or any state or local agency, a person convicted of a violation of this section may be required by the court to pay restitution for all of the costs and damages arising from the criminal conduct.

Section 3. Section 790.165, Florida Statutes, is amended to read:

790.165 Planting of "hoax bomb" prohibited; penalties.—

(1) For the purposes of this section, "hoax bomb" means any device or object that by its design, construction, content, or characteristics appears to be, or to contain, or is represented to be or to contain, a destructive device or explosive as defined in this chapter, but is, in fact, an inoperative facsimile or imitation of such a destructive device or explosive, or contains no destructive device or explosive as was represented.

(2) Any person who*, without lawful authority,* manufactures, possesses, sells, ~~or~~ delivers*, sends, mails, displays, uses, threatens to use, attempts to use, or conspires to use, or who makes readily accessible to others,* a hoax bomb ~~or mails or sends a hoax bomb to another person~~ commits a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who, while committing or attempting to commit any felony, possesses, displays, or threatens to use any hoax bomb commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding *any other law* ~~the provisions of s. 948.01~~, adjudication of guilt or imposition of sentence *may* ~~shall~~ not be suspended, deferred, or withheld. However, the state attorney ~~or defense attorney~~ may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

(4) ~~The provisions of~~ Subsection (2) *does* ~~shall~~ not apply to any law enforcement officer, firefighter, person, or corporation licensed pursuant to chapter 493, or member of the armed forces of the United States while engaged in training or other lawful activity within the scope of his or her employment, or to any person properly authorized to test a security system, or to any security personnel, while operating within the scope of their employment, including, but not limited to, security personnel in airports and other controlled access areas, or to any member of a theatrical company or production *using* ~~utilizing~~ a hoax bomb as property during the course of a rehearsal or performance.

(5) In addition to any other penalty provided by law with respect to any person who is convicted of a violation of this section that resulted in the mobilization or action of any law enforcement officer or any state or local agency, a person convicted of a violation of this section may be required by the court to pay restitution for all of the costs and damages arising from the criminal conduct.

Section 4. Section 790.166, Florida Statutes, is amended to read:

790.166 Manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction prohibited; definitions; penalties.—

(1) As used in this section, the term:

(a) "Weapon of mass destruction" means:

1. Any device or object that is designed or intended to cause death or serious bodily injury *to any human or animal, or severe emotional or mental harm to any human,* through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

2. Any device or object involving a *biological agent* ~~disease organism~~; ~~or~~

3. Any device or object that is designed *or intended* to release radiation or radioactivity at a level dangerous to human *or animal* life*; or*~~.~~

4. Any biological agent, toxin, vector, or delivery system.

(b) "Hoax weapon of mass destruction" means any device or object that by its design, construction, content, or characteristics appears to be or to contain, or is represented to be, constitute, or contain, a weapon of mass destruction as defined in this section, but which is, in fact, an inoperative facsimile, imitation, counterfeit, or representation of a weapon of mass destruction which does not meet the definition of a weapon of mass destruction or which does not actually contain or constitute a weapon, biological agent, toxin, vector, or delivery system prohibited by this section.

(c) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered through biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing:

1. Death, disease, or other biological malfunction in a human, an animal, a plant, or other living organism;

2. Deterioration of food, water, equipment, supplies, or material of any kind; or

3. Deleterious alteration of the environment.

(d) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of reproduction, including:

1. Any poisonous substance or biological product that may be engineered through biotechnology produced by a living organism; or

2. Any poisonous isomer or biological product, homolog, or derivative of such substance.

(e) "Delivery system" means:

1. Any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

2. Any vector.

(f) "Vector" means a living organism or molecule, including a recombinant molecule or biological product that may be engineered through biotechnology, capable of carrying a biological agent or toxin to a host.

(2) A person who, without lawful authority, manufactures, possesses, sells, delivers, *sends, mails,* displays, uses, threatens to use, attempts to use, or conspires to use, or who makes readily accessible to others a weapon of mass destruction~~, including any biological agent, toxin, vector, or delivery system as those terms are defined in this section,~~ commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, and if death results, commits a capital felony, punishable as provided in s. 775.082.

(3) Any person who, without lawful authority, manufactures, possesses, sells, delivers, *mails, sends,* displays, uses, threatens to use, attempts to use, or conspires to use, or who makes readily accessible to others, a hoax weapon of mass destruction ~~with the intent to deceive or otherwise mislead another person into believing that the hoax weapon of mass destruction will cause terror, bodily harm, or property damage~~ commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who, while committing or attempting to commit any felony, possesses, displays, or threatens to use any hoax weapon of mass destruction commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Notwithstanding any other law, adjudication of guilt or imposition of sentence may not be suspended, deferred, or withheld for a violation of this section. However, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

(6) Proof that a device or object described in subparagraph (1)(a)1. caused death or serious bodily injury to a human or animal through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors, is prima facie evidence that the device or object was designed or intended to cause such death or serious bodily injury. Proof that a device or object described in subparagraph (1)(a)3. released radiation or radioactivity at a level dangerous to human or animal life is prima facie evidence that the device or object was designed or intended for such release.

(7)~~(4)~~ This section does not apply to any member or employee of the Armed Forces of the United States, a federal or state governmental agency, or a private entity who is otherwise engaged in lawful activity within the scope of his or her employment, if such person is otherwise duly authorized or licensed to manufacture, possess, sell, deliver, display, or otherwise engage in activity relative to this section and if such person is in compliance with applicable federal and state law.

(8) For purpose of this section, the term "weapon of mass destruction" does not include:

(a) A device or instrument that emits or discharges smoke or an offensive, noxious, or irritant liquid, powder, gas, or chemical for the purpose of immobilizing, incapacitating, or thwarting an attack by a person or animal and that is lawfully possessed or used by a person for the purpose of self-protection or, as provided in subsection (7), is lawfully possessed or used by any member or employee of the Armed Forces of the United States, a federal or state governmental agency, or a private entity. A member or employee of a federal or state governmental agency includes, but is not limited to, a law enforcement officer, as defined in s. 784.07; a federal law enforcement officer, as defined in s. 901.1505; and an emergency service employee, as defined in s. 496.404.

(b) The liquid, powder, gas, chemical, or smoke that is emitted or discharged from a device or instrument as specified in paragraph (a).

(9) In addition to any other penalty provided by law with respect to any person who is convicted of a violation of this section that resulted in the mobilization or action of any law enforcement officer or any state or local agency, a person convicted of a violation of this section may be required by the court to pay restitution for all of the costs and damages arising from the criminal conduct.

Section 5. Paragraphs (e), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, as amended by section 2 of chapter 2001-358, Laws of Florida, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(e) LEVEL 5
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.

Florida Statute	Felony Degree	Description
790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1) ~~790.163~~	2nd	False report of deadly explosive *or weapon of mass destruction*.
~~790.165(2)~~	~~3rd~~	~~Manufacture, sell, possess, or deliver hoax bomb.~~
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.015(8)	3rd	Retail theft; property stolen is valued at $300 or more and one or more specified acts.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $75,000 or more.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive*, weapon of mass destruction,* or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.

Florida Statute	Felony Degree	Description
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.014(2)(b)2.	2nd	Property stolen cargo valued at less than $50,000, grand theft in 2nd degree.
812.015(9)	2nd	Retail theft; property stolen $300 or more; second or subsequent conviction.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by money transmitter.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.

Florida Statute	Felony Degree	Description
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	*2nd*	*Manufacture, sell, possess, or deliver hoax bomb.*
790.165(3)	*2nd*	*Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.*
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	*2nd*	*Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.*
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; cargo stolen valued at $50,000, or more; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135(1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.

Section 6. This act shall take effect July 1, 2002.

And the title is amended as follows:

On page 1, line 11, On page 1, line 17, On page 2, line 6, after the semicolon, insert: authorizing court to order restitution;

On motion by Senator Smith, the Senate concurred in the House amendment.

CS for SB 998 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1246, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1246—A bill to be entitled An act relating to continuing care retirement communities; amending s. 651.015, F.S.; authorizing the Department of Insurance to accept certain documents and information relating to continuing care contracts electronically or by facsimile; authorizing the department to adopt rules; amending s. 651.035, F.S.; revising minimum liquid reserve requirements for continuing care providers; amending s. 651.118, F.S.; authorizing certain sharing of facilities and services between sheltered beds used for extended congregate care and nursing home beds in a continuing care facility; providing an effective date.

House Amendment 1 (560717)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 651.015, Florida Statutes, is amended to read:

651.015 Administration; forms; fees; rules; fines.—The administration of this chapter is vested in the department, which shall:

(1) Prepare and furnish all forms necessary under the provisions of this chapter in relation to applications for provisional certificates of authority, certificates of authority or renewals thereof, statements, examinations, and other required reports. *The department is authorized to accept any application statement, report, or information submitted electronically or by facsimile to comply with requirements in this chapter or rules adopted under this section. The department may adopt rules to implement the provisions of this subsection.*

Section 2. Paragraph (d) of subsection (1) of section 651.033, Florida Statutes, is amended to read:

651.033 Escrow accounts.—

(1) When funds are required to be deposited in an escrow account pursuant to s. 651.022, s. 651.023, s. 651.035, or s. 651.055:

(d) All funds deposited in an escrow account, if invested, shall be invested as set forth in part II of chapter 625; however, such investment shall not diminish the funds held in escrow below the amount required by this chapter. All funds deposited in an escrow account shall not be subject to any charges by the escrow agent except escrow agent fees associated with administering the accounts, or subject to any liens, judgments, garnishments, creditor's claims, or other encumbrances against the provider or facility except as provided in s. 651.035*(2)*~~(1)~~.

Section 3. Subsections (1) and (2) of section 651.035, Florida Statutes, are amended to read:

651.035 Minimum liquid reserve requirements.—

(1) A provider shall maintain in escrow a minimum liquid reserve consisting of the applicable reserves specified in subsection (2).

(2)~~(1)~~(a) A provider shall maintain in escrow *as a debt service reserve* ~~and as a minimum liquid reserve~~ an amount equal to the aggregate amount of all principal and interest payments due during the fiscal year on any mortgage loan or other long-term financing of the facility, including taxes and insurance as recorded in the audited financial statements required under s. 651.026. The amount shall include any leasehold payments and all costs related to same. If principal payments are not due during the fiscal year, the provider shall maintain in escrow as a minimum liquid reserve an amount equal to interest payments due during the next 12 months on any mortgage loan or other long-term financing of the facility, including taxes and insurance. *For the purpose of this paragraph, the amount of property insurance premiums used in calculating the debt service reserve shall not exceed the amount paid in calendar year 1999. For providers initially licensed during or after calendar year 1999, the amount of property insurance premiums used in calculating the debt service reserve shall not exceed the amount paid during the first 12 months of facility operation. However, beginning January 1, 2006, and each year thereafter, until the amount maintained in escrow attributable to property insurance equals 100 percent of the premium, the provider shall increase the amount maintained in escrow for property insurance by 10 percent of the premium paid that year.*

(b) A provider which has outstanding indebtedness which requires what is normally referred to as a "debt service reserve" to be held in escrow pursuant to a trust indenture or mortgage lien on the facility and for which the debt service reserve may only be used to pay principal and interest payments on the debt which the debtor is obligated to pay, and which may include taxes and insurance, may include such debt service reserve in its computation of its minimum liquid reserve to satisfy this subsection, provided that the provider furnishes to the Department of Insurance a copy of the agreement under which such debt service is held, together with a statement of the amount being held in escrow for the debt service reserve, certified by the lender or trustee and the provider to be correct. The trustee shall provide the department with any information concerning the debt service reserve account upon request of the provider or the department.

(c)~~(2)(a)~~ Each provider shall maintain in escrow an operating reserve in an amount equal to 30 percent of the total operating expenses projected in the feasibility study required by s. 651.023 for the first 12 months of operation. Thereafter, each provider shall maintain in escrow an operating reserve in an amount equal to 15 percent of the total operating expenses in the annual report filed pursuant to s. 651.026. Where a provider has been in operation for more than 12 months, the total annual operating expenses shall be determined by averaging the total annual operating expenses reported to the department by the number of annual reports filed with the department within the immediate preceding 3-year period subject to adjustment in the event there is a change in the number of facilities owned. For purposes of this subsection, total annual operating expenses shall include all expenses of the facility except: depreciation and amortization; interest, insurance and taxes included in subsection (1); extraordinary expenses which are adequately explained and documented in accordance with generally accepted accounting principles; *liability insurance premiums in excess of those paid in calendar year 1999;* and changes in the obligation to provide future services to current residents. *For providers initially licensed during or after calendar year 1999, liability insurance shall be included in the total operating expenses in an amount not to exceed the premium*

paid during the first 12 months of facility operation. Beginning January 1, 1993, the operating reserves required under this subsection shall be in an unencumbered account held in escrow for the benefit of the residents. Such funds may not be encumbered or subject to any liens or charges by the escrow agent or judgments, garnishments, or creditors' claims against the provider or facility. However, if a facility had a lien, mortgage, trust indenture, or similar debt instrument in place prior to January 1, 1993, which encumbered all or any part of the reserves required by this subsection and such funds were used to meet the requirements of this subsection, then such arrangement may be continued, unless a refinancing or acquisition has occurred, and the provider shall be in compliance with this subsection.

(d)~~(b)~~ Each provider shall maintain in escrow a renewal and replacement reserve in an amount equal to 15 percent of the total accumulated depreciation based on the audited financial statement required to be filed pursuant to s. 651.026, not to exceed 15 percent of the facility's average operating expenses for the past 3 fiscal years based on the audited financial statements for each of such years. For a provider who is an operator of a facility but is not the owner and depreciation is not included as part of the provider's financial statement, the renewal and replacement reserve required by this paragraph shall equal 15 percent of the total operating expenses of the provider, as described in this section. Each provider licensed prior to October 1, 1983, shall be required to fully fund the renewal and replacement reserve by October 1, 2003, by multiplying the difference between the former escrow requirement and the present escrow requirement by the number of years the facility has been in operation after October 1, 1983.

Section 4. Subsection (8) of section 651.118, Florida Statutes, is amended, and subsection (13) is added to said section, to read:

651.118 Agency for Health Care Administration; certificates of need; sheltered beds; community beds.—

(8) A provider may petition the Agency for Health Care Administration to use a designated number of sheltered nursing home beds to provide extended congregate care as defined in s. 400.402 if the beds are in a distinct area of the nursing home which can be adapted to meet the requirements for extended congregate care. The provider may subsequently use such beds as sheltered beds after notifying the agency of the intended change. *Any sheltered beds used to provide extended congregate care pursuant to this subsection may not qualify for funding under the Medicaid waiver. Any sheltered beds used to provide extended congregate care pursuant to this subsection may share common areas, services, and staff with beds designated for nursing home care, provided that all of the beds are under common ownership. For the purposes of this subsection, fire and life safety codes applicable to nursing home facilities shall apply.*

(13) Residents, as defined in this chapter, are not considered new admissions for the purpose of s. 400.141(15)(d).

Section 5. This act shall take effect July 1, 2002.

And the title is amended as follows:

On page , remove: the entire title and insert: A bill to be entitled An act relating to continuing care retirement communities; amending s. 651.015, F.S.; authorizing the Department of Insurance to accept certain documents and information relating to continuing care contracts electronically or by facsimile; authorizing the department to adopt rules; amending s. 651.033, F.S.; correcting a cross-reference; amending s. 651.035, F.S.; revising minimum liquid reserve requirements for continuing care providers; amending s. 651.118, F.S.; providing a funding limitation on sheltered beds used to provide extended congregate care in a continuing care facility; authorizing certain sharing of facilities and services between such sheltered beds and nursing home beds in such facilities; exempting continuing care facility residents from certain calculations relating to moratoriums on new nursing home admissions; providing an effective date.

On motion by Senator Saunders, the Senate concurred in the House amendment.

CS for SB 1246 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1272, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1272—A bill to be entitled An act relating to the determination and enforcement of obligations for child support; amending s. 61.046, F.S.; defining the term "national medical support notice"; amending s. 61.13, F.S.; requiring that the court issue an order for health care coverage for a minor child in a proceeding for dissolution of marriage rather than an order for health insurance; providing for enforcement of such an order through use of the national medical support notice; requiring the Department of Revenue to notify the obligor of withholding premium payments under the notice; providing a procedure under which the obligor may contest the withholding; providing procedures for enrolling a child in a group health plan; providing certain limitations on the amount of withholding allowed under a support order; amending s. 61.181, F.S.; continuing the increased fee charged to child support obligors by the depository; repealing s. 61.1826(5), F.S., relating to performance reviews; amending s. 61.1826, F.S.; conforming to repeal of s. 61.1826(5), F.S.; amending ss. 61.14, 61.30, F.S.; requiring that the Department of Revenue seek modification of certain awards of child support; requiring that such modification be made without proof or showing of a change in circumstances; amending s. 120.80, F.S.; providing for immediate judicial review of any such order; providing for enforcement; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules for administrative proceedings to establish child-support obligations; amending s. 409.2563, F.S.; revising the pilot program for administrative establishment of child-support obligations; providing process for optional pursuit of judicial process; providing for the withholding of a specified portion of a noncustodial parent's unemployment compensation; authorizing the Division of Administrative Hearings to render an income deduction order; providing for the use of a financial affidavit as prescribed by the department; amending s. 409.25656, F.S.; providing a procedure for liquidating securities that are levied to satisfy an obligation for past due or overdue support; amending s. 409.25658, F.S.; providing for the use of unclaimed property to satisfy an obligation for past due support; amending s. 409.2576, F.S.; requiring that the Department of Revenue transmit a national medical support notice to an employee's employer under certain circumstances; amending s. 827.06, F.S.; providing for additional means of service of process; providing an effective date.

House Amendment 1 (741021)—On page 15, line 2, after: (11), insert: and (12),
on page 15, line 4, remove: Section and insert: section
on page 26, line 6, after: *as* insert: *a*

On motion by Senator Peaden, the Senate concurred in the House amendment.

CS for SB 1272 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1766, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1766—A bill to be entitled An act relating to child and adult abuse; providing a short title; requiring hospitals, birthing facilities, or home birth providers to give to new parents informational brochures concerning the dangers of shaking babies and young children; requiring the Department of Health to prepare the brochures; prescribing the contents of the brochures; providing that a cause of action against specified persons and entities does not accrue as a result of failure to give this information; amending ss. 39.204 and 415.1045, F.S.; providing applicability of failure to cooperate with law enforcement with respect to investigation of or privileged communications regarding child or adult abuse; providing an effective date.

House Amendment 1 (933743)—On page 1, lines 30 and 31, remove: all of said lines, and insert: *shaking infants and young children.*

On motion by Senator Sullivan, the Senate concurred in the House amendment.

CS for SB 1766 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Burt, Dyer, Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1794, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1794—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; authorizing certain additional counties to apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones or communities for certain purposes; amending s. 290.00675, F.S.; revising the criteria for the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones; providing an effective date.

House Amendment 1 (324101)(with title amendment)—On page 2, lines 18-30, remove: all of said lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 8-11, remove: all of said lines and insert: providing an

On motion by Senator Geller, the Senate concurred in the House amendment.

SB 1794 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Lee, Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2048, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2048—A bill to be entitled An act relating to Medicaid services; providing a short title; providing coverage for certain organ-transplant services; amending s. 409.915, F.S.; exempting counties from contributions for such services; providing an effective date.

House Amendment 1 (024653)—On page 1, line 16, of the bill after "services" insert: *for Medicaid recipients*

On motion by Senator Saunders, the Senate concurred in the House amendment.

CS for SB 2048 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 100, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 100—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; revising fees for the registration of certain trucks, trailers, and motorcycles and for tag transfers to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

House Amendment 1 (212749)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (7) is added to section 343.64, Florida Statutes, to read:

343.64 Powers and duties.—

(7) Notwithstanding any other provision to the contrary, the authority may not act as the community transportation coordinator for the transportation disadvantaged program pursuant to part I of chapter 427, and any past appointment of the authority shall be void effective July 1, 2002.

Section 2. *Funding for the transportation disadvantaged shall be provided for in line item 2102 of the General Appropriations Act.*

Section 3. This act shall take effect October 1, 2002.

And the title is amended as follows: remove: the entire title and insert: A bill to be entitled An act relating to the transportation disadvantaged; amending s. 343.64, F.S.; prohibiting the Central Florida Regional Transportation Authority from acting as the community transportation coordinator for the transportation disadvantaged; providing reference to funding for the transportation disadvantaged; providing an effective date.

Senator Mitchell moved the following amendment which was adopted:

Senate Amendment 1 (862506) to House Amendment 1—On page 1, lines 27-29, delete those lines and insert:

Section 2. *Funding for the transportation disadvantaged program shall be as provided annually in the General Appropriations Act.*

On motion by Senator Mitchell, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 100 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 386, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 386—A bill to be entitled An act relating to the Florida Black Business Investment Board, Inc.; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business enterprises; redefining the term "black business enterprise"; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; creating s. 288.7075, F.S.; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of "executive director" as "president"; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the corporation's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; eliminating provisions related to the authority of the corporation to acquire and sell property; amending s. 288.7091, F.S.; revising provisions relating to duties of the corporation regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the corporation to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the corporation and return on investment; defining the state's operating investment in the corporation; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding corporate compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the corporation's annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board, Inc.; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board, Inc., under certain conditions; requiring the Black Business Investment Board, Inc., to complete a report on the inclusion of all minorities in the activities of the board and the black business investment corporations; providing an effective date.

House Amendment 1 (370845)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 288.707, Florida Statutes, is amended to read:

288.707 Florida Black Business Investment Board*, Inc.*—

(1) The Legislature finds that the public interest of Florida will be served by the creation and growth of black business enterprises by:

(a) Establishing a partnership between the public sector and the private sector which seeks to leverage the provision of state funds with funds and other resources from private-sector businesses and other nonstate sources;

(b)~~(a)~~ Increasing opportunities for employment of blacks, as well as the population in general;

(c)~~(b)~~ Providing role models and establishing business networks for the benefit of future generations of aspiring black entrepreneurs;

(d)~~(c)~~ Strengthening the economy of the state by increasing the number of qualified black business enterprises, which in turn will increase competition in the marketplace and improve the welfare of economically depressed neighborhoods; and

(e)~~(d)~~ Taking measures to increase access of black businesses to both debt and equity capital.

(2) For the purposes of *ss. 288.707-288.714* ~~ss. 9-21, chapter 85-104, Laws of Florida~~:

(a) "Black business enterprise" means any business concern *that* ~~which~~ is organized to engage in commercial transactions and *that* ~~which~~ is at least 51 percent owned by one or more *African Americans* ~~black Americans~~ as defined in s. 288.703 and whose management and daily operations are controlled by such persons.

(b) "Black business investment corporation" means a subsidiary of a financial institution or a consortium of financial institutions investing in, or lending to, black business enterprises.

(c) "Consortium" means two or more financial institutions *that* ~~which~~ jointly negotiate and agree to provide assistance to black business enterprises as provided in *ss. 288.707-288.714* ~~ss. 9-21, chapter 85-104, Laws of Florida~~.

(3) There is ~~hereby~~ created *a not-for-profit corporation* ~~within the Office of Tourism, Trade, and Economic Development a body politic and corporate~~ to be known as the "Florida Black Business Investment Board, *Inc.,* hereinafter referred to as the "*corporation,* ~~board.~~" *which shall be registered, incorporated, organized, and operated in compliance with chapter 617 and which is not a unit or entity of state government.* ~~The board is hereby constituted a public instrumentality, and the exercise by the board of the powers conferred by ss. 9-21, chapter 85-104, Laws of Florida, shall be deemed to be the performance of an essential governmental function.~~

(a) The board *of the corporation* shall consist of *the following members:*

1. Six ~~seven~~ members appointed by the Governor *and* subject to confirmation by the Senate, *who must* ~~six of whom shall~~ be experienced in investment finance and business development~~, one of whom must be a member of a black business investment corporation~~.

2. One member from the private sector appointed by the President of the Senate, who must be experienced in investment finance and business development and who shall serve a term of 2 years.

3. One member from the private sector appointed by the Speaker of the House of Representatives, who must be experienced in investment finance and business development and who shall serve a term of 2 years.

4. Three representatives of black business investment corporations, who must be selected from among and by the chairs of the black business investment corporations. A representative from a black business investment corporation shall serve for a term of 2 years but is eligible for reappointment on a rotating basis with other representatives from black business investment corporations.

5. The vice chair of Enterprise Florida, Inc., or his or her designee, who shall be an ex officio, nonvoting member, and who shall provide information, advice, and guidance designed to enhance the coordination of activities of Enterprise Florida, Inc., and the corporation.

6. The chair of the Florida Development Finance Corporation, created pursuant to s. 288.9604, *who* shall be an ex officio*, nonvoting* member of the board.

(b) Members appointed by the Governor shall serve terms of 4 years, except that in making the initial appointments, the Governor shall appoint *two members* ~~one member~~ to serve for ~~a term of 1 year, two members to serve for~~ terms of 2 years, two members to serve for terms of 3 years, and two members to serve for terms of 4 years.

(c) Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment.

(d) The Governor shall appoint the chairperson who shall be a member of the board. The board shall annually elect one of its members as vice chairperson and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all books, documents, and papers filed with the board, of the minute books of the board, and of its official seal. ~~A majority of the members of the board shall constitute a quorum.~~

(e) The board shall meet at least four times each year, upon the call of the chair or the vice chair or at the request of a majority of the membership. A majority of the total number of all members fixed by paragraphs (a) and (h) shall constitute a quorum. The board may take official action by a majority vote of the members present at any meeting at which a quorum is present.

(f)~~(e)~~ Members of the board shall serve without compensation, but *members, the president of the board, and other board employees may be reimbursed for all reasonable, necessary, and actual expenses as determined by the board* ~~shall be reimbursed for per diem and travel expenses in accordance with s. 112.061~~.

(g)~~(f)~~ Each member of the board *who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144* shall file ~~full and public~~ disclosure of financial interests *pursuant to s. 112.3145* ~~at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution~~.

(h) Notwithstanding paragraph (a), the board may by resolution appoint two at-large members to the board from the private sector, each of whom may serve a 1-year term. At-large members shall have the powers and duties of other members of the board, except that they may not serve on an executive committee. An at-large member is eligible for reappointment but may not vote on his or her own reappointment.

Section 2. Section 288.708, Florida Statutes, is amended to read:

288.708 *President* ~~Executive director~~; employees.—

(1) The *president* ~~executive director~~ of the *corporation* ~~board~~, who may also be designated as secretary-treasurer, shall be appointed by the board *and shall serve at the pleasure of the board. The board shall establish and adjust the compensation of the president.* The *president* ~~executive director~~ shall be the chief administrative and operational officer of the *corporation* ~~board~~ and shall direct and supervise administrative affairs and the general management of the *corporation* ~~board~~. *The board may delegate to its president those powers and responsibilities it deems appropriate, except for appointment of the president.* The *president* ~~executive director~~:

(a) May contract with or employ legal and technical experts and such other employees, permanent and temporary, as shall be authorized by the board;

(b) Shall attend meetings of the board; and

(c) Shall cause copies to be made of all minutes and other records and documents of the board and shall certify that such copies are true copies.

All persons dealing with the *corporation or* board may rely upon such certification.

(2) *The corporation and its officers and board members are responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements. An employee of the corporation may not receive compensation for employment that exceeds the salary paid to the Governor, unless the corporation and the employee have executed a contract that prescribes specific and measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the employee's total compensation to a level above the salary paid to the Governor.* ~~The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 110, and the executive director shall be subject to the provisions of part III of chapter 110.~~

Section 3. Section 288.709, Florida Statutes, is amended to read:

288.709 Powers of the Florida Black Business Investment Board*, Inc.*—The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of *ss. 288.707-288.714* ~~ss. 9-21, chapter 85-104, Laws of Florida~~, including, but not limited to, the power to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business and adopt *policies* ~~rules pursuant to ss. 120.536(1) and 120.54~~ to implement the provisions of law conferring duties upon it. However, any proposed *bylaws or policies* ~~rules~~ affecting the operation or administration or financial well-being of any of the black business investment corporations must first be approved by a majority of the black business investment corporations. *Such bylaws shall provide that the corporation is subject to the requirements of s. 24, Art. I of the State Constitution and chapter 119 and s. 286.011.*

(2) Adopt an official seal.

(3) Sue and be sued in its own name.

(4) Make and execute contracts and other instruments necessary or convenient for the exercise of its power and functions.

(5) Acquire, hold, and dispose of personal property for its corporate purposes.

(6) Enter into agreements or other transactions with any federal, state, or local agency.

(7) Encourage financial institutions to participate in consortia for the purpose of investing in black business enterprises.

(8) Ensure that funds available to the board for purposes set forth in *ss. 288.707-288.714* ~~ss. 9-21, chapter 85-104, Laws of Florida,~~ are disbursed on a statewide basis and are not concentrated in one geographical area.

~~(9) Acquire real property or any interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the board has an interest; to sell, transfer, and convey any such property to a buyer without regard to the provisions of chapters 253 and 270; and, in the event that such sale, transfer, or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property for occupancy by eligible persons.~~

(9)~~(10)~~ Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under s. 215.47; *however* ~~provided~~, such investments will be made on behalf of the board by the Office of State Treasurer or by another trustee appointed for that purpose.

(10)~~(11)~~ Appear in its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or Federal Government.

(11)~~(12)~~ Procure insurance or require bond against any loss in connection with its property in such amounts and from such insurers as may be necessary or desirable.

(12)~~(13)~~ Receive and accept from any federal, state, or local agency grants, loans, or advances for, or in aid of, the purposes of *ss. 288.707-288.714* ~~ss. 9-21, chapter 85-104, Laws of Florida~~, and to receive and accept contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied for said purposes.

(13)~~(14)~~ Create, issue, and buy and sell stock, evidences of indebtedness, and other capital participation instruments; to hold such stock, evidences of indebtedness, and capital participation instruments; and to underwrite the creation of a capital market for these securities in a manner designed to enhance development of capital ownership in the target group.

(14)~~(15)~~ Provide and pay for such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.

(15)~~(16)~~ Engage in special programs to enhance the development of black business enterprises as authorized by this act.

(16)~~(17)~~ Promote black ownership of financial institutions in Florida.

(17)~~(18)~~ Take, hold, and improve property, including real property.

(18)~~(19)~~ Do any and all things necessary or convenient to carry out the purposes of, and exercise the powers given and granted in, *ss. 288.707-288.714* ~~ss. 9-21, chapter 85-104, Laws of Florida~~, and exercise any other powers, rights, or responsibilities of a corporation.

(19) In addition to any indemnification available under chapter 617, the corporation may indemnify, and purchase and maintain insurance on behalf of, directors, officers, and employees of the corporation and its boards against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

(20) Provide in its bylaws that, upon the dissolution of the corporation, all of its assets, after payment of all legal debts and liabilities, revert to this state.

Section 4. Section 288.7091, Florida Statutes, is amended to read:

288.7091 Duties of the Florida Black Business Investment Board*, Inc.*—The Florida Black Business Investment Board*, Inc.,* shall:

(1) Establish certification criteria for black business investment corporations. Certification criteria shall include administrative capacity, fiduciary controls, and, in the case of existing black business investment corporations, solvency and soundness of prior loan decisions;

(2) Ensure that any appropriations by the Legislature to the corporation on behalf of the black business investment corporations are provided to the corporations in the manner and amount prescribed by the Legislature;

(3) Work with Enterprise Florida, Inc., and local economic development organizations to promote the retention and expansion of existing black business enterprises and to promote the formation and recruitment of new black business enterprises;

(4)~~(2)~~ Develop a memorandum of understanding with Enterprise Florida, Inc., that outlines a strategy for collaboration with the programs*, activities, and committees or similar units* ~~and boards~~ of Enterprise Florida, Inc.*, which memorandum of understanding shall provide for Enterprise Florida, Inc., to contract with the corporation, where practicable, for the delivery of economic development services relating to black business enterprises*;

(5)~~(3)~~ Include in the criteria for loan decisions, occupational forecasting results set forth in s. 216.136(9) which target high growth jobs;

(6)~~(4)~~ *Facilitate the formation of black business investment corporations in communities that are not currently served by such corporations and* establish, in communities that are not currently served by an existing black business investment corporation, memoranda of understanding with local financial institutions that will provide loan guarantees for loans to black business enterprises;

(7)~~(5)~~ Develop memoranda of understanding with the Departments of ~~Labor and Employment Security,~~ Education, Transportation, *Community Affairs,* and Management Services, as well as *with Workforce*

Florida, Inc., and the *Florida* ~~State~~ Board of *Education* ~~Regents~~, detailing efforts of common interest and collaborations to expand black business development;

(8)~~(6)~~ Intensify efforts to increase the number of *franchises owned by black businesses and the number of* ~~the~~ black business enterprises in construction and construction-related projects, *with emphasis on construction projects financed by* ~~focusing on~~ federal, state, *or* ~~and~~ local *governments* ~~government financed construction projects~~; and

(9)~~(7)~~ Annually, prepare a report detailing the performance of each black business investment corporation, addressing the number of jobs created and/or retained, success and failure rates among loan recipients, and the amount of funds leveraged from other sources.

(10) Annually, provide for a financial audit as defined in s. 11.45 of its accounts and records by an independent certified public accountant. The audit report shall be filed within 12 months after the end of the fiscal year to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.

Section 5. Section 288.7092, Florida Statutes, is created to read:

288.7092 Return on investment from activities of the corporation.—

(1) The public funds appropriated each year for the operation of the corporation are invested in this public-private partnership to enhance black business ownership and investments in Florida. This policy shall be the Legislature's priority consideration when reviewing the return on investment for the corporation.

(2) It is also the intent of the Legislature that the corporation coordinate its operations with Enterprise Florida, Inc., and with local economic development organizations to maximize the state and local return on investment to create jobs for Floridians.

(3) It is further the intent of the Legislature to maximize private-sector support in operating the corporation as an endorsement of its value and as an enhancement of its efforts.

(4)(a) The state's operating investment in the corporation is the budget contracted by the Office of Tourism, Trade, and Economic Development to the corporation, less funding that is directed by the Legislature to be subcontracted to a specific recipient.

(b) The board shall adopt for each upcoming fiscal year an operating budget for the organization which specifies the intended uses of the state's operating investment, other sources of income, and a plan for securing private-sector support to the corporation. Each fiscal year, private-sector support to the corporation shall be as follows: no less than 50 percent of the state's investment by July 1, 2003; no less than 60 percent of the state's investment by July 1, 2004; no less than 70 percent of the state's investment by July 1, 2005; no less than 80 percent of the state's investment by July 1, 2006; and no less than 100 percent of the state's investment by July 1, 2007.

(5) Private-sector support in operating the corporation includes:

(a) Cash given directly to the corporation for its operating budget.

(b) Cash jointly raised by the corporation and a local economic development organization, a group of such organizations, or a statewide business organization that supports collaborative projects.

(c) Cash generated by products or services of the corporation.

(d) In-kind contributions directly to the corporation, including private-sector equipment contributed as part of technical assistance; goods and services, including time donated by loan officers, advertising or marketing support, and items used to promote the corporation; business expenditures; business services provided; business support; and other business contributions that augment the operations, program, activities, or assets of the corporation, including, but not limited to, an individual's time and expertise, sponsored publications, private-sector staff services, payment for advertising placements, sponsorship of events, sponsored or joint research, discounts on leases or purchases, mission or program sponsorship, copayments, stock, warrants, royalties, or other private resources dedicated to the corporation, low-interest loans, participations, investment income, and equity investments.

(6) The corporation shall fully comply with the performance measures, standards, and sanctions in its contracts with the Office of Tourism, Trade, and Economic Development. The office shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that the office is required to develop and track under performance-based program budgeting.

(7) As part of the annual report required under s. 288.714, the board of the corporation shall provide the Legislature with information quantifying the public's return on investment.

(8) The corporation, in consultation with the Office of Program Policy Analysis and Government Accountability, shall hire a private accounting firm or economic analysis firm to develop the methodology for establishing and reporting return on investment and in-kind contributions as described in this section. The Office of Program Policy Analysis and Government Accountability shall review and offer feedback on the methodology before it is implemented. The private accounting firm or economic analysis firm shall certify whether the applicable statements in the annual report comply with this section.

Section 6. Subsections (1) and (4) of section 288.711, Florida Statutes, are amended to read:

288.711 Florida Investment Incentive Trust Fund.—

(1) There is hereby created the Florida Investment Incentive Trust Fund from which money may be drawn for investments or loans, as authorized by this section, to encourage the development of appropriate financial mechanisms in the private sector to capitalize and assist in the development of black business enterprises. All income earned by investments of the fund shall be deposited in the fund for carrying out the purposes of *ss. 288.707-288.714* ~~ss. 9-21, chapter 85-104, Laws of Florida~~. Administrative costs of the program shall be appropriated in a lump-sum appropriation from the fund created herein and shall be provided in the General Appropriations Act.

(4) All loans and investments, and any income related thereto, shall be used to carry out the public purpose of *ss. 288.707-288.714* ~~ss. 9-21, chapter 85-104, Laws of Florida~~, which is to develop black business enterprises. This is not meant to preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 7. Paragraph (b) of subsection (3) and paragraph (b) of subsection (4) of section 288.712, Florida Statutes, are amended to read:

288.712 Florida guarantor funds.—

(3)

(b) For purposes of this section, the *corporation* ~~board~~ may utilize the Black Contractors Bond Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Contractors Bond Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to *ss. 288.707-288.714* ~~ss. 9-21, chapter 85-104, Laws of Florida~~; all moneys recovered following defaults; and any other moneys obtained by the board for this purpose. The fund shall be administered by the *corporation* ~~board~~ in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The *corporation* ~~board~~ is authorized to post or pledge the assets of the Black Contractors Bond Trust Fund as collateral in amounts necessary to secure the issuance of bid bonds and construction contract bonds to black business enterprises. The board *of the corporation* shall establish a premium to be charged to the black business enterprise for which the assets have been so posted or pledged, pursuant to generally accepted actuarial principles, and shall establish such rules as may otherwise be necessary to carry out the purposes of this section.

2. Any claims against the state arising from defaults shall be payable from the Black Contractors Bond Trust Fund.

3. Nothing in this subsection shall be construed to prohibit or restrict the *corporation* ~~board~~ from entering into a joint venture or other contractual agreement with a private insurer or to invest in a private entity to

handle all or part of a black contractors bonding program, credit program, or both for black business enterprises. Such investments or joint venture shall be made under conditions required by law and as the board may, from time to time, require and may take any of the forms described in s. 288.711(2) and (3). The board is authorized and encouraged to contract with a regulated surety company to conduct a surety bond program for black business enterprises. Moneys from the Black Contractors Bond Trust Fund may be used for these purposes.

(4)

(b) If the board *of the corporation* chooses to establish a loan guaranty program, it shall *use* ~~utilize~~ the Black Business Loan Guaranty Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Business Loan Guaranty Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to *ss. 288.707-288.714* ~~ss. 9-21, chapter 85-104, Laws of Florida~~; all moneys recovered following defaults; and any other moneys obtained by the *corporation* ~~board~~ for this purpose. The Black Business Loan Guaranty Trust Fund shall be administered by the *corporation* ~~board~~ in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The *corporation* ~~board~~ shall utilize the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund in the State Treasury, consisting of all premiums charged and collected in accordance with this section and any income earned from the moneys in the account. All expenses of the *corporation* ~~board~~ in carrying out the purposes of this subsection shall be paid from the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund. Any moneys to the credit of the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund in excess of the amount necessary to fund the *corporation's* ~~board's~~ activity shall be held as a loss reserve to pay claims arising from defaults on loans underwritten in accordance with this section.

2. Any claims against the state arising from defaults shall be payable initially from the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund and, secondarily, from the Black Business Loan Guaranty Trust Fund.

3. The *corporation* ~~board~~ as loan guarantor may exercise all rights and powers of a company authorized by the Department of Insurance to guarantee loans but shall not be subject to any requirements of an insurance company under the Florida Insurance Code, nor to any rules of the Department of Insurance; however, the *corporation* ~~board~~ shall refer to the insurance code and rules thereunder when designing and administering such program. The *corporation* ~~board~~ shall follow sound actuarial principles when administering this program. The *corporation* ~~board~~ shall establish a premium for the loan guaranty and such rules as may be necessary to carry out the purposes of this section.

4. The *corporation* ~~board~~ may guarantee no more than 20 percent of the principal of a loan to a black business enterprise.

Section 8. Section 288.714, Florida Statutes, is amended to read:

288.714 Annual report.—By *February 1* ~~March 31~~ of each year the board *of the corporation* shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, *and the director of the Office of Tourism, Trade, and Economic Development* ~~and the secretary of the Department of Labor and Employment Security~~ a complete and detailed report setting forth:

(1) Operations and accomplishments of the *corporation* ~~board~~;

(2) The number of black business enterprises which participated during the past year in programs established or administered by the *corporation* ~~board~~;

(3) The number of black business enterprises receiving assistance from the *corporation* ~~board~~ and the manner in which the assistance was received;

(4) The status of black business enterprises which participated in programs established or administered by the *corporation* ~~board~~;

(5) The total number of jobs represented by black business enterprises participating in programs established or administered by the *corporation* ~~board~~;

(6) Receipts and expenditures of the *corporation* ~~board~~ during its most recent fiscal year in accordance with the categories or classifications established by the *corporation* ~~board~~ for its operating and capital accounts;

(7) Assets and liabilities of the *corporation* ~~board~~ at the end of its most recent fiscal year and the status of its trust funds; and

(8) A schedule of local bonds outstanding authorized by the *corporation* ~~board~~ and capital participation instruments issued by the *corporation* ~~board~~ for the year and the total to date.

Section 9. *Black Business Investment Board, Inc., state employee leasing program.—*

(1) The Department of Management Services shall establish a lease–agreement program under which an employee as of June 30, 2002, of the Black Business Investment Board, Inc., created under chapter 85–104, Laws of Florida, retains his or her status as a state employee until a set date.

(2) The Department of Management Services shall establish the terms and conditions of the program and such lease agreements.

(a) Status as a state employee shall include the right to participate in the Florida Retirement System.

(b) Any employee who participates in a lease agreement shall work under the direct supervision of the corporation.

(c) Status as a state employee under a lease agreement as provided in this section expires on June 30, 2004, unless the employee voluntarily relinquishes his or her status as a state employee before that date.

Section 10. Subsection (5) of section 288.9015, Florida Statutes, is amended to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(5) Enterprise Florida, Inc., shall incorporate the needs of small and minority businesses into the economic-development, international-trade and reverse-investment, and workforce-development responsibilities assigned to the organization by this section. *Where practicable and consistent with the expertise of the Black Business Investment Board, Inc., Enterprise Florida, Inc., shall contract with the corporation for the delivery of services in fulfillment of the responsibilities of Enterprise Florida, Inc., relating to small and minority businesses.*

Section 11. *The Florida Black Business Investment Board, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2003, on the feasibility of including minority business enterprises, as defined under section 288.703, Florida Statutes, within the programs, services, and activities of the Florida Black Business Investment Board, Inc., and the black business investment corporations. The report shall include recommendations on a funding level necessary to expand the scope of such programs, services, and activities to include other minority business enterprises in addition to black business enterprises.*

Section 12. *If any other act passed during the 2002 Regular Session of the Legislature or any extension thereof contains a provision that repeals ss. 288.011 and 288.012, Florida Statutes, the Legislature intends that the provision in the other act shall take precedence over sections 7 and 8 of this act.*

Section 13. This act shall take effect July 1, 2002.

And the title is amended as follows: remove: the entire title and insert: A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business enterprises; redefining the term "black business enterprise"; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of "executive director" as "president"; providing for the appointment and compensation of the

president; providing for delegation of powers and responsibilities to the president; prescribing the corporation's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; eliminating provisions related to the authority of the corporation to acquire and sell property; amending s. 288.7091, F.S.; revising provisions relating to duties of the corporation regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the corporation to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the corporation and return on investment; defining the state's operating investment in the corporation; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding corporation compliance with performance measures; providing for a report; requiring that the corporation hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the corporation's annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board, Inc.; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board, Inc., under certain conditions; requiring the Black Business Investment Board, Inc., to complete a report on the inclusion of all minorities in the activities of the corporation and the black business investment corporations; providing applicability to other legislation; providing an effective date.

Senator Holzendorf moved the following amendments which were adopted:

Senate Amendment 1 (610116) to House Amendment 1—On page 4, line 16, before the period (.) insert: *and shall serve at the pleasure of the Governor*

Senate Amendment 2 (102636) to House Amendment 1—On page 9, line 22, delete "*the corporation may*"

Senate Amendment 3 (205078) to House Amendment 1—On page 13, delete line 28 and insert: *income, equity investments, and the economic impact of the corporation's investments and job creation and retention.*

Senate Amendment 4 (703910) to House Amendment 1—On page 20, lines 24-29, delete those lines and insert:

Section 12. *If any other act that is passed during the 2002 Regular Session of the Legislature or any extension thereof, and that becomes a law, contains a provision that repeals sections 288.711 and 288.712, Florida Statutes, the Legislature intends that the provision in the other act shall take precedence over sections 6 and 7 of this act.*

On motion by Senator Holzendorf, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for CS for CS for SB 386 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 716, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 716—A bill to be entitled An act relating to domestic violence; amending s. 39.903, F.S.; requiring the Department of Children and Family Services to operate the domestic violence program; specifying program purposes; repealing s. 741.466, F.S., relating to the "Prevention of Domestic and Sexual Violence Program"; amending s. 938.01, F.S.; specifying the amount of funds available for use by the Department of Children and Family Services and the Department of Law Enforcement; repealing s. 4(2) of ch. 2001-184, Laws of Florida, and s. 7(2) of ch. 2001-232, Laws of Florida, relating to funding for the Prevention of Domestic and Sexual Violence Program; providing an effective date.

House Amendment 1 (525543)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 25.385, Florida Statutes, is amended to read:

25.385 Standards for instruction of circuit and county court judges in handling domestic violence cases.—

(2) As used in this section:

(a) The term "domestic violence" *has the meaning set forth in s. 741.28* ~~means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another, who is or was residing in the same single dwelling unit~~.

(b) "Family or household member" *has the meaning set forth in s. 741.28* ~~means spouse, former spouse, persons related by blood or marriage, persons who are presently residing together, as if a family, or who have resided together in the past, as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time~~.

Section 2. Subsection (5) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing charges for trial and appellate proceedings.—

(5) The fees prescribed in this section do not include the service charges required by law for the clerk as provided in s. 28.24 or by other sections of the Florida Statutes. Service charges authorized by this section may not be added to any civil penalty imposed by chapter 316 or chapter 318. ~~Fees for injunctions concerning domestic violence shall be limited as provided in s. 741.30(2)(a).~~

Section 3. Subsections (1) and (3) of section 39.902, Florida Statutes, are amended to read:

39.902 Definitions.—As used in this part, the term:

(1) "Domestic violence" *has the meaning set forth in s. 741.28* ~~means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit~~.

(3) "Family or household member" *has the meaning set forth in s. 741.28* ~~means spouses, former spouses, adults related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time~~.

Section 4. Subsections (3), (4), (5), and (6) of section 39.903, Florida Statutes, are renumbered as subsections (4), (5), (6), and (7), respectively, and a new subsection (3) is added to said section, to read:

39.903 Duties and functions of the department with respect to domestic violence.—

(3) The department shall operate the domestic violence program, which provides supervision, direction, coordination, and administration of statewide activities related to the prevention of domestic violence.

Section 5. Paragraphs (b) and (e) of subsection (2) of section 390.01115, Florida Statutes, are amended to read:

390.01115 Parental Notice of Abortion Act.—

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

(b) "Child abuse" has the meaning ascribed in s. 39.0015(3) and refers to the acts of child abuse against a minor by a family member as defined in s. 741.28~~(2)~~.

(e) "Sexual abuse" has the meaning ascribed in s. 39.01 and refers to the acts of sexual abuse against a minor by a family member as defined in s. 741.28~~(2)~~.

Section 6. Subsection (18) of section 470.002, Florida Statutes, is amended to read:

470.002 Definitions.—As used in this chapter:

(18) "Legally authorized person" means, in the priority listed, the decedent, when written inter vivos authorizations and directions are provided by the decedent, the surviving spouse, unless the spouse has been arrested for committing against the deceased an act of *domestic* violence as defined in s. 741.28~~(1)~~, a son or daughter who is 18 years of age or older, a parent, a brother or sister 18 years of age or over, a grandchild who is 18 years of age or older, or a grandparent; or any person in the next degree of kinship. In addition, the term may include, if no family exists or is available, the following: the guardian of the dead person at the time of death; the personal representative of the deceased; the attorney in fact of the dead person at the time of death; the health surrogate of the dead person at the time of death; a public health officer; the medical examiner, county commission or administrator acting under chapter 245, or other public administrator; a representative of a nursing home or other health care institution in charge of final disposition; or a friend or other person not listed in this subsection who is willing to assume the responsibility as authorized person.

Section 7. Paragraph (g) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(g) Unfair discrimination.—

1. Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class and equal expectation of life, in the rates charged for any life insurance or annuity contract, in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

2. Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class and essentially the same hazard, in the amount of premium, policy fees, or rates charged for any policy or contract of accident, disability, or health insurance, in the benefits payable thereunder, in any of the terms or conditions of such contract, or in any other manner whatever.

3. For a health insurer, life insurer, disability insurer, property and casualty insurer, automobile insurer, or managed care provider to underwrite a policy, or refuse to issue, reissue, or renew a policy, refuse to pay a claim, cancel or otherwise terminate a policy, or increase rates based upon the fact that an insured or applicant who is also the proposed insured has made a claim or sought or should have sought medical or psychological treatment in the past for abuse, protection from abuse, or shelter from abuse, or that a claim was caused in the past by, or might occur as a result of, any future assault, battery, or sexual assault by a family or household member upon another family or household member as defined in s. 741.28~~(2)~~. A health insurer, life insurer, disability insurer, or managed care provider may refuse to underwrite, issue, or renew a policy based on the applicant's medical condition, but shall not consider whether such condition was caused by an act of abuse. For purposes of this section, the term "abuse" means the occurrence of one or more of the following acts:

a. Attempting or committing assault, battery, sexual assault, or sexual battery;

b. Placing another in fear of imminent serious bodily injury by physical menace;

c. False imprisonment;

d. Physically or sexually abusing a minor child; or

e. An act of domestic violence as defined in s. 741.28.

This subparagraph does not prohibit a property and casualty insurer or an automobile insurer from excluding coverage for intentional acts by the insured if such exclusion does not constitute an act of unfair discrimination as defined in this paragraph.

Section 8. Paragraph (b) of subsection (12) of section 641.3903, Florida Statutes, is amended to read:

641.3903 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(12) PROHIBITED DISCRIMINATORY PRACTICES.—A health maintenance organization may not:

(b) Refuse to provide services or care to a subscriber solely because medical services may be or have been sought for injuries resulting from an assault, battery, sexual assault, sexual battery, or any other offense by a family or household member, as defined in s. 741.28~~(2)~~, or by another who is or was residing in the same dwelling unit.

Section 9. Section 741.28, Florida Statutes, is amended to read:

741.28 Domestic violence; definitions.—As used in ss. 741.28-741.31:

(1)~~(3)~~ "Department" means the Florida Department of Law Enforcement.

(2)~~(1)~~ "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another *family or household member* ~~who is or was residing in the same single dwelling unit~~.

(3)~~(2)~~ "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who *are parents of* ~~have~~ a child in common regardless of whether they have been married ~~or have resided together at any time~~. *With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.*

(4) "Law enforcement officer" means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof who meets the minimum qualifications established in s. 943.13 and is certified as a law enforcement officer under s. 943.1395.

Section 10. Section 741.281, Florida Statutes, is amended to read:

741.281 Court to order batterers' intervention program attendance.—If a person is found guilty of, has had adjudication withheld on, or has pled nolo contendere to a crime of domestic violence, as defined in s. 741.28, that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend

a batterers' intervention program as a condition of probation. ~~If a person is admitted to a pretrial diversion program and has been charged with an act of domestic violence, as defined in s. 741.28, the court shall order as a condition of the program that the defendant attend a batterers' intervention program.~~ The court must impose the condition of the batterers' intervention program for a defendant ~~admitted to pretrial diversion~~ under this section, but the court, in its discretion, may determine not to impose the condition if it states on the record why a batterers' intervention program might be inappropriate. The court must impose the condition of the batterers' intervention program for a defendant placed on probation unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. Effective July 1, 2002, the batterers' intervention program must be a certified program under s. 741.32. The imposition of probation under this section shall not preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.

Section 11. Paragraph (f) of subsection (2) of section 741.2902, Florida Statutes, is amended to read:

741.2902 Domestic violence; legislative intent with respect to judiciary's role.—

(2) It is the intent of the Legislature, with respect to injunctions for protection against domestic violence, issued pursuant to s. 741.30, that the court shall:

~~(f) Consider requiring the respondent to pay, to the clerk of the court and sheriff, filing fees and costs waived pursuant to s. 741.30(2)(a), or to reimburse the petitioner for filing fees and costs paid by the petitioner.~~

Section 12. Effective October 1, 2002, paragraph (a) of subsection (2) of section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(2)(a) *Notwithstanding any other provision of law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited effective October 1, 2002. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection against domestic violence issued by the court, at the rate of $40 per petition. The request for reimbursement shall be submitted in the form and manner prescribed by the Office of the State Courts Administrator. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee shall not exceed $20.* ~~Notwithstanding any other provision of law, the total charge, including any administration fees, law enforcement agency charges, and court costs or service charges, for any court to issue an injunction concerning domestic violence under chapter 741 or chapter 784 shall not exceed $50. The total charge by any law enforcement agency to serve an injunction or restraining order concerning violence shall not exceed $20. The remaining $30 fee collected for an injunction under chapter 741 shall only be applied to the initial $40 service charge collected by the clerk of the court as provided in s. 28.241(1). In the event the victim does not have sufficient funds with which to pay filing fees to the clerk of the court or service fees to the sheriff or law enforcement agency and signs an affidavit stating so, the fees shall be waived by the clerk of the court or the sheriff or law enforcement agency to the extent necessary to process the petition and serve the injunction, subject to a subsequent order of the court relative to the payment of such fees.~~

Section 13. Subsections (1), (3), and (6) of section 741.30, Florida Statutes, are amended, subsections (7), (8), and (9) are renumbered as subsections (8), (9), and (10), respectively, and a new subsection (7) is added to said section, to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(1) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any person described in paragraph (e), who is *either* the victim of ~~any act of~~ domestic violence *as defined in s. 741.28*~~,~~ or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

(b) This cause of action for an injunction may be sought whether or not any other cause of action is currently pending between the parties. However, the pendency of any such cause of action shall be alleged in the petition.

(c) In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence over any inconsistent provisions of an injunction issued under this section which addresses matters governed by chapter 61.

(d) A person's right to petition for an injunction shall not be affected by such person having left a residence or household to avoid domestic violence.

(e) This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

(f) This cause of action for an injunction shall not require that either party be represented by an attorney.

(g) Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at which all parties are present.

(h) Nothing in this section shall affect the title to any real estate.

(i) The court is prohibited from issuing mutual orders of protection. This does not preclude the court from issuing separate injunctions for protection against domestic violence where each party has complied with the provisions of this section. Compliance with the provisions of this section cannot be waived.

(j) Notwithstanding any provision of chapter 47, a petition for an injunction for protection against domestic violence may be filed in the circuit where the petitioner currently or temporarily resides, where the respondent resides, or where the domestic violence occurred. There is no minimum requirement of residency to petition for an injunction for protection.

(3)(a) The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name), who has been sworn and says that the following statements are true:

(a) Petitioner resides at: (address)

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: (last known address)

(c) Respondent's last known place of employment: (name of business and address)

(d) Physical description of respondent: . . . .

Race. . . .

Sex. . . .

Date of birth. . . .

Height. . . .

Weight. . . .

Eye color. . . .

Hair color. . . .

Distinguishing marks or scars. . . .

(e) Aliases of respondent: . . . .

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent: . . . . . .

. . . . . .

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt . . . . . .

. . . . . .

Case numbers should be included if available.

(h) Petitioner *is either a victim of domestic violence* ~~has suffered~~ or has reasonable cause to *believe he or she is in imminent danger of becoming a victim of* ~~fear imminent~~ domestic violence because respondent has . . . . *(mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange).* . . . : . . . . . .

. . . . *committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.*

. . . . *previously threatened, harassed, stalked, or physically abused the petitioner.*

. . . . *attempted to harm the petitioner or family members or individuals closely associated with the petitioner.*

. . . . *threatened to conceal, kidnap, or harm the petitioner's child or children.*

. . . . *intentionally injured or killed a family pet.*

. . . . *used, or has threatened to use, against the petitioner any weapons such as guns or knives.*

. . . . *physically restrained the petitioner from leaving the home or calling law enforcement.*

. . . . *a criminal history involving violence or the threat of violence (if known).*

. . . . *another order of protection issued against him or her previously or from another jurisdiction (if known).*

. . . . *destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.*

. . . . *engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.*

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

. . . . Petitioner is the custodian of a minor child or children whose names and ages are as follows: . . . . . .

. . . . Petitioner needs the exclusive use and possession of the dwelling that the parties share.

. . . . Petitioner is unable to obtain safe alternative housing because: . . . . . .

. . . . Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because: . . . . . .

. . . . . .

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

. . . . Immediately restraining the respondent from committing any acts of domestic violence.

. . . . Restraining the respondent from committing any acts of domestic violence.

. . . . Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

. . . . Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties, or prohibiting or limiting visitation to that which is supervised by a third party.

. . . . Establishing temporary support for the minor child or children or the petitioner.

. . . . Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. 39.901, Florida Statutes.

. . . . Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(c) Every petition for an injunction against domestic violence shall contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

_____ (initials)

(d) If the sworn petition seeks to determine issues of custody or visitation with regard to the minor child or children of the parties, the sworn petition shall be accompanied by or shall incorporate the allegations required by s. 61.132 of the Uniform Child Custody Jurisdiction Act.

(6)(a) Upon notice and hearing, *when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence,* the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, awarding temporary custody of, or temporary visitation rights with regard to, a minor child or children of the parties.

4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner.

5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of all certified batterers' intervention programs and all programs which have submitted an application to the Department of Corrections to become certified under s. 741.325, from which the respondent must choose a program in which to participate. If there are no certified batterers' intervention programs in the circuit, the court

shall provide a list of acceptable programs from which the respondent must choose a program in which to participate.

6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

7. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.

2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.

4. Whether the respondent has intentionally injured or killed a family pet.

5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.

7. Whether the respondent has a criminal history involving violence or the threat of violence.

8. The existence of a verifiable order of protection issued previously or from another jurisdiction.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.

10. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-10.

(c)~~(b)~~ The terms of an injunction restraining the respondent under subparagraph (a)1. or ordering other relief for the protection of the victim under subparagraph (a)7. shall remain in effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. No specific allegations are required. Such relief may be granted in addition to other civil or criminal remedies.

(d)~~(c)~~ A temporary or final judgment on injunction for protection against domestic violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date respondent was served with the temporary or final order, if obtainable.

(e)~~(d)~~ An injunction for protection against domestic violence entered pursuant to this section, on its face, may order that the respondent attend a batterers' intervention program as a condition of the injunction. Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, the court shall order the respondent to attend a batterers' intervention program if:

1. It finds that the respondent willfully violated the ex parte injunction;

2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or

3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.

It is mandatory that such programs be certified under s. 741.32.

(f)~~(e)~~ The fact that a separate order of protection is granted to each opposing party shall not be legally sufficient to deny any remedy to either party or to prove that the parties are equally at fault or equally endangered.

(g)~~(f)~~ A final judgment on injunction for protection against domestic violence entered pursuant to this section must, on its face, indicate that it is a violation of s. 790.233, and a first degree misdemeanor, for the respondent to have in his or her care, custody, possession, or control any firearm or ammunition.

(h) All proceedings under this subsection shall be recorded. Recording may be by electronic means as provided by the Rules of Judicial Administration.

(7) The court shall allow an advocate from a state attorney's office, an advocate from a law enforcement agency, or an advocate from a certified domestic violence center who is registered under s. 39.905 to be present with the petitioner or respondent during any court proceedings or hearings related to the injunction for protection, provided the petitioner or respondent has made such a request and the advocate is able to be present.

Section 14. Paragraph (a) of subsection (4) of section 741.31, Florida Statutes, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4)(a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to s. 741.30, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, by:

1. Refusing to vacate the dwelling that the parties share;

2. Going to*, or being within 500 feet of,* the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

3. Committing an act of domestic violence against the petitioner;

4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; ~~or~~

5. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party*;*

6. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;

7. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or

8. Refusing to surrender firearms or ammunition if ordered to do so by the court

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Subsection (2) of section 943.171, Florida Statutes, is amended to read:

943.171 Basic skills training in handling domestic violence cases.—

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

(a) "Domestic violence" *has the meaning set forth in s. 741.28* ~~means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in the physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit~~.

(b) "Household member" *has the meaning set forth in s. 741.28(4)* ~~means spouse, former spouse, persons related by blood or marriage, persons who are presently residing together, as if a family, or who have resided together in the past, as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time~~.

Section 16. Paragraph (b) of subsection (2) of section 985.213, Florida Statutes, is amended to read:

985.213 Use of detention.—

(2)

(b)1. The risk assessment instrument for detention care placement determinations and orders shall be developed by the Department of Juvenile Justice in agreement with representatives appointed by the following associations: the Conference of Circuit Judges of Florida, the Prosecuting Attorneys Association, the Public Defenders Association, the Florida Sheriffs Association, and the Florida Association of Chiefs of Police. Each association shall appoint two individuals, one representing an urban area and one representing a rural area. The parties involved shall evaluate and revise the risk assessment instrument as is considered necessary using the method for revision as agreed by the parties. The risk assessment instrument shall take into consideration, but need not be limited to, prior history of failure to appear, prior offenses, offenses committed pending adjudication, any unlawful possession of a firearm, theft of a motor vehicle or possession of a stolen motor vehicle, and probation status at the time the child is taken into custody. The risk assessment instrument shall also take into consideration appropriate aggravating and mitigating circumstances, and shall be designed to target a narrower population of children than s. 985.215(2). The risk assessment instrument shall also include any information concerning the child's history of abuse and neglect. The risk assessment shall indicate whether detention care is warranted, and, if detention care is warranted, whether the child should be placed into secure, nonsecure, or home detention care.

2. If, at the detention hearing, the court finds a material error in the scoring of the risk assessment instrument, the court may amend the score to reflect factual accuracy.

3. A child who is charged with committing an offense of domestic violence as defined in s. 741.28~~(1)~~ and who does not meet detention criteria may be held in secure detention if the court makes specific written findings that:

a. Respite care for the child is not available; and

b. It is necessary to place the child in secure detention in order to protect the victim from injury.

The child may not be held in secure detention under this subparagraph for more than 48 hours unless ordered by the court. After 48 hours, the court shall hold a hearing if the state attorney or victim requests that secure detention be continued. The child may continue to be held in detention care if the court makes a specific, written finding that detention care is necessary to protect the victim from injury. However, the child may not be held in detention care beyond the time limits set forth in s. 985.215.

4. For a child who is under the supervision of the department through probation, home detention, nonsecure detention, conditional release, postcommitment probation, or commitment and who is charged with committing a new offense, the risk assessment instrument may be completed and scored based on the underlying charge for which the child was placed under the supervision of the department and the new offense.

Section 17. Paragraph (d) of subsection (2) of section 985.215, Florida Statutes, is amended to read:

985.215 Detention.—

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28~~(1)~~ and is detained as provided in s. 985.213(2)(b)3.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention. Unless a child is detained under paragraph (d) or paragraph (e), the court shall utilize the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(f).

Section 18. Effective July 1, 2002, subsection (1) of section 938.01, Florida Statutes, as amended by section 29 of chapter 2001-254, Laws of Florida, section 19 of chapter 2001-122, Laws of Florida, section 1 of chapter 2001-184, Laws of Florida, section 3 of chapter 2001-232, Laws of Florida, and section 30 of chapter 2001-254, Laws of Florida, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(Substantial rewording of subsection. See s. 938.01(1), F.S., for present text.)

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess $3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, $3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be remitted to the Department of Revenue as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All costs collected by the courts pursuant to this subsection shall be remitted to the Department of Revenue in accordance with administrative rules adopted by the executive director of the Department of Revenue for deposit in the Additional Court Cost Clearing Trust Fund. These funds and the funds deposited in the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as follows:

1. Ninety-two percent to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.

2. Six and three-tenths percent to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program.

3. One and seven-tenths percent to the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program pursuant to s. 39.903(3).

(b) The funds deposited in the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund, the Department of Law

Enforcement Operating Trust Fund, and the Department of Children and Family Services Domestic Violence Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund.

(c) All funds in the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund shall be disbursed only in compliance with s. 943.25(9).

Section 19. *Subsection (2) of section 4 of chapter 2001-184, Laws of Florida, and subsection (2) of section 7 of chapter 2001-232, Laws of Florida, are repealed.*

Section 20. *Section 741.466, Florida Statutes, is repealed.*

Section 21. Effective January 1, 2003, section 784.046, Florida Statutes, is amended to read:

784.046 Action by victim of repeat violence *or dating violence* for protective injunction; powers and duties of court and clerk of court; filing and form of petition; notice and hearing; temporary injunction; issuance; statewide verification system; enforcement.—

(1) As used in this section, the term:

(a) "Violence" means any assault, *aggravated assault,* battery, *aggravated battery, sexual assault,* sexual battery, ~~or~~ stalking*, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death,* by a person against any other person.

(b) "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

(c) "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;

2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and

3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

(2) There is created a cause of action for an injunction for protection in cases of repeat violence *and there is created a separate cause of action for an injunction for protection in cases of dating violence*.

(a) Any person who is the victim of repeat violence or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against repeat violence on behalf of the minor child has standing in the circuit court to file a sworn petition for an injunction for protection against repeat violence.

(b) Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child, has standing in the circuit court to file a sworn petition for an injunction for protection against dating violence.

(c)~~(b)~~ This cause of action for an injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.

(d)~~(c)~~ This cause of action for an injunction shall not require that the petitioner be represented by an attorney.

(3)(a) The clerk of the court shall provide a copy of this section, simplified forms, and clerical assistance for the preparation and filing of such a petition by any person who is not represented by counsel.

(b) In the event the person desiring to file for an injunction pursuant to this section does not have sufficient funds with which to pay filing fees to the clerk of the court or service fees to the sheriff or law enforcement agency and signs an affidavit so stating, the fees shall be waived by the clerk of the court or the sheriff or law enforcement agency to the extent necessary to process the petition and serve the injunction, subject to a subsequent order of the court relative to the payment of such fees.

(c) No bond shall be required by the court for the entry of an injunction.

(d) The clerk of the court shall provide the petitioner with a certified copy of any injunction for protection against repeat violence *or dating violence* entered by the court.

(4)(a) The sworn petition shall allege the incidents of repeat violence *or dating violence* and shall include the specific facts and circumstances which form the basis upon which relief is sought. With respect to a minor child who is living at home, the parent or legal guardian of the minor child must have been an eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific facts and circumstances which form the basis upon which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR INJUNCTION FOR PROTECTION
AGAINST REPEAT VIOLENCE OR DATING VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name), who has been sworn and says that the following statements are true:

1. Petitioner resides at (address)

2. Respondent resides at (address)

3.*a.* Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has: (enumerate incidents of violence)

. . . . . .
. . . . . .
. . . . . .

b. Petitioner is a victim of dating violence and has reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of dating violence, as demonstrated by the fact that the respondent has: (list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship.)

. . . . . .
. . . . . .
. . . . . .

4. Petitioner genuinely fears repeat violence by the respondent.

5. Petitioner seeks: an immediate injunction against the respondent, enjoining him or her from committing any further acts of ~~repeat~~ violence; an injunction enjoining the respondent from committing any further acts of ~~repeat~~ violence; and an injunction providing any terms the court deems necessary for the protection of the petitioner and the petitioner's immediate family, including any injunctions or directives to law enforcement agencies.

(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, notice of hearing, and temporary injunction, if any, prior to the hearing.

(6)(a) When it appears to the court that an immediate and present danger of ~~repeat~~ violence exists, the court may grant a temporary injunction which may be granted in an ex parte hearing, pending a full hearing, and may grant such relief as the court deems proper, including an

injunction enjoining the respondent from committing any acts of ~~repeat~~ violence.

(b) In a hearing ex parte for the purpose of obtaining such temporary injunction, no evidence other than the verified pleading or affidavit shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the ex parte injunction and the full hearing before or during a hearing, for good cause shown by any party.

(7) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

(a) Enjoining the respondent from committing any acts of violence.

(b) Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies, as provided in this section.

(c) The terms of the injunction shall remain in full force and effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against repeat violence *or dating violence* entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date that the respondent was served with the temporary or final order, if obtainable.

(8)(a)1. The clerk of the court shall furnish a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the chief judge's jurisdiction to effect this type of service and to receive a portion of the service fee. No person shall be authorized or permitted to serve or execute an injunction issued under this section unless the person is a law enforcement officer as defined in chapter 943.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against repeat violence *or dating violence*, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

(b) There shall be created a Domestic*, Dating,* and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions*, dating violence injunctions,* and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

(c)1. Within 24 hours after the court issues an injunction for protection against repeat violence *or dating violence* or changes or vacates an injunction for protection against repeat violence *or dating violence*, the clerk of the court must forward a copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner.

2. Within 24 hours after service of process of an injunction for protection against repeat violence *or dating violence* upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against repeat violence *or dating violence*, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5. Within 24 hours after an injunction for protection against repeat violence *or dating violence* is lifted, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff or local law enforcement agency receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(9)(a) The court shall enforce, through a civil or criminal contempt proceeding, a violation of an injunction for protection. The court may enforce the respondent's compliance with the injunction by imposing a monetary assessment. The clerk of the court shall collect and receive such assessments. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Crimes Compensation Trust Fund established in s. 960.21.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(10) for committing an act of repeat violence *or dating violence* in violation of a repeat *or dating* violence injunction for protection, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

(10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

(11) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.

Section 22. Section 784.047, Florida Statutes, is amended to read:

784.047 Penalties for violating protective injunction against ~~repeat~~ violators.—A person who willfully violates an injunction for protection against repeat violence *or dating violence*, issued pursuant to s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315 by:

(1) Refusing to vacate the dwelling that the parties share;

(2) Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

(3) Committing an act of repeat violence *or dating violence* against the petitioner;

(4) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; or

(5) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 23. Subsection (4) of section 784.048, Florida Statutes, is amended to read:

784.048 Stalking; definitions; penalties.—

(4) Any person who, after an injunction for protection against repeat violence *or dating violence* pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows or harasses another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 24. Except as otherwise provided herein, this act shall take effect January 1, 2003.

And the title is amended as follows: remove: the entire title and insert: A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, and 943.171, F.S.; redefining the terms "domestic violence" and "family or household member"; amending s. 28.241, F.S.; deleting reference to limitations on filing fees for domestic violence injunctions to conform to the act; amending s. 39.903, F.S.; providing duty of the Department of Children and Family Services to operate the domestic violence program; amending ss. 390.01115, 470.002, 626.9541, 641.3903, 985.213, and 985.215, F.S.; correcting cross references; amending s. 741.281, F.S.; deleting requirement that a court order certain defendants to attend a batterers' intervention program; amending s. 741.2902, F.S.; deleting provisions relating to filing fees and costs to conform to the act; amending s. 741.30, F.S.; eliminating the filing fee and revising provisions for reimbursement of costs for issuance of such injunctions; specifying when a person has standing to file a petition for an injunction against domestic violence; specifying where the petition may be filed; providing for incidents that describe violence or threats of violence; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; providing for the presence of an advocate from a state attorney's office, law enforcement agency, or domestic violence center at injunction proceedings, upon request; amending s. 741.31, F.S.; specifying additional acts that violate an injunction against domestic violence; providing a penalty; amending s. 938.01, F.S.; revising provisions relating to distribution of additional court costs assessed in specified circumstances; repealing s. 4(2) of ch. 2001-184, Laws of Florida, and s. 7(2) of ch. 2001-232, Laws of Florida, relating to the transfer of certain funds for administration of the Prevention of Domestic and Sexual Violence Program; repealing s. 741.466, F.S., relating to transfer of the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; amending s. 784.046, F.S.; providing for actions by victims of dating violence; providing a definition; providing a cause of action for an injunction for protection in cases of dating violence; providing a procedure for filing a petition; providing for a hearing and temporary or final judgment; redesignating the Domestic and Repeat Violence Injunction Statewide Verification System as the Domestic, Dating, and Repeat Violence Injunction Statewide Verification System; providing for notice to the sheriff; amending ss. 784.047 and 784.048, F.S.; providing penalties for violating an injunction for protection against dating violence; providing a violation of such injunction constitutes the offense of aggravated stalking; providing a penalty; providing effective dates.

On motion by Senator Peaden, the Senate concurred in the House amendment.

SB 716 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Rossin, Wise

MOTION

On motion by Senator Peaden, the House was requested to return **CS for SB 598**.

THE PRESIDENT PRESIDING

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable John M. McKay March 21, 2002
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Health, Aging and Long-Term Care and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Secretary of Health Care Administration Appointee: Medows, Rhonda M.	Pleasure of Governor
Secretary of Health Appointee: Agwunobi, John O.	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Secretary of the Florida Board of Education Appointee: Horne, James W.	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Comprehensive Planning, Local and Military Affairs and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Executive Director of Department of Veterans' Affairs Appointee: Lieutenant Commander Carroll, Jennifer S.	Pleasure of Governor and Cabinet

The following executive appointments were referred to the Senate Committee on Natural Resources and the Senate Committee on Ethics

and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Executive Director, St. Johns River Water Management District		
Appointee:	Green, Kirby B. III	Pleasure of Board
Executive Director, South Florida Water Management District		
Appointee:	Dean, Henry	Pleasure of Board

The following executive appointment was referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Adjutant General of the Florida National Guard		
Appointee:	Burnett, Douglas	Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Florida Senate:

Office and Appointment		*For Term Ending*
Jacksonville Airport Authority		
Appointees:	Austin, Edward	09/30/2005
	Burnett, Mary P.	09/30/2005
	Sherrer, Linda H.	09/30/2003
	Townsend, Ronald	09/30/2003
Florida Black Business Investment Board		
Appointee:	Henry, Bobby R., Sr.	09/30/2004
Florida Building Code Administrators and Inspectors Board		
Appointees:	Barber, Tony A.	10/31/2003
	Franklin, Dennis E.	10/31/2004
	Kymalainen, Robert	10/31/2004
Capital Collateral Regional Counsel - Northern Region		
Appointee:	Reiter, Michael P.	03/30/2003
Capital Collateral Regional Counsel - Middle Region		
Appointee:	Jennings, John W.	09/30/2003
Board of Chiropractic Medicine		
Appointee:	Jenkins, Gene E., Jr.	10/31/2005
Florida Citrus Commission		
Appointee:	Gargano, Christopher W.	05/31/2004
Hillsborough County Civil Service Board		
Appointees:	Howton, Drew M.	07/02/2005
	Joanow, Olga J.	07/02/2005
	Oster, Terri E.	07/02/2005
	Stagi, Joseph V.	07/02/2005
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Adejokun-Ojo, Elizabeth A.	10/31/2003
	Hicks, Mary W.	10/31/2004
Regulatory Council of Community Association Managers		
Appointees:	Billups, Reginald D.	10/31/2004
	Brown, Millard H. "Chris"	10/31/2005
	Chapman, Jane	10/31/2004
Florida Communities Trust		
Appointee:	Moure, Edwin C.	01/31/2005
Florida Commission on Community Service		
Appointees:	Spillane, Megan M.	09/14/2002
	Weinrich, Carl L.	09/14/2004
	Willett, Andrea L.	01/04/2003
	Worthington, Terry	09/14/2004
Board of Trustees of Brevard Community College		
Appointee:	McCotter, Clarence R. III	05/31/2005
Board of Trustees of Broward Community College		
Appointee:	Garrido, Lourdes L.	05/31/2005
Board of Trustees of Central Florida Community College		
Appointees:	Ebitz, Mari-Elain	05/31/2005
	Hastings, Robert O.	05/31/2005
	Stafford, Frank E., Jr.	05/31/2005
Board of Trustees of Chipola Junior College		
Appointees:	Stuart, Virginia Connor	05/31/2005
	Taylor, Brenda G.	05/31/2005
Board of Trustees of Daytona Beach Community College		
Appointees:	Gardner, James E.	05/31/2005
	Mallory, Peter E.	05/31/2005
	Paul, Mary Ann M.	05/31/2005
Board of Trustees of Edison Community College		
Appointees:	Baquero, Washington D.	05/31/2005
	Deal, Frederick A.	05/31/2005
	Long, Kim C.	05/31/2005
Board of Trustees of Florida Community College at Jacksonville		
Appointees:	Lockett, Earlene T.	05/31/2005
	Thamm, Suanne Z.	05/31/2005
	Winbush, Wyman C. II	05/31/2005
Board of Trustees of Florida Keys Community College		
Appointees:	Goodman, Carey Danielle	05/31/2005
	Spottswood, Elena G.	05/31/2005
Board of Trustees of Gulf Coast Community College		
Appointees:	Cox, James A., Jr.	05/31/2005
	Green, Karen L.	05/31/2005
	Mayo, Clinton V.	05/31/2005
Board of Trustees of Hillsborough Community College		
Appointees:	Huggins, Thomas III	05/31/2005
	Watkins, Nancy H.	05/31/2005
Board of Trustees of Indian River Community College		
Appointees:	Hoag, Charlene	05/31/2005
	Perez, Tomas Rene	05/31/2002
	Rowley, Jane E.	05/31/2005
Board of Trustees of Lake City Community College		
Appointees:	McInnis, Kathryn Land	05/31/2005
	Norris, Suzanne M.	05/31/2005
	Richardson, Julia Marcelle	05/31/2005
Board of Trustees of Lake-Sumter Community College		
Appointees:	Cavanaugh, Linda K.	05/31/2005
	Gilley, Raymond	05/31/2005
	Hays, D. Alan	05/31/2005
Board of Trustees of Manatee Community College		
Appointees:	Beall, Beverly	05/31/2005
	Saslaw, Jennifer Michell	05/31/2005
	Vogler, Edward II	05/31/2005
Board of Trustees of Miami-Dade Community College		
Appointees:	Bucelo, Armando J., Jr.	05/31/2005
	Ferre, Helen A.	05/31/2005
	Mincey-Mills, Denise R.	05/31/2005
	Roulhac, Peter W.	05/31/2003
Board of Trustees of North Florida Community College		
Appointees:	Land, Betty E.	05/31/2005
	Lowe, Jane T.	05/31/2005
	Wilson, Michaelena C.	05/31/2005

Office and Appointment		For Term Ending
Board of Trustees of Okaloosa-Walton Community College		
Appointees:	Campbell, Elizabeth S.	05/31/2005
	Henderson, Joseph W.	05/31/2005
	Thornton, William	05/31/2005
Board of Trustees of Palm Beach Community College		
Appointees:	Talley, David H.	05/31/2005
	Williams, Carolyn L.	05/31/2005
Board of Trustees of Pasco-Hernando Community College		
Appointees:	Amarchand, Matilde	05/31/2005
	Church, John	05/31/2005
	Musunuru, Rao	05/31/2005
Board of Trustees of Pensacola Junior College		
Appointees:	Carlan, Carol H.	05/31/2005
	Gandy, Murry Pearse	05/31/2005
	Saxon, R. Michael	05/31/2005
Board of Trustees of Polk Community College		
Appointees:	Ely, Twyla G.	05/31/2005
	Moore, Thomas W., Jr.	05/31/2005
	Pinner, Ernest S.	05/31/2005
	Santiago, Martha	05/31/2005
Board of Trustees of St. Johns River Community College		
Appointees:	Stern, Karen R.	05/31/2005
	Stilwell, Anna R.	05/31/2005
	Wilson, Dale S.	05/31/2005
Board of Trustees of St. Petersburg College		
Appointee:	Keene, Cecil B.	05/31/2005
Board of Trustees of Santa Fe Community College		
Appointees:	Davis, James A., Jr.	05/31/2005
	Jackson, Bessie G.	05/31/2005
	Perry, Charles R.	05/31/2003
Board of Trustees of Seminole Community College		
Appointee:	Schaffner, Deanne	05/31/2005
Board of Trustees of South Florida Community College		
Appointees:	Brewer, Jan B.	05/31/2005
	Kirschner, Louis H.	05/31/2005
	McKay, Kimble D.	05/31/2003
Board of Trustees of Tallahassee Community College		
Appointees:	Jenkins, Willie E., Jr.	05/31/2005
	Shirah, Kathleen R.	05/31/2005
	Stanfield, Lynes D.	05/31/2005
Board of Trustees of Valencia Community College		
Appointees:	Buchanan, Jerry	05/31/2005
	Hoyos, Jose M.	05/31/2005
	Mathis, Jacinta M.	05/31/2005
Construction Industry Licensing Board		
Appointees:	Cowart, Richard T.	10/31/2003
	Del Vecchio, Paul J.	10/31/2005
	Holloway, Raymond R.	10/31/2005
	Kane, Michelle B.	10/31/2005
	Karcher, Elizabeth	10/31/2004
	Watts, Jacqueline A.	10/31/2004
Florida Corrections Commission		
Appointee:	Cadwell, Welton G.	06/30/2002
State of Florida Correctional Medical Authority		
Appointees:	Boston, Ward III	07/01/2005
	Cantwell, William H.	09/30/2005
Board of Cosmetology		
Appointee:	Blanco, Mary M.	10/31/2005
Board of Dentistry		
Appointees:	Abdoney, Michael L.	10/31/2005
	Douglas, Helen Ann	10/31/2005
	Klement, Betty D.	10/31/2005
Florida Development Finance Corporation		
Appointees:	Brooks, Theodore H., Jr.	05/02/2004
	Jones, William C.	05/02/2005
	Pelton, Larry L.	05/05/2002
Florida Elections Commission		
Appointees:	Bell, Samuel P. III	12/31/2004
	Byrd, Anne Jolley	12/31/2004
	Heffley, Richard J.	12/31/2004
	Springer, Michele H.	12/31/2004
Board of Employee Leasing Companies		
Appointees:	Bloomer, Donna M.	10/31/2004
	Lanza, Kelly K.	10/31/2004
Board of Directors, Enterprise Florida, Inc.		
Appointees:	Barr, Peter C.	07/01/2004
	Lacher, Joseph P.	07/01/2002
	Stephens, Stanley E.	07/01/2005
Commission on Ethics		
Appointees:	Antonacci, Peter	06/30/2003
	Gustafson, Joel K.	06/30/2003
	Linstroth, John P.	06/30/2003
	Spencer, Ronald S., Jr.	06/30/2003
Tampa-Hillsborough County Expressway Authority		
Appointee:	Korman, Martha	07/01/2005
Fish and Wildlife Conservation Commission		
Appointee:	Barreto, Rodney	08/01/2006
Board of Funeral and Cemetery Services		
Appointees:	Akin, Cecil O.	09/08/2005
	Bivins, Nancy E.	09/08/2005
	Klein, Les	09/08/2005
	Stiegman, Donald L.	09/08/2005
Board of Professional Geologists		
Appointee:	Enos, Gabrielle M.	10/31/2004
Harbormaster for the Port of Fort Pierce, Saint Lucie County		
Appointee:	Ergle, Walter W., Jr.	04/04/2003
Board of Hearing Aid Specialists		
Appointees:	Sellers, Joann Keyes	10/31/2004
	Skelly, Janet M.	10/31/2004
Higher Educational Facilities Financing Authority		
Appointees:	Brosemer, Donna	01/17/2005
	Czerniec, Timothy H.	01/17/2003
	Jones, Milton L., Jr.	01/17/2004
	Plante, Ken	01/17/2007
	Ploessl, Jodie M.	01/17/2006
Citrus County Hospital Board		
Appointees:	Frankel, Deborah O.	07/11/2005
	Langer, David	07/08/2002
	Langley, Alida V.	07/05/2005
Board of Trustees of South Lake County Hospital District		
Appointees:	Ballesteros, Tomas J.	07/05/2005
	Batman, David P.	07/05/2005
	Conley, Michael H.	07/05/2005
	Hacker, E. Bing	07/05/2005
	Hunt, Debra A.	07/05/2005
Florida Housing Finance Corporation		
Appointee:	Evans, William G.	11/13/2002
Florida Commission on Human Relations		
Appointees:	Corbett, John	09/30/2005
	Shutes, Aletta Lee	09/30/2005
	Wu, P. C.	09/30/2005
Commission for Independent Education		
Appointees:	Crocitto, Peter F., Jr.	06/30/2004

Office and Appointment		*For Term Ending*
	Matos, Ilia Y.	06/30/2003
	Rodgers, Judith K.	06/30/2004
	Senft, H. Paul, Jr.	06/30/2005
	Vergara, Pamela Stinnette	06/30/2005
Southeast Interstate Low-Level Radioactive Waste Management Commission		
Appointee:	Clark, Susan F.	Pleasure of Governor
Board of Medicine		
Appointees:	Beebe, John W.	10/31/2005
	El Sanadi, Nabil	10/31/2005
	Patrowicz, Tully C.	10/31/2005
National Conference of Commissioners on Uniform State Laws		
Appointee:	Stagg, C. Lawrence	06/05/2003
Board of Nursing		
Appointee:	Becker, Cheri	10/31/2005
Board of Osteopathic Medicine		
Appointee:	Kaufman, Ronald B.	10/31/2005
Board of Pharmacy		
Appointees:	Fong, Helen Lai Quen	10/31/2005
	Powers, James B.	10/31/2005
	Wessinger, Stacy	10/31/2005
Board of Podiatric Medicine		
Appointee:	Golden-Gestner, Deborah S.	10/31/2005
Tampa Port Authority		
Appointee:	Cooper, Gladstone A., Jr.	11/25/2005
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Alvarez, Marcelo A.	09/30/2004
	Peddie, Edward C.	09/30/2004
	Spalding, Carol S.	09/30/2004
Florida Real Estate Commission		
Appointees:	Hornsleth, Poul	10/31/2005
	McDonell, Noel P.	10/31/2004
	Sanchez, Guy, Jr.	10/31/2005
North Central Florida Regional Planning Council, Region 3		
Appointees:	Carlson, John V.	10/01/2003
	Crevasse, Aminta K.	10/01/2003
	Dodge, David L.	10/01/2003
	Hammock, Alan D.	10/01/2003
	King, James L.	10/01/2003
	Thomas, Lorene J.	10/01/2003
	Tompkins, James T.	10/01/2003
East Central Florida Regional Planning Council, Region 6		
Appointees:	Diez, Richard F.	10/01/2003
	Kane, Rita A.	10/01/2003
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Curtis, Wilhelmina B.	10/01/2004
	Kersteen, Robert A.	10/01/2004
	Pressman, Todd	10/01/2004
	Waller, Philip L., Jr.	10/01/2004
	Whitesel, Pat L.	10/01/2004
State Retirement Commission		
Appointees:	Cole, Alice S.	12/31/2005
	Doster, Ernest S.	12/31/2005
	Myers, Alice C.	12/31/2003
Jacksonville Seaport Authority		
Appointees:	Fiorentino, Thomas Martin, Jr.	09/30/2003
	McAfee, Marilyn	09/30/2003
	Morales, Ricardo, Jr.	09/30/2005
Board of Supervisors, Spaceport Florida Authority		
Appointee:	Ford, Kenneth M.	06/30/2004
Board of Professional Surveyors and Mappers		
Appointees:	Cooner, Jeffrey C.	10/31/2005
	Poppell, Frances C.	10/31/2005
	Sutphin, Beverly Joeine	10/31/2005
Florida Transportation Commission		
Appointees:	Calloway, Sidney C.	09/30/2005
	Lazzara, Gasper	09/30/2005
	Namoff, R. M.	09/30/2003
	Watermeier, Janet	09/30/2003
Unemployment Appeals Commission		
Appointees:	Epsky, Thomas D.	06/30/2004
	Hammond, James A.	06/30/2003
Chair, Unemployment Appeals Commission		
Appointee:	Forst, Alan Orantes	06/30/2005
Florida Commission on Veterans' Affairs		
Appointee:	Watson, Eileen K.	11/16/2002
Governing Board of the Northwest Florida Water Management District		
Appointees:	Carter, Hulan	03/01/2006
	Hughes, Stephanie C.	03/01/2006
Governing Board of the St. Johns River Water Management District		
Appointees:	Branch, Wilson Michael	03/01/2006
	Walker, Catherine A.	03/01/2006
Governing Board of the South Florida Water Management District		
Appointees:	Brooks-Thomas, Pamela D.	03/01/2006
	Collins, Michael	03/01/2006
Big Cypress Basin Board of the South Florida Water Management District		
Appointees:	Abbott, Alicia	03/01/2003
	Carroll, Patricia M.	03/01/2005
	Hawkins, Mary Ellen	03/01/2005
	Thomas, Fred N., Jr.	03/01/2004
Governing Board of the Southwest Florida Water Management District		
Appointee:	Duncan, Ronnie E.	03/01/2006
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointee:	Lester, David L.	03/01/2005
Manasota Basin Board of the Southwest Florida Water Management District		
Appointees:	Reeder, Brenda	03/01/2004
	Webb, Harvey, Jr.	03/01/2005
Peace River Basin Board of the Southwest Florida Water Management District		
Appointees:	Hageman, James L.	03/01/2003
	Lazzell, Rufus C.	03/01/2003
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointee:	Provenzano, Jerome T.	03/01/2005
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointees:	Dennis, John V.	03/01/2004
	Trimpert, Seeth K.	03/01/2005
Governing Board of the Suwannee River Water Management District		
Appointees:	Jones, Georgia Cochran	03/01/2006
	Lake, Oliver J.	03/01/2006
Workers' Compensation Panel		
Appointee:	Durand, Jorge A.	Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Board of Education		
Appointees:	Eads, Linda J.	06/30/2004
	Fair, Talmadge W.	06/30/2005
	Garcia, Charles P.	06/30/2003
	Johnson, Julia L.	06/30/2005
	Proctor, William L.	06/30/2004
	Roberts, Carolyn King	06/30/2003
Board of Trustees, Florida A & M University		
Appointees:	Becton, Julius W., Jr.	06/30/2003
	Benjamin, Regina	06/30/2003
	Bryant, Castell Vaughn	06/30/2005
	Collins, Arthur R.	06/30/2004
	Hanna, Randall W.	06/30/2005
	Holmes, R. B., Jr.	06/30/2005
	Hughes, Catherine L.	06/30/2004
	Jennings, C. W.	06/30/2005
	Lacher, J. P.	06/30/2003
	Prado, Marta	06/30/2004
	White, Norma S.	06/30/2003
Board of Trustees, Florida Atlantic University		
Appointees:	Adams, Scott H.	06/30/2005
	Blosser, Nancy W.	06/30/2004
	Bryant, William J.	06/30/2004
	Dominicis, Jorge A.	06/30/2003
	Ecclestone, E. Llwyd	06/30/2004
	McPherson, Gerri	06/30/2003
	Miller, Virginia I.	06/30/2004
	Plymale, Sheridan B.	06/30/2005
	Temple, John W.	06/30/2005
	Tripp, Norman D.	06/30/2005
	Warshal, Bruce S.	06/30/2003
	Zoley, George C.	06/30/2003
Board of Trustees, University of Central Florida		
Appointees:	Albertson, Judith	06/30/2004
	Calvet, Olga M.	06/30/2004
	Christiansen, Patrick T.	06/30/2005
	Ferris, Geraldine M.	06/30/2003
	Klock, Phyllis	06/30/2003
	Lee, Richard H.	06/30/2003
	Nunis, Richard A.	06/30/2005
	Parker, Ava L.	06/30/2003
	Rosen, Harris	06/30/2004
	Santiago, Conrad	06/30/2005
	Walsh, Richard J.	06/30/2005
	Yochum, Thomas H.	06/30/2004
Board of Trustees, Florida State University		
Appointees:	Bloch, Erich	06/30/2003
	Duda, Emily F.	06/30/2005
	Ford, David B.	06/30/2004
	Furlow, Jessie	06/30/2003
	Garcia, Manuel A. III	06/30/2005
	Hinkle, Lee F.	06/30/2004
	Knowles, Harold M.	06/30/2005
	Marshall, J. Stanley	06/30/2003
	McGee, Elizabeth Ann	06/30/2004
	Thrasher, John	06/30/2005
	Uhlfelder, Steven J.	06/30/2004
Board of Trustees, Florida Gulf Coast University		
Appointees:	Cobb, Brian E.	06/30/2005
	Hart, Larry D.	06/30/2005
	Lee, A. Renee Francis	06/30/2003
	Lester, W. Bernard	06/30/2004
	Lucas, David	06/30/2004
	Lutgert, Scott F.	06/30/2005
	Moll, Gerri	06/30/2004
	Moon, Harry K.	06/30/2003
	Morton, Edward A.	06/30/2003
	Starkey, Jerry	06/30/2003
	Taylor, Linda Kay	06/30/2005
	Villalobos, Plutarco M.	06/30/2004
Board of Trustees, Florida International University		
Appointees:	Atkins, Betsy	06/30/2003
	Calderon, Rafael A.	06/30/2004
	Chapman, Alvah H., Jr.	06/30/2003
	Codina, Armando	06/30/2005
	Dotson, Albert E., Sr.	06/30/2004
	Frost, Patricia	06/30/2004
	Henriques, Adolfo	06/30/2005
	Lopez, Miriam	06/30/2004
	Parker, David A.	06/30/2005
	Sugranes, Rosa	06/30/2005
	Wertheim, Herbert A.	06/30/2003
Board of Trustees, New College of Florida		
Appointees:	Blalock, Robert G.	06/30/2004
	Cranor, John M. III	06/30/2005
	Dupree, Jerome	06/30/2004
	Heiser, Rolland V.	06/30/2003
	Johnson, Robert M.	06/30/2005
	Lowman, Margaret D.	06/30/2005
	Misemer, Kenneth R.	06/30/2004
	Presha, Walter L.	06/30/2003
	Raeburn, Vicki Pearthree	06/30/2004
	Simendinger, Alexis A.	06/30/2003
	Smiley, Jane T.	06/30/2003
Board of Trustees, University of Florida		
Appointees:	Alfonso, Carlos J.	06/30/2005
	Courtelis, Louise H.	06/30/2004
	Criser, Marshall M., Jr.	06/30/2005
	Daniels, Roland C.	06/30/2003
	Dasburg, John H.	06/30/2005
	Fernandez, Manuel	06/30/2004
	McGriff, W. A. III	06/30/2003
	Merkel, Joelen K.	06/30/2003
	Morgan, Dianna	06/30/2004
	O'Connell, Cynthia F.	06/30/2003
	Thweatt, Albert W.	06/30/2004
	Warrington, Alfred C. IV	06/30/2005
Board of Trustees, University of North Florida		
Appointees:	Crawford, Toni	06/30/2004
	Douglas, Thomas O'Neal	06/30/2005
	Gibbs, Donna Harper	06/30/2005
	Gonzalez, Wilfredo J.	06/30/2004
	Halverson, Steven T.	06/30/2004
	Hicks, Ann Curry	06/30/2005
	Newton, Joan W.	06/30/2003
	Stallings, James B., Jr.	06/30/2005
	Thompson, Carol C.	06/30/2003
	Twomey, Kevin M.	06/30/2004
	Willis, Floyd B.	06/30/2003
Board of Trustees, University of South Florida		
Appointees:	Arnold, Lee E.	06/30/2004
	Beard, Richard A. III	06/30/2005
	Burton, Steven G.	06/30/2003
	Cancio, Margarita R.	06/30/2003
	Duncan, Ann Wilkins	06/30/2004
	Law, Rhea F.	06/30/2005
	Mack, Connie	06/30/2005
	Ramil, John B.	06/30/2003
	Soran, Robert L.	06/30/2004
	Stavros, Gus A.	06/30/2003
	Sullivan, Chris T.	06/30/2005
Board of Trustees, University of West Florida		
Appointees:	Bell, Honor M.	06/30/2005
	Bilbrey, Pamela A.	06/30/2004
	Bowden, Travis J.	06/30/2004
	Clark, Kenneth C.	06/30/2005
	Dover, Carol B.	06/30/2003

Office and Appointment		*For Term Ending*
	Epps, Lornetta Taylor	06/30/2004
	Herrick, Sharon Hess	06/30/2003
	Horner, Charles A.	06/30/2003
	Merrill, J. Collier	06/30/2005
	Morgan, JoAnn H.	06/30/2005
	Phillips, Eddie E.	06/30/2003
	Smith, Roy W., Jr.	06/30/2004

The following executive appointments were referred to the Senate Committee on Regulated Industries and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointees:	Benz, Robert A.	10/31/2005
	Gunn, Marshall D.	10/31/2005
	McKinley, Susan R.	10/31/2005
	Quinlan, John V.	10/31/2002
Florida Public Service Commission		
Appointees:	Baez, Braulio L.	01/01/2006

The following executive appointments were referred to the Senate Committee on Natural Resources and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Environmental Regulation Commission		
Appointees:	Clemente, Anthony J.	07/01/2005
	Guillory, Marjorie J.	07/01/2005
	Tjoflat, Marcia Parker	07/01/2005
	Tschinkel, Victoria J.	07/01/2003

As required by Rule 12.7(1), the committee or committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2002 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

In addition to the foregoing executive appointments, the following executive appointment was referred to the Senate Committee on Health, Aging and Long-Term Care and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Elderly Affairs		
Appointee:	White, Terry F.	Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Trustees, Florida A & M University		
Appointee:	Corbin, James D.	06/30/2004
Board of Trustees, Florida State University		
Appointee:	Haggard, William Andrew	06/30/2003
Board of Trustees, University of South Florida		
Appointee:	Swygert, Haywood Patrick	06/30/2004

In aid of such inquiry, these committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearing, the Committee on Health, Aging and Long-Term Care and the Committee on Education, respectively, advise and recommend the executive appointment of the above-named appointees to the office and for the term indicated.

Please be advised that the Committee on Ethics and Elections did not consider the above-named appointments during the 2002 Regular Session of the Florida Legislature.

Respectfully submitted,
Debby P. Sanderson, Chairman

On motion by Senator Sanderson, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—39

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

Nays—None

VOTES RECORDED

Senator Diaz de la Portilla was recorded as voting "nay" on the following appointments: all appointees to the Florida Elections Commission; Rodney Barreto as a member of the Fish and Wildlife Conservation Commission; Ken Plante as a member of the Higher Educational Facilities Financing Authority; Arthur R. Collins as a member of the Board of Trustees, Florida A & M University; Jorge A. Dominicis as a member of the Board of Trustees, Florida Atlantic University; John Thrasher and Steven Uhlfelder as members of the Board of Trustees, Florida State University; and Armando Codina as a member of the Board of Trustees, Florida International University.

The Honorable John M. McKay March 21, 2002
President, The Florida Senate

Dear Mr. President:

The following executive appointment was referred to the Senate Committee on Regulated Industries and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Public Service Commission		
Appointee:	Bradley, Rudolph "Rudy"	01/01/2006

As required by Rule 12.7(1), the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry, the committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committee respectfully advises and recommends that:

(1) the executive appointments of the above-named appointee, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointment be taken prior to the adjournment of the 2002 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointment to be held in executive session.

Respectfully submitted,
Debby P. Sanderson, Chairman

MOTIONS

On motion by Senator King, by two-thirds vote, debate on the appointment of Rudolph "Rudy" Bradley was limited to a total of 15 minutes.

On motion by Senator Sanderson, the report was adopted and the Senate confirmed the appointment identified in the foregoing report of the committee to the office and for the term indicated in accordance with the recommendation of the committee. The vote was:

Yeas—35

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

Nays—4

Dyer	Meek	Wasserman Schultz
Klein		

RECONSIDERATION OF BILL

On motion by Senator Carlton, the Senate reconsidered the vote by which—

HB 1945—A bill to be entitled An act implementing the 2002-2003 General Appropriations Act; providing legislative intent; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; providing for future reversion to current text; amending s. 240.116, F.S.; eliminating restriction of the Advanced International Certificate of Education Program to a pilot program; providing for future reversion to current text; amending s. 229.085, F.S.; exempting personnel employed to plan and administer grants or contracts for specific educational projects from requirements for positions in excess of those authorized; providing accounting requirements for the state universities for the 2002-2003 fiscal year; amending s. 236.081, F.S.; deferring application of a method for adjusting a school district's full-time equivalent membership; providing district school boards flexibility in the use of certain categorical appropriations for purposes of academic classroom instruction; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 860.158, F.S.; providing directives for the use of moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 375.041, F.S.; providing for use of moneys allocated to the Land Acquisition Trust Fund as provided in the General Appropriations Act; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund as provided in the General Appropriations Act; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 581.1845, F.S.; prescribing the amount of compensation for trees taken in canker eradication programs; amending s. 373.470, F.S.; removing a requirement to deposit certain funds into the Save Our Everglades Trust Fund; amending s. 216.181, F.S.; allowing transfers of positions and funds among departments necessary for implementation of the office of Chief Financial Officer; requiring approval by the Legislative Budget Commission; amending s. 259.032, F.S.; allowing Conservation and Recreation Lands Trust Fund distributions to certain counties to be used for rural economic development and infrastructure purposes; amending s. 403.7095, F.S.; prescribing conditions on solid waste management and recycling grants; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 288.063, F.S.; providing that certain transportation projects may be designated and funded by the Legislature as necessary for economic development; providing for future repeal or expiration of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—as amended passed this day.

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

On motion by Senator Carlton, the Senate reconsidered the vote by which **Amendment 1C (930058)** was adopted. **Amendment 1C** was withdrawn.

Senator King moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1D (644394)(with title amendment)—On page 20, between lines 2 and 3, insert:

Section 18. *In order to implement Specific Appropriations 2396-2416 of the 2002-2003 General Appropriations Act, from the funds in Specific Appropriations 2396 through 2417A, the Department of Business and Professional Regulation is authorized to transfer no more than 34 positions and the resources identified in the reengineering issue from Compliance and Enforcement, no more than 12 positions and the resources identified in the reengineering issues from Standards and Licensure, and no more than 20 positions and the resources identified in the reengineering issue from tax collection to begin implementation of the on-line licensing and reengineering project. To ensure current service delivery levels pertaining to regulation, licensing, compliance, enforcement, and tax collection, the department is authorized to retain positions in the current programs as necessary to facilitate migration to the new business process. The transfer must be completed prior to June 30, 2003. The Executive Office of the Governor is authorized to establish positions in excess in the current programs to meet these requirements, subject to the provisions of section 216.177, Florida Statutes.*

Section 19. *In order to implement Specific Appropriations 2418-2432A of the 2002-2003 General Appropriations Act:*

(1) Any other provision of law to the contrary notwithstanding, the Division of Florida Land Sales, Condominiums, and Mobile Homes shall be organized with at least three bureaus to be known as the Bureau of Condominiums, the Bureau of Mobile Homes, and the Bureau of Timeshares.

(2) No more than 10 percent of the moneys deposited in the trust fund of the Division of Florida Land Sales, Condominiums, and Mobile Homes shall be transferred to the office of the Secretary of Business and Professional Regulation or to other parts of the Department of Business and Professional Regulation during any fiscal year without the prior specific authorization by the Legislature in the General Appropriations Act.

This section expires July 1, 2003.

Section 20. *In order to implement Specific Appropriations 2396-2416 of the 2002-2003 General Appropriations Act:*

(1) Any other provision of law to the contrary notwithstanding, the Division of Alcoholic Beverages and Tobacco shall be organized with at least three bureaus to be known as the Bureau of Licensing, the Bureau of Auditing, and the Bureau of Law Enforcement.

(2) No more than 10 percent of the moneys deposited in the trust fund of the Division of Alcoholic Beverages and Tobacco shall be transferred to the office of the Secretary of Business and Professional Regulation or to other parts of the Department of Business and Professional Regulation during any fiscal year without the prior specific authorization by the Legislature in the General Appropriations Act.

This section expires July 1, 2003.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 27, line 28, following the first semicolon (;) insert: authorizing the Department of Business and Professional Regulation to transfer positions and resources; providing for the organization of the Division of Florida Land Sales, Condominiums, and Mobile Homes; prohibiting the transfer of certain funds without prior authorization of the Legislature; providing for the organization of the Division of Florida Land Sales, Condominiums, and Mobile Homes and the Division of Alcoholic Beverages and Tobacco; prohibiting the transfer of certain funds without prior authorization of the Legislature;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Carlton, **HB 1945** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

RECESS

On motion by Senator Lee, the Senate recessed at 1:03 p.m. to reconvene at 1:33 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:49 p.m. A quorum present—39:

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

CONSENT CALENDAR

Consideration of **SB 352** was deferred.

CS for CS for SB 568—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.089, F.S.; increasing the amount of revenue deposited into the Grants and Donations Trust Fund from the sale of license plates stamped with the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve"; providing for the issuance, without payment of the license tax, of Pearl Harbor Survivor license plates or Purple Heart license plates to certain disabled veterans; amending s. 320.08058, F.S.; revising the date after which a newly created collegiate license plate is subject to the requirements of s. 320.08053, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **CS for CS for SB 568** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Carlton, Futch, Jones, Sanderson

Yea to Nay—Mitchell

SENATOR ROSSIN PRESIDING

On motion by Senator Silver, by two-thirds vote **HB 145** was withdrawn from the Committees on Transportation; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Silver—

HB 145—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; providing for a Florida Golf license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate; providing for the distribution and use of fees; authorizing the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; providing an effective date.

—a companion measure, was substituted for **CS for SB 624** and read the second time by title. On motion by Senator Silver, by two-thirds vote **HB 145** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Burt, Klein, Rossin, Sanderson

Yea to Nay—Mitchell

CS for SB 980—A bill to be entitled An act relating to public-records exemptions; exempting personal identifying information contained in armed forces military-separation forms from disclosure when held by the clerk of the court; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **CS for SB 980** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Campbell	Laurent

Vote after roll call:

Yea—Klein, Rossin, Sanderson

CS for SB 1094—A bill to be entitled An act relating to health education; amending s. 233.0672, F.S.; authorizing school-based acquired immune deficiency syndrome education incentive grants; specifying grant proposal requirements; specifying factors to be considered in awarding grants; requiring annual reports; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote **CS for SB 1094** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Carlton, Jones, Klein, Rossin, Sanderson

SB 1568—A bill to be entitled An act relating to capital collateral proceedings; amending s. 27.710, F.S.; providing an additional requirement for attorneys who may be listed on the statewide registry of attorneys in private practice who are available for appointment to represent persons convicted and sentenced to death in this state in postconviction capital collateral proceedings; amending s. 27.711, F.S.; revising language with respect to fees for representing certain capital defendants; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **SB 1568** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Rossin, Sanderson

CS for SB 1800—A bill to be entitled An act relating to district courts of appeal; amending s. 35.01, F.S.; specifying minimum membership of district courts of appeal; providing construction and application; providing criteria for selecting judges to fill vacancies; requesting district courts of appeal judicial nominating commissions to adopt uniform rules of procedure; providing an effective date.

—was read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **CS for SB 1800** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Brown-Waite	Holzendorf	Peaden
Burt	Jones	Posey
Clary	King	Pruitt
Constantine	Latvala	Saunders
Cowin	Laurent	Sebesta
Crist	Lawson	Silver
Diaz de la Portilla	Lee	Sullivan
Dyer	Meek	Wasserman Schultz
Futch	Miller	Webster
Geller	Mitchell	

Nays—4

Campbell	Smith	Villalobos
Garcia		

Vote after roll call:

Yea—Carlton, Klein, Rossin, Sanderson, Wise

CS for SB 1860—A bill to be entitled An act relating to assisted-living services for minority persons; providing legislative findings; directing the University of South Florida's Policy Exchange Center on Aging to conduct a study; providing for access to records and data of the Department of Elderly Affairs, the Agency for Health Care Administration, and the Department of Community Affairs; requiring a report; providing for development of a private-public partnership to facilitate the development of a facility in a Front Porch Community; providing design principles; providing for appointment of an advisory group to guide the study and the private-public partnership development effort; providing for the advisory group's membership, meetings, and staff support; providing for termination of the advisory group; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **CS for SB 1860** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Klein, Rossin, Sanderson

CS for SB 1874—A bill to be entitled An act relating to bus drivers; amending s. 316.70, F.S.; requiring the driving records of non-public-sector bus drivers to be checked for suspended or revoked licenses; providing penalties; providing that private-school students may ride on public-school buses and public-school students may ride on private-school buses, subject to specified conditions; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **CS for SB 1874** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Klein, Rossin, Sanderson

On motion by Senator Constantine, by two-thirds vote **HB 1181** was withdrawn from the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1181—A bill to be entitled An act relating to safe transportation for children; creating s. 335.066, F.S.; establishing the Safe Paths to Schools Program in the Department of Transportation; requiring consideration of the planning and construction of bicycle and pedestrian ways; authorizing a grant program to fund projects; providing rulemaking authority; providing an effective date.

—a companion measure, was substituted for **SB 2076** and by two-thirds vote read the second time by title. On motion by Senator Constantine, by two-thirds vote **HB 1181** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Garcia, Rossin

CS for CS for CS for SB 2120—A bill to be entitled An act relating to specialty license plates; amending s. 320.08058, F.S.; revising the date after which a newly created collegiate license plate is subject to the requirements of s. 320.08053, F.S.; providing for a portion of the annual use fees to be distributed to the Caribbean Conservation Corporation; providing guidelines for the distribution of such funds by the corporation; prohibiting funds from being used for litigation; repealing s. 370.12(1)(h), F.S., which provides for the Fish and Wildlife Conservation Commission to provide grants relating to marine turtles; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for CS for CS for SB 2120** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brown-Waite	Campbell	Clary
Burt	Carlton	Constantine

Cowin	Klein	Pruitt
Crist	Latvala	Sanderson
Diaz de la Portilla	Laurent	Saunders
Dyer	Lawson	Sebesta
Futch	Lee	Silver
Garcia	Meek	Smith
Geller	Miller	Sullivan
Holzendorf	Mitchell	Villalobos
Jones	Peaden	Webster
King	Posey	Wise

Nays—None

Vote after roll call:

Yea—Rossin

On motion by Senator Holzendorf, by two-thirds vote **CS for CS for HB 1247** was withdrawn from the Committee on Banking and Insurance.

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

CS for CS for HB 1247—A bill to be entitled An act relating to premium financing; amending s. 627.901, F.S.; providing for calculation of certain interest charges; authorizing billing interest in installments; amending s. 627.902, F.S.; authorizing insurers, subsidiaries, corporations, or groups of insurers to impose certain additional service charges and fees; providing an effective date.

—a companion measure, was substituted for **CS for SB 2214** and by two-thirds vote read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for CS for HB 1247** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brown-Waite	Holzendorf	Pruitt
Burt	Jones	Sanderson
Campbell	King	Saunders
Carlton	Latvala	Sebesta
Constantine	Laurent	Silver
Cowin	Lawson	Smith
Crist	Lee	Sullivan
Diaz de la Portilla	Meek	Villalobos
Dyer	Miller	Webster
Futch	Mitchell	Wise
Garcia	Peaden	
Geller	Posey	

Nays—None

Vote after roll call:

Yea—Clary, Rossin

On motion by Senator Wise, by two-thirds vote **HB 1405** was withdrawn from the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Wise—

HB 1405—A bill to be entitled An act relating to health care practitioner student loans and service scholarship obligations; amending s. 456.074, F.S.; providing for an emergency order suspending the license of any health care practitioner who has defaulted on a student loan issued or guaranteed by the state or the Federal Government; amending s. 456.072, F.S., and reenacting subsection (2), relating to disciplinary actions; clarifying the ground for disciplinary action for failing to perform a statutory or legal obligation to include failing to repay a student loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan and for failing to comply with service scholarship obligations; providing penalties; directing the Department of Health to obtain certain information from the United States Department of Health and Human Services on a monthly basis and to include certain information in its annual report to the Legislature; reenacting ss. 456.026 and 456.073, F.S., relating to the annual report and disciplinary proceedings, respectively, to conform; providing applicability; providing an effective date.

—a companion measure, was substituted for **SB 2298** and read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 1405** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Burt	Holzendorf	Peaden
Campbell	Jones	Posey
Carlton	King	Pruitt
Constantine	Klein	Sanderson
Cowin	Latvala	Saunders
Crist	Laurent	Silver
Diaz de la Portilla	Lawson	Smith
Dyer	Lee	Villalobos
Futch	Meek	Wasserman Schultz
Garcia	Miller	Webster
Geller	Mitchell	Wise

Nays—2

Sebesta	Sullivan

Vote after roll call:

Yea—Brown-Waite, Clary, Rossin

Nay to Yea—Sebesta, Sullivan

On motion by Senator Sanderson, by two-thirds vote **HB 273** was withdrawn from the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Sanderson—

HB 273—A bill to be entitled An act relating to public records and public meeting exemptions regarding complaints of ethics violations; amending s. 112.324, F.S., which provides an exemption from public records requirements for certain information held by the Commission on Ethics and a Commission on Ethics and Public Trust regarding complaints of ethics violations and an exemption from public meeting requirements for commission proceedings held pursuant to such complaints; reenacting such exemptions and removing the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; clarifying language; deleting obsolete language; providing an effective date.

—a companion measure, was substituted for **SB 352** and read the second time by title. On motion by Senator Sanderson, by two-thirds vote **HB 273** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Burt	Jones	Pruitt
Carlton	King	Sanderson
Clary	Klein	Saunders
Constantine	Latvala	Sebesta
Cowin	Laurent	Silver
Crist	Lawson	Smith
Diaz de la Portilla	Lee	Villalobos
Dyer	Meek	Wasserman Schultz
Futch	Miller	Webster
Garcia	Mitchell	Wise
Geller	Peaden	
Holzendorf	Posey	

Nays—1

Campbell

Vote after roll call:

Yea—Brown-Waite, Rossin

THE PRESIDENT PRESIDING

SPECIAL ORDER CALENDAR

SENATOR ROSSIN PRESIDING

CS for SB 2090—A bill to be entitled An act relating to the distribution of motor and other fuel taxes; amending s. 206.606, F.S.; requiring that sales tax revenues generated by the sale of motor and other fuels be transferred to the State Game Trust Fund; specifying the purposes for which the transferred revenues may be used; amending s. 206.608, F.S.; requiring that sales tax revenues generated by the sale of motor and other fuels be transferred to the Marine Resource Conservation Trust Fund and to the State Game Trust Fund; specifying the purposes for which the transferred revenues may be used; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (680502)—On page 4, line 7, delete "*2002-2003*" and insert: *2003-2004*

On motion by Senator King, by two-thirds vote **CS for SB 2090** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Campbell	King	Pruitt
Carlton	Klein	Sanderson
Clary	Latvala	Saunders
Constantine	Laurent	Sebesta
Cowin	Lawson	Silver
Crist	Lee	Smith
Diaz de la Portilla	Meek	Sullivan
Futch	Miller	Villalobos
Garcia	Mitchell	Wasserman Schultz
Geller	Peaden	Webster
Jones	Posey	Wise

Nays—None

Vote after roll call:

Yea—Brown-Waite, Burt, Rossin

Consideration of **HB 913** was deferred.

On motion by Senator Geller—

CS for CS for SB 2072—A bill to be entitled An act relating to agriculture and consumer services; creating s. 288.1175, F.S.; providing that the Department of Agriculture and Consumer Services shall be the state agency for screening applicants for state funding and certification as an agriculture education and promotion facility; providing for rules; providing definitions; providing criteria for applicants; providing for evaluation by the department; providing criteria; prohibiting the expenditure of funds to develop or subsidize privately owned facilities; providing an exception; amending s. 316.515, F.S.; revising the types of equipment authorized for transporting farm products; allowing the Department of Transportation to issue certain permits; amending s. 370.31, F.S.; transferring the Sturgeon Production Working Group from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; revising membership and procedures; amending s. 388.261, F.S.; revising provisions relating to state aid to counties and districts for arthropod control; prorating county funds under certain circumstances; providing an exemption from funding requirements under certain circumstances; authorizing the use of state funds when requested by a county or district; authorizing funds for technical assistance or to purchase equipment, supplies, or services; amending s. 388.281, F.S.; revising uses for state matching funds; amending s. 388.361, F.S.; authorizing the Department of Agriculture and Consumer Services to cooperate with local agencies; authorizing collection, detection, suppression, and control of mosquitoes and arthropods on public or private land; amending s. 388.45, F.S.; clarifying provisions relating to threats to public health and the issuance of declarations; authorizing declaration of a threat to animal health when certain conditions exist; authorizing treatment or control measures; amending s. 403.067, F.S.; authorizing implementation of interim measures for specified water bodies for which total maximum daily load or allocation has not been established; amending s. 403.709, F.S.; deleting the minimum county allocation to local mosquito control agencies from waste tire fees; amending s. 482.277, F.S.; revising requirements relating to guarantees and warranties in contracts for treatment of wood-destroying organisms; declaring legislative intent with respect to such warranties and guarantees; amending s. 482.2401, F.S.; adding education in pest control as an approved use of administrative fine revenues; creating s. 482.243, F.S.; creating the Pest Control Enforcement Advisory Council in the department; providing for membership, terms, and procedures; providing powers and duties; amending s. 487.041, F.S.; increasing the annual registration fee for a registered pesticide; amending s. 500.121, F.S.; providing sanctions for nutrient labeling violations; amending s. 500.148, F.S.; authorizing the department to issue a report certifying food establishment compliance with sanitation and permitting requirements for food exportation purposes; authorizing fees; amending s. 501.160, F.S.; providing for enforcement of prohibitions of unconscionable prices on rental or sale of essential commodities; amending s. 570.07, F.S.; authorizing the department to provide meals when personnel cannot leave emergency incident locations; amending s. 570.53, F.S.; requiring the Division of Marketing and Development to review and administer community budget request allocations; amending s. 573.124, F.S.; increasing penalties for furnishing false information, or refusing to furnish information, relating to the marketing of agricultural commodities; amending s. 585.002, F.S.; authorizing the department to set fees for additional services relating to the animal industry; increasing fee limits; amending s. 585.08, F.S.; authorizing the Division of Animal Industry, under certain circumstances, to condemn and destroy an animal that is liable to spread contagious, infectious, or communicable disease; amending s. 585.09, F.S.; conforming a cross-reference; repealing s. 585.10, F.S., relating to limitations on payments to owners of condemned and destroyed animals; amending s. 585.105, F.S.; authorizing the department to charge for costs of approved brucella vaccine; amending s. 585.11, F.S.; authorizing the department to cooperate with United States Department of Agriculture accredited private veterinarians; amending s. 585.21, F.S.; requiring written permission of the department prior to sale in the state of certain biological products; amending s. 585.61, F.S.; increasing fees for use of animal disease diagnostic laboratories; amending s. 590.02, F.S.; revising the powers of the Division of Forestry; providing that certain managerial positions are classified under the Selected Exempt Service; amending s. 590.11, F.S.; providing a criminal penalty for violation of recreational fire provisions; amending s. 590.125, F.S.; revising requirements for certified prescribed burning; renaming procedures for protecting wild lands from wildfires; amending s. 597.020, F.S.; requiring aquaculture licenses and certifications to expire annually; amending s. 616.242, F.S.; providing that certain kiddie rides shall be exempt from the requirement for receipt of an inspection certificate each time the ride is set up; revising accident-reporting requirements; amending s. 496.404, F.S.; redefining the term "educational institutions"; designating the U.S.D.A. Service Center Building in Bartow as the John W. Hunt Building; amending s. 316.640, F.S.; eliminating certain limitations on the authority of the Office of Agricultural Law Enforcement; amending s. 570.073, F.S.; specifying duties of the Office of Agricultural Law Enforcement with respect to its jurisdiction over violations of law which threaten the security and safety of agriculture and consumer services; authorizing the office to enforce civil traffic offenses and laws relating to the responsibilities of the Commissioner of Agriculture; specifying that officers within the department have the full powers granted to other peace officers of this state; authorizing the commission to appoint part-time, reserve, or auxiliary law enforcement officers; amending s. 163.05, F.S.; amending s. 570.71, F.S.; revising provisions relating to conservation easements and rural land protection easements; amending s. 590.14, F.S.; revising criteria for determining administrative fines for violation of provisions relating to forestry; creating s. 604.40, F.S.; providing regulations regarding farm equipment; amending s. 604.50, F.S.; clarifying the definition of a nonresidential farm building; providing an appropriation; providing effective dates.

—was read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (902102)(with title amendment)—On page 6, between lines 5 and 6, insert:

Section 1. *Effective January 3, 2003, pursuant to section 20.06(2), Florida Statutes, the Division of Licensing of the Department of State is transferred by a type two transfer to the Department of Agriculture and Consumer Services and reestablished as a division within that department. Notwithstanding the provisions of section 20.06(2)(b), Florida Statutes, the Commissioner of Agriculture is not authorized to reconfigure the division or its units or subunits, or to modify its structure, duties, programs, activities, or functions, or to reassign any funds from any trust fund supporting those duties, programs, activities, or functions.*

Section 2. Effective January 3, 2003, subsection (2) of section 20.10, Florida Statutes, is amended to read:

20.10 Department of State.—There is created a Department of State.

(2) The following divisions of the Department of State are established:

(a) Division of Elections.

(b) Division of Historical Resources.

(c) Division of Corporations.

(d) Division of Library and Information Services.

~~(e) Division of Licensing.~~

(e)~~(f)~~ Division of Cultural Affairs.

(f)~~(g)~~ Division of Administration.

Section 3. Effective January 3, 2003, subsection (2) of section 20.14, Florida Statutes, is amended to read:

20.14 Department of Agriculture and Consumer Services.—There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

(a) Administration.

(b) Agricultural Environmental Services.

(c) Animal Industry.

(d) Aquaculture.

(e) Consumer Services.

(f) Dairy Industry.

(g) Food Safety.

(h) Forestry.

(i) Fruit and Vegetables.

(j) Licensing.

(k)~~(j)~~ Marketing and Development.

(l)~~(k)~~ Plant Industry.

(m)~~(l)~~ Standards.

Section 4. Effective January 3, 2003, subsection (1) of section 493.6101, Florida Statutes, is amended to read:

493.6101 Definitions.—

(1) "Department" means the Department of *Agriculture and Consumer Services* ~~State~~.

Section 5. Effective January 3, 2003, subsection (2) of section 493.6104, Florida Statutes, is amended to read:

493.6104 Advisory council.—

(2) Council members shall be appointed by the *Commissioner of Agriculture* ~~Secretary of State~~ for a 4-year term. In the event of an appointment to fill an unexpired term, the appointment shall be for no longer than the remainder of the unexpired term. No member may serve more than two full consecutive terms. Members may be removed by the *Commissioner of Agriculture* ~~Secretary of State~~ for cause. Cause shall include, but is not limited to, absences from two consecutive meetings.

Section 6. Effective January 3, 2003, section 493.6108, Florida Statutes, is amended to read:

493.6108 Investigation of applicants by Department of *Agriculture and Consumer Services* ~~State~~.—

(1) Except as otherwise provided, prior to the issuance of a license under this chapter, the department shall make an investigation of the applicant for a license. The investigation shall include:

(a)1. An examination of fingerprint records and police records. When a criminal history analysis of any applicant under this chapter is performed by means of fingerprint card identification, the time limitations prescribed by s. 120.60(1) shall be tolled during the time the applicant's fingerprint card is under review by the Department of Law Enforcement or the United States Department of Justice, Federal Bureau of Investigation.

2. If a legible set of fingerprints, as determined by the Department of Law Enforcement or the Federal Bureau of Investigation, cannot be obtained after two attempts, the Department of *Agriculture and Consumer Services* ~~State~~ may determine the applicant's eligibility based upon a criminal history record check under the applicant's name conducted by the Department of Law Enforcement and the Federal Bureau of Investigation. A set of fingerprints taken by a law enforcement agency and a written statement signed by the fingerprint technician or a licensed physician stating that there is a physical condition that precludes obtaining a legible set of fingerprints or that the fingerprints taken are the best that can be obtained is sufficient to meet this requirement.

(b) An inquiry to determine if the applicant has been adjudicated incompetent under chapter 744 or has been committed to a mental institution under chapter 394.

(c) Such other investigation of the individual as the department may deem necessary.

(2) In addition to subsection (1), the department shall make an investigation of the general physical fitness of the Class "G" applicant to bear a weapon or firearm. Determination of physical fitness shall be certified by a physician currently licensed pursuant to chapter 458, chapter 459, or any similar law of another state or authorized to act as a licensed physician by a federal agency or department. Such certification shall be submitted on a form provided by the department.

(3) The department shall also investigate the mental history and current mental and emotional fitness of any Class "G" applicant, and may deny a Class "G" license to anyone who has a history of mental illness or drug or alcohol abuse.

Section 7. Effective January 3, 2003, subsection (2) of section 493.6109, Florida Statutes, is amended to read:

493.6109 Reciprocity.—

(2) The rules authorized in subsection (1) may be promulgated only if:

(a) The other state or territory has requirements which are substantially similar to or greater than those established in this chapter.

(b) The applicant has engaged in licensed activities for at least 1 year in the other state or territory with no disciplinary action against him or her.

(c) The *Commissioner of Agriculture* ~~Secretary of State~~ or other appropriate authority of the other state or territory agrees to accept service of process for those licensees who are operating in this state on a temporary basis.

Section 8. Effective January 3, 2003, section 493.6112, Florida Statutes, is amended to read:

493.6112 Notification to Department of *Agriculture and Consumer Services* ~~State~~ of changes of partner or officer or employees.—

(1) After filing the application, unless the department declines to issue the license or revokes it after issuance, an agency or school shall, within 5 working days of the withdrawal, removal, replacement, or addition of any or all partners or officers, notify and file with the department complete applications for such individuals. The agency's or school's good standing under this chapter shall be contingent upon the department's approval of any new partner or officer.

(2) Each agency or school shall, upon the employment or termination of employment of a licensee, report such employment or termination immediately to the department and, in the case of a termination, report the reason or reasons therefor. The report shall be on a form prescribed by the department.

Section 9. Effective January 3, 2003, subsection (7) of section 493.6121, Florida Statutes, is amended to read:

493.6121 Enforcement; investigation.—

(7) The Department of Legal Affairs shall represent the Department of *Agriculture and Consumer Services* ~~State~~ in judicial proceedings seeking enforcement of this chapter, or upon an action by any party seeking redress against the department, and shall coordinate with the department in the conduct of any investigations incident to its legal responsibility.

Section 10. Effective January 3, 2003, section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(1) The Department of *Agriculture and Consumer Services* ~~State~~ is authorized to issue licenses to carry concealed weapons or concealed firearms to persons qualified as provided in this section. Each such license must bear a color photograph of the licensee. For the purposes of this section, concealed weapons or concealed firearms are defined as a handgun, electronic weapon or device, tear gas gun, knife, or billie, but the term does not include a machine gun as defined in s. 790.001(9). Such licenses shall be valid throughout the state for a period of 5 years from the date of issuance. Any person in compliance with the terms of such license may carry a concealed weapon or concealed firearm notwithstanding the provisions of s. 790.01. The licensee must carry the license, together with valid identification, at all times in which the licensee is in actual possession of a concealed weapon or firearm and must display both the license and proper identification upon demand by a law enforcement officer. Violations of the provisions of this subsection shall constitute a noncriminal violation with a penalty of $25, payable to the clerk of the court.

(2) The Department of *Agriculture and Consumer Services* ~~State~~ shall issue a license if the applicant:

(a) Is a resident of the United States or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under chapter 397 or under the provisions of former chapter 396 or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of State;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph; any person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;

(l) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and

(m) Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

(3) The Department of *Agriculture and Consumer Services* ~~State~~ shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of *Agriculture and Consumer Services* ~~State~~ shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case. The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.

(4) The application shall be completed, under oath, on a form promulgated by the Department of *Agriculture and Consumer Services* ~~State~~ and shall include:

(a) The name, address, place and date of birth, race, and occupation of the applicant;

(b) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3);

(c) A statement that the applicant has been furnished a copy of this chapter and is knowledgeable of its provisions;

(d) A conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under s. 837.06; and

(e) A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense.

(5) The applicant shall submit to the Department of *Agriculture and Consumer Services* ~~State~~:

(a) A completed application as described in subsection (4).

(b) A nonrefundable license fee not to exceed $85, if he or she has not previously been issued a statewide license, or a nonrefundable license fee not to exceed $70 for renewal of a statewide license. Costs for processing the set of fingerprints as required in paragraph (c) shall be borne by the applicant. However, an individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," "correctional officer," or "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) is exempt from the licensing requirements of this section. If any individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) wishes to receive a concealed weapons or firearms license, such person is exempt from the background investigation and all background investigation fees, but shall pay the current license fees regularly required to be paid by nonexempt applicants. Further, a law enforcement officer, a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), or (3) is exempt from the required fees and background investigation for a period of 1 year subsequent to the date of retirement of said officer as a law enforcement officer, a correctional officer, or a correctional probation officer.

(c) A full set of fingerprints of the applicant administered by a law enforcement agency.

(d) A photocopy of a certificate or an affidavit or document as described in paragraph (2)(h).

(e) A full frontal view color photograph of the applicant taken within the preceding 30 days, in which the head, including hair, measures ⅞ of an inch wide and 1⅛ inches high.

(6)(a) The Department of *Agriculture and Consumer Services* ~~State~~, upon receipt of the items listed in subsection (5), shall forward the full set of fingerprints of the applicant to the Department of Law Enforcement for state and federal processing, provided the federal service is available, to be processed for any criminal justice information as defined in s. 943.045. The cost of processing such fingerprints shall be payable to the Department of Law Enforcement by the Department of *Agriculture and Consumer Services* ~~State~~.

(b) The sheriff's office shall provide fingerprinting service if requested by the applicant and may charge a fee not to exceed $5 for this service.

(c) The Department of *Agriculture and Consumer Services* ~~State~~ shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or

2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of *Agriculture and Consumer Services* ~~State~~ denies the application, it shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to a hearing pursuant to chapter 120.

3. In the event the department receives criminal history information with no final disposition on a crime which may disqualify the applicant, the time limitation prescribed by this paragraph may be suspended until receipt of the final disposition or proof of restoration of civil and firearm rights.

(d) In the event a legible set of fingerprints, as determined by the Department of *Agriculture and Consumer Services* ~~State~~ or the Federal Bureau of Investigation, cannot be obtained after two attempts, the Department of *Agriculture and Consumer Services* ~~State~~ shall determine eligibility based upon the name checks conducted by the Florida Department of Law Enforcement.

(e) A consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country must be issued a license within 20 days after the date of the receipt of a completed application, certification document, color photograph as specified in paragraph (5)(e), and a nonrefundable license fee of $300. Consular security official licenses shall be valid for 1 year and may be renewed upon completion of the application process as provided in this section.

(7) The Department of *Agriculture and Consumer Services* ~~State~~ shall maintain an automated listing of licenseholders and pertinent information, and such information shall be available on-line, upon request, at all times to all law enforcement agencies through the Florida Crime Information Center.

(8) Within 30 days after the changing of a permanent address, or within 30 days after having a license lost or destroyed, the licensee shall notify the Department of *Agriculture and Consumer Services* ~~State~~ of such change. Failure to notify the Department of *Agriculture and Consumer Services* ~~State~~ pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of $25.

(9) In the event that a concealed weapon or firearm license is lost or destroyed, the license shall be automatically invalid, and the person to whom the same was issued may, upon payment of $15 to the Department of *Agriculture and Consumer Services* ~~State~~, obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the Department of *Agriculture and Consumer Services* ~~State~~ that such license has been lost or destroyed.

(10) A license issued under this section shall be suspended or revoked pursuant to chapter 120 if the licensee:

(a) Is found to be ineligible under the criteria set forth in subsection (2);

(b) Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under the provisions of chapter 893, or similar laws of any other state, relating to controlled substances;

(e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. 856.011(3), or similar laws of any other state;

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331, or similar laws of any other state; or

(h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

(11) No less than 90 days prior to the expiration date of the license, the Department of *Agriculture and Consumer Services* ~~State~~ shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Department of *Agriculture and Consumer Services* ~~State~~. The licensee must renew his or her license on or before the expiration date by filing with the Department of *Agriculture and Consumer Services* ~~State~~ the renewal form containing a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3), a color photograph as specified in paragraph (5)(e), and the required renewal fee. Out-of-state residents must also submit a completed fingerprint card and fingerprint processing fee. The license shall be renewed upon receipt of the completed renewal form, color photograph, appropriate payment of fees, and, if applicable, a completed fingerprint card. Additionally, a licensee who fails to file a renewal application on or before its expiration date must renew his or her license by paying a late fee of $15. No license shall be renewed 6 months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section. Persons who knowingly file false information pursuant to this subsection shall be subject to criminal prosecution under s. 837.06.

(12) No license issued pursuant to this section shall authorize any person to carry a concealed weapon or firearm into any place of nuisance as defined in s. 823.05; any police, sheriff, or highway patrol station; any detention facility, prison, or jail; any courthouse; any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom; any polling place; any meeting of the governing body of a county, public school district, municipality, or special district; any meeting of the Legislature or a committee thereof; any school, college, or professional athletic event not related to firearms; any school administration building; any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose; any elementary or secondary school facility; any area technical center; any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile; inside the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or any place where the carrying of firearms is prohibited by federal law. Any person who willfully violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13) All moneys collected by the department pursuant to this section shall be deposited in the Division of Licensing Trust Fund, and the Legislature shall appropriate from the fund those amounts deemed necessary to administer the provisions of this section. All revenues collected, less those costs determined by the Department of *Agriculture and Consumer Services* ~~State~~ to be nonrecurring or one-time costs, shall be deferred over the 3-year licensure period. Notwithstanding the provisions of s. 493.6117, all moneys collected pursuant to this section shall not revert to the General Revenue Fund; however, this shall not abrogate the requirement for payment of the service charge imposed pursuant to chapter 215.

(14) All funds received by the sheriff pursuant to the provisions of this section shall be deposited into the general revenue fund of the county and shall be budgeted to the sheriff.

(15) The Legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed weapons and firearms for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed weapons or firearms for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this section is subjectively or arbitrarily denied his or her rights. The Department of *Agriculture and Consumer Services* ~~State~~ shall implement and administer the provisions of this section. The Legislature does not delegate to the Department of *Agriculture and Consumer Services* ~~State~~ the authority to regulate or restrict the issuing of licenses provided for in this section, beyond those provisions contained in this section. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this section or which create restrictions beyond those specified in this section are in conflict with the intent of this section and are prohibited. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense. This section is supplemental and additional to existing rights to bear arms, and nothing in this section shall impair or diminish such rights.

(16) The Department of *Agriculture and Consumer Services* ~~State~~ shall maintain statistical information on the number of licenses issued, revoked, suspended, and denied.

(17) As amended by chapter 87-24, Laws of Florida, this section shall be known and may be cited as the "Jack Hagler Self Defense Act."

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 3 and insert: services; transferring the Division of Licensing of the Department of State to the Department of Agriculture and Consumer Services; amending s. 20.10, F.S.; conforming provisions; amending s. 20.14, F.S.; creating the Division of Licensing in the Department of Agriculture and Consumer Services; amending ss. 493.6101, 493.6104, 493.6108, 493.6109, 493.6112, 493.6121, 790.06, F.S.; redesignating the department with regulatory responsibilities; creating s. 288.1175, F.S.; providing

The vote was:

Yeas—20

Clary	Latvala	Sanderson
Constantine	Laurent	Saunders
Cowin	Lee	Smith
Crist	Mitchell	Villalobos
Futch	Peaden	Webster
Garcia	Posey	Wise
King	Pruitt	

Nays—10

Campbell	Jones	Meek
Carlton	Klein	Miller
Diaz de la Portilla	Lawson	Wasserman Schultz
Holzendorf		

Vote after roll call:

Yea—Rossin

Nay to Yea—Campbell

Senator Lawson offered the following amendment which was moved by Senator Geller and adopted:

Amendment 2 (095006)(with title amendment)—On page 6, line 6 through page 9, line 12, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3-14, delete those lines and insert: services; amending s. 316.515, F.S.; revising

Senator Laurent moved the following amendment which was adopted:

Amendment 3 (112330)(with title amendment)—On page 18, before line 1, insert:

Section 9. Paragraph (k) is added to subsection (12) of section 403.707, Florida Statutes, to read:

403.707 Permits.—

(12) The department shall establish a separate category for solid waste management facilities which accept only construction and demolition debris for disposal or recycling. The department shall establish a reasonable schedule for existing facilities to comply with this section to avoid undue hardship to such facilities. However, a permitted solid waste disposal unit which receives a significant amount of waste prior to the compliance deadline established in this schedule shall not be required to be retrofitted with liners or leachate control systems. Facilities accepting materials defined in s. 403.703(17)(b) must implement a groundwater monitoring system adequate to detect contaminants that may reasonably be expected to result from such disposal prior to the acceptance of those materials.

(k) Brazilian pepper and other invasive exotic plant species as designated by the department resulting from eradication projects may be processed at permitted construction and demolition debris recycling facilities or disposed of at permitted construction and demolition debris disposal facilities or Class III facilities. The department may adopt rules to implement this paragraph.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 18, after the first semicolon (;) insert: amending s. 403.707, F.S.; authorizing the processing or disposal of certain invasive exotic plant species; authorizing the Department of Environmental Protection to adopt rules;

Senator Geller moved the following amendment which was adopted:

Amendment 4 (114850)(with title amendment)—On page 26, lines 13-22, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 17-20, delete those lines and insert: locations; amending s. 573.124, F.S.;

Senator Laurent moved the following amendment which was adopted:

Amendment 5 (351112)(with title amendment)—On page 27, between lines 10 and 11, insert:

Section 22. Section 581.091, Florida Statutes, is amended to read:

581.091 Noxious weeds and infected plants or regulated articles; sale or distribution; receipt; information to department; withholding information.—

(1) It is unlawful for any person to knowingly sell, offer for sale, or distribute any noxious weed, or any plant or plant product or regulated article infested or infected with any plant pest declared, by rule of the department, to be a public nuisance or a threat to the state's agricultural and horticultural interests.

(2) Any person who knows or reasonably should know that such person possesses or has knowingly received any noxious weed or any plant, plant product, or regulated article sold, given away, carried, shipped, or delivered for carriage or shipment in violation of the provisions of this chapter or the rules adopted thereunder shall immediately inform the department and isolate and hold the weed, plant, plant product, or other thing unopened or unused subject to inspection or other disposition as may be provided by the department.

(3) It is unlawful for any person to fail to disclose or withhold available information regarding any infected or infested plant, plant product, regulated article, or noxious weed.

(4) The department, in conjunction with the Institute of Food and Agricultural Sciences at the University of Florida, shall biennially review the official state lists of noxious weeds and invasive plants as provided for under this chapter and department rules. The plants listed in s. 369.251 shall be incorporated into the department lists as provided for under this chapter. A water management district when identifying by rule pursuant to s. 373.185, or a local government when identifying by ordinance or regulation adopted on or after March 1, 2002, a list of noxious weeds, invasive plants, or plants deemed to be a public nuisance or threat, shall only adopt the lists developed under this chapter or rules adopted thereunder. All local government ordinances or regulations, adopted prior to March 1, 2002, that list noxious weeds or invasive plants shall remain in effect. All local ordinances or regulations requiring the removal of invasive plants or noxious weeds from publicly or privately owned conservation areas or preserves shall be exempt from the limitations in this subsection.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: amending s. 581.091, F.S.; requiring the Department of Agriculture and Consumer Services to periodically review the state lists of noxious weeds and invasive plants; requiring water management districts and local governments to use the lists when identifying noxious weeds, invasive plants, and certain other plants pursuant to rule, ordinance or regulation;

Senator Geller moved the following amendments which were adopted:

Amendment 6 (031780)(with title amendment)—On page 27, lines 11-25, delete those lines and insert:

Section 22. Subsection (5) of section 585.002, Florida Statutes, is amended to read:

585.002 Department control; continuance of powers, duties, rules, orders, etc.—

(5) The department shall, by rule, establish a fee schedule to cover the approximate costs associated with carrying out the provisions of this chapter. This shall include establishment of fees for provision of health forms, required certificates, *certifications, permits, quality assurance programs,* and services. No individual fee shall exceed $200, except that the fee for carrying out the quarantine requirements relating to horses imported from countries where contagious equine metritis exists shall not exceed $1,500. These fees shall be deposited in the department's General Inspection Trust Fund.

And the title is amended as follows:

On page 3, line 27 delete: "increasing fee limits;"

Amendment 7 (371238)(with title amendment)—On page 29, lines 3-15, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 5-7, delete those lines and insert: animals; amending s. 585.11, F.S.;

Amendment 8 (984166)(with title amendment)—On page 33, line 1, insert:

(5) The division shall organize its operational units to most effectively prevent, detect, and suppress wildfires, and to that end, may employ the necessary personnel to manage its activities in each unit. The division may construct lookout towers, roads, bridges, firelines, and other facilities and may purchase or fabricate tools, supplies, and equipment for firefighting. The division may reimburse the public and private entities that it engages to assist in the suppression of wildfires for their personnel and equipment, including aircraft.

(a) The Cross City Work Center shall be named the L. Earl Peterson Forestry Station. This is to honor Mr. L. Earl Peterson. Florida's sixth state forester, whose distinguished career in state government has spanned 44 years and who is a native of Dixie County.

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: naming the Cross City Work Center the L. Earl Peterson Forestry Station;

Amendment 9 (510330)(with title amendment)—On page 44, lines 21-24, delete those lines and insert: *ordinance, rule or policy to the contrary, all power-drawn, power-driven or self-propelled equipment used on a farm may be stored, maintained, or repaired by the owner within the boundaries of the owner's farm and at least 50 feet away from any public road without limitation.*

And the title is amended as follows:

On page 5, delete line 29 and insert: equipment used on a farm; amending s. 604.50, F.S.;

Senator Garcia moved the following amendment which was adopted:

Amendment 10 (540908)(with title amendment)—On page 45, between lines 11 and 12, insert:

Section 44. Chapter 261, Florida Statutes, consisting of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06, 261.07, 261.08, 261.09, 261.10, 261.11, and 261.12, Florida Statutes, is created to read:

261.01 Short title.—This chapter may be cited as the "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act."

261.02 Legislative findings and intent.—

(1) The Legislature finds that off-highway vehicles are becoming increasingly popular in this state and that the use of these vehicles should be controlled and managed to minimize negative effects on the environment, wildlife habitats, native wildlife, and native flora and fauna.

(2) The Legislature declares that effectively managed areas and adequate facilities for the use of off-highway vehicles are compatible with this state's overall recreation plan and the underlying goal of multiple use.

(3) It is the intent of the Legislature that:

(a) Existing off-highway vehicle recreational areas, facilities, and opportunities be improved and appropriately expanded and be managed in a manner consistent with this chapter, in particular to maintain natural resources and sustained long-term use of off-highway vehicle trails and areas.

(b) New off-highway vehicle recreational areas, facilities, and opportunities be provided and managed pursuant to this chapter in a manner that will sustain both long-term use and the environment.

(4) Nothing contained within this chapter shall be construed to require the construction or maintenance of off-highway vehicle recreation areas, facilities, or trails on public lands where such construction or maintenance would be inconsistent with the property's management objectives or land management plan.

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

(1) "Advisory committee" means the Off-Highway Vehicle Recreation Advisory Committee created by s. 261.04.

(2) "ATV" means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger.

(3) "Department" means the Department of Agriculture and Consumer Services.

(4) "Division" means the Division of Forestry of the Department of Agriculture and Consumer Services.

(5) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

(6) "Off-highway vehicle" means any ATV or OHM that is used off the roads or highways of this state for recreational purposes and that is not registered and licensed for highway use under chapter 320.

(7) "Program" means the Off-Highway Vehicle Recreation Program.

(8) "Public lands" means lands within the state that are available for public use and that are owned, operated, or managed by a federal, state, county, or municipal governmental entity.

(9) "System" means the off-highway vehicle recreation areas and trails on public lands within the state.

(10) "Trust fund" means the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services.

261.04 Off-Highway Vehicle Recreation Advisory Committee; members; appointment.—

(1) Effective July 1, 2003, the Off-Highway Vehicle Recreation Advisory Committee is created within the Division of Forestry and consists of nine members, all of whom are appointed by the Commissioner of Agriculture. The appointees shall include one representative of the Department of Agriculture and Consumer Services, one representative of the Department of Highway Safety and Motor Vehicles, one representative of the Department of Environmental Protection's Office of Greenways and Trails, one representative of the Fish and Wildlife Conservation Commission, one citizen with scientific expertise in disciplines relating to ecology, wildlife biology, or other environmental sciences, one representative of a licensed off-highway vehicle dealer, and three representatives of off-highway vehicle recreation groups. In making these appointments, the commissioner shall consider the places of residence of the members to ensure statewide representation.

(2) The term of office of each member of the advisory committee is 2 years. The members first appointed shall classify themselves by lot so that the terms of four members expire June 30, 2005, and the terms of five members expire June 30, 2006.

(3) In case of a vacancy on the advisory committee, the commissioner shall appoint a successor member for the unexpired portion of the term.

(4) The members shall elect a chair among themselves who shall serve for 1 year or until a successor is elected.

(5) The members of the advisory committee shall serve without compensation, but shall be reimbursed for travel and per diem expenses as provided in s. 112.061, while in the performance of their official duties.

261.05 Duties and responsibilities of the Off-Highway Vehicle Recreation Advisory Committee.—

(1) The advisory committee shall establish policies to guide the department regarding the Off-Highway Vehicle Recreation Program and the system of off-highway vehicle recreation areas and trails.

(2) The advisory committee shall make recommendations to the department regarding off-highway vehicle safety and training and education programs in the operation of such vehicles.

(3) The advisory committee must be informed regarding all governmental activities affecting the program.

(4) The advisory committee must be informed regarding off-highway vehicle impacts and effects on the environment, wildlife habitats, and native flora and fauna and shall make recommendations to avoid or minimize adverse environmental impacts and promote sustained long-term use.

(5) The advisory committee must be fully informed regarding the inventory of off-highway vehicle access and opportunities.

(6) The advisory committee shall meet at various times and locations throughout the state to receive public comments on the implementation of the program and shall take these public comments into consideration when making its recommendations.

(7) The advisory committee shall review and make recommendations annually regarding the department's proposed budget of expenditures from the designated off-highway vehicle funds in the trust fund, which

may include providing funds to match grant funds available from other sources.

(8) The advisory committee shall make recommendations regarding all capital outlay expenditures from the trust fund proposed for inclusion in the budget and shall identify additional funding sources for management, enforcement, education, rehabilitation, and other duties of the land management agencies related to the system.

(9) The advisory committee shall review grant applications submitted by any governmental agency or entity or nongovernmental entity requesting moneys from the trust fund to create, operate, manage, or improve off-highway vehicle recreation areas or trails within the state, protect and restore affected natural areas in the system, or provide off-highway vehicle driver education. The advisory committee shall recommend to the department approval or denial of such grant applications based upon criteria established by the advisory committee.

261.06 Functions, duties, and responsibilities of the department.—The following are functions, duties, and responsibilities of the department through the division:

(1) Coordination of the planning, development, conservation, and rehabilitation of state lands in and for the system.

(2) Coordination of the management, maintenance, administration, and operation of state lands in the system and the provision of law enforcement and appropriate public safety activities.

(3) Management of the trust fund and approval of the advisory committee's budget recommendations.

(4) Implementation of the program, including the ultimate approval of grant applications submitted by governmental agencies or entities or nongovernmental entities.

(5) Coordination to help ensure compliance with environmental laws and regulations of the program and lands in the system.

(6) Implementation of the policies established by the advisory committee.

(7) Provision of staff assistance to the advisory committee.

(8) Preparation of plans for lands in, or proposed to be included in, the system.

(9) Conducting surveys and the preparation of studies as are necessary or desirable for implementing the program.

(10) Recruitment and utilization of volunteers to further the program.

(11) Rulemaking authority to implement the provisions of ss. 261.01-261.10.

(12) In consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, the environmental community, and the off-highway vehicle industry and user groups, review of the inventory of public lands to determine the feasibility of providing public access for off-highway vehicle recreation and trails. The department shall provide a report to the Governor and the presiding officers of the Legislature by January 1, 2003. The report must include at least two appropriate locations for public access for off-highway vehicle recreational use and the applicable cost of providing each facility. The cost section of the report shall fully explain the fiscal approach of renovating, maintaining, and operating each site and include a recommended fee structure to support the ongoing maintenance and operation of the program. The report shall also include the benefits and risks of offering each site for off-highway vehicle recreational use. The recommendations contained within the report shall be implemented to the extent enacted or appropriated by the Legislature. This subsection shall expire July 1, 2003.

261.07 Publication and distribution of guidebook; contents.—In consultation with the advisory committee, the department shall publish a guidebook that includes the text of this chapter, other laws and regulations relating to the program, and maps of areas and trails of the system. The guidebook may include other public areas, trails, and facilities for the use of off-highway vehicles. The guidebook must include information regarding the responsibilities of users of the system and must set forth pertinent laws, rules, and regulations including particular provisions and other information intended to prevent trespass and damage to public or private property. The guidebook must be prepared at minimal cost to facilitate the broadest possible distribution and must be available for distribution no later than October 1, 2003.

261.08 Repair, maintenance, and rehabilitation of areas, trails, and lands.—

(1) The protection of public safety, the appropriate use of lands in the system, and the conservation of the environment, wildlife habitats, native wildlife, and native flora and fauna in the system are of the highest priority in the management of the system. Accordingly, the public land managing agency shall avoid or minimize adverse impacts to the environment, promptly repair and continuously maintain areas and trails, anticipate and prevent accelerated erosion, and rehabilitate lands to the extent damaged by off-highway vehicle use in accordance with the management plans of the public land managing agency.

(2) The public land managing agency shall monitor the condition of soils and wildlife habitat in each area of the system to determine whether there is compliance with applicable environmental laws and regulations and shall take appropriate action as necessary.

(3) The public land managing agency may regulate or prohibit, when necessary, the use of off-highway vehicles on the public lands of the state in order to prevent damage or destruction to said lands.

261.09 Contracts and agreements.—The public land managing agency may contract with private persons or entities and enter into cooperative agreements with other public agencies for the care and maintenance of lands in the system, including contracts for law enforcement services with public agencies having law enforcement powers.

261.10 Criteria for recreation areas and trails.—Publicly owned or operated off-highway vehicle recreation areas and trails shall be designated and maintained for recreational travel by off-highway vehicles. These areas and trails need not be generally suitable or maintained for normal travel by conventional two-wheel-drive vehicles and should not be designated as recreational footpaths. State off-highway vehicle recreation areas and trails must be selected and managed in accordance with this chapter.

261.11 Penalties.—No off-highway vehicle may be operated upon the public roads, streets, or highways of this state, except as otherwise permitted by the managing local, state, or federal agency. A violation of this section is a noncriminal traffic infraction, punishable as provided in chapter 318.

261.12 Designated off-highway vehicle funds within the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services.—

(1) The designated off-highway vehicle funds of the trust fund shall consist of deposits from the following sources:

(a) Fees paid to the Department of Highway Safety and Motor Vehicles for the titling of off-highway vehicles.

(b) Revenues and income from any other sources required by law or as appropriated by the Legislature to be deposited into the trust fund as designated off-highway vehicle funds.

(c) Donations from private sources that are designated as off-highway vehicle funds.

(d) Interest earned on designated off-highway vehicle funds on deposit in the trust fund.

(2) Designated off-highway vehicle funds in the trust fund shall be available for recommended allocation by the Off-Highway Vehicle Recreation Advisory Committee and the Department of Agriculture and Consumer Services and upon annual appropriation by the Legislature, exclusively for the following:

(a) Implementation of the Off-Highway Vehicle Recreation Program by the Department of Agriculture and Consumer Services, which includes personnel and other related expenses; administrative and operating expenses; expenses related to safety, training, rider education programs,

management, maintenance, and rehabilitation of lands in the Off-Highway Vehicle Recreation Program's system of lands and trails; and, if funds are available, acquisition of lands to be included in the system and the management, maintenance, and rehabilitation of such lands.

(b) Approved grants to governmental agencies or entities or nongovernmental entities that wish to provide or improve off-highway vehicle recreation areas or trails for public use on public lands, provide environmental protection and restoration to affected natural areas in the system, provide enforcement of applicable regulations related to the system and off-highway vehicle activities, or provide education in the operation of off-highway vehicles.

(c) Matching funds to be used to match grant funds available from other sources.

(3) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance of designated off-highway vehicle funds in the trust fund at the end of any fiscal year shall remain therein and shall be available for the purposes set out in this section and as otherwise provided by law.

Section 45. Section 316.2074, Florida Statutes, is amended to read:

316.2074 All-terrain vehicles.—

(1) It is the intent of the Legislature~~,~~ through the adoption of this section to provide safety protection for minors while operating an all-terrain vehicle in this state.

(2) As used in this section*, the term* "all-terrain vehicle" means any motorized off-highway vehicle 50 inches ~~(1270 mm)~~ or less in width, having a dry weight of *900* ~~600~~ pounds ~~(273 kg)~~ or less, *designed to travel* ~~traveling~~ on three or more low-pressure tires, ~~designed for operator use only with no passengers,~~ having a seat ~~or saddle~~ designed to be straddled by the operator~~,~~ and ~~having~~ handlebars for steering control*, and intended for use by a single operator with no passenger*.

(3) No person under 16 years of age shall operate, ride, or be otherwise propelled on an all-terrain vehicle unless the person wears a safety helmet meeting United States Department of Transportation standards and eye protection.

(4) If a crash results in the death of any person or in the injury of any person which results in treatment of the person by a physician, the operator of each all-terrain vehicle involved in the crash shall give notice of the crash pursuant to s. 316.066.

(5) Except as provided in this section, an all-terrain vehicle may not be operated upon the public roads, streets, or highways of this state, except as otherwise permitted by the managing state or federal agency.

(6)~~(5)~~ An all-terrain vehicle having four wheels may be used by police officers on public beaches designated as public roadways for the purpose of enforcing the traffic laws of the state. All-terrain vehicles may also be used by the police to travel on public roadways within 5 miles of beach access only when getting to and from the beach.

(7) An all-terrain vehicle having four wheels may be used by law enforcement officers on public roads within public lands while in the course and scope of their duties.

(8)~~(6)~~ A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 46. *Short title.—Sections 3 through 15 of this act may be cited as the "Florida Off-Highway Vehicle Titling Act."*

Section 47. *Legislative intent.—It is the intent of the Legislature that all off-highway vehicles purchased after the effective date of this act and all off-highway vehicles operated on public lands be titled and issued a certificate of title to allow for easy determination of ownership.*

Section 48. *Definitions.—As used in sections 3 through 15, the term:*

(1) "ATV" means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and with no passenger.

(2) "Dealer" means any person authorized by the Department of Revenue to buy, sell, resell, or otherwise distribute off-highway vehicles. Such person must have a valid sales tax certificate of registration issued by the Department of Revenue and a valid commercial or occupational license required by any county, municipality, or political subdivision of the state in which the person operates.

(3) "Department" means the Department of Highway Safety and Motor Vehicles.

(4) "Florida resident" means a person who has had a principal place of domicile in this state for a period of more than 6 consecutive months, who has registered to vote in this state, who has made a statement of domicile pursuant to section 222.17, Florida Statutes, or who has filed for homestead tax exemption on property in this state.

(5) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

(6) "Off-highway vehicle" means any ATV or OHM that is used off the roads or highways of this state for recreational purposes and that is not registered and licensed for highway use pursuant to chapter 320, Florida Statutes.

(7) "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle, including a person entitled to the use or possession of an off-highway vehicle subject to an interest held by another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(8) "Public lands" means lands within the state that are available for public use and that are owned, operated, or managed by a federal, state, county, or municipal governmental entity.

Section 49. *Administration of off-highway vehicle titling laws; records.—*

(1) The administration of off-highway vehicle titling laws in sections 3 through 15 is under the Department of Highway Safety and Motor Vehicles, which shall provide for the issuing, handling, and recording of all off-highway vehicle titling applications and certificates, including the receipt and accounting of off-highway vehicle titling fees.

(2) The department shall keep records and perform other clerical duties pertaining to off-highway vehicle titling as required.

Section 50. *Rules, forms, and notices.—*

(1) The department may adopt rules pursuant to sections 120.536(1) and 120.54, Florida Statutes, which pertain to off-highway vehicle titling, in order to implement the provisions of sections 3 through 15 conferring duties upon it.

(2) The department shall prescribe and provide suitable forms for applications and other notices and forms necessary to administer the provisions of sections 3 through 15.

Section 51. *Certificate of title required.—*

(1) Any off-highway vehicle that is purchased by a resident of this state after the effective date of this act or that is owned by a resident and is operated on the public lands of this state must be titled pursuant to sections 3 through 15.

(2) A person may not sell, assign, or transfer an off-highway vehicle titled by the state without delivering to the purchaser or transferee a valid certificate of title with an assignment on it showing the transfer of title to the purchaser or transferee. A person may not purchase or otherwise acquire an off-highway vehicle required to be titled without obtaining a certificate of title for the vehicle in his or her name. The purchaser or transferee shall, within 30 days after a change in off-highway vehicle ownership, file an application for a title transfer with the county tax collector. An additional $10 fee shall be charged against a purchaser or transferee who files a title transfer application after the 30-day period. The county tax collector may retain $5 of the additional amount.

(3) A certificate of title is prima facie evidence of the ownership of the off-highway vehicle and is good for the life of the off-highway vehicle so long as the certificate is owned or held by the legal holder. If a titled off-highway vehicle is destroyed or abandoned, the owner, with the consent of any recorded lienholders, shall, within 30 days after the destruction or abandonment, surrender to the department all title documents for cancellation.

(4) The department shall provide labeled places on the title where the seller's price shall be indicated when an off-highway vehicle is sold and where a selling dealer shall record his or her valid sales tax certificate of registration number.

(5)(a) There shall be a service charge of $4.25 for each application that is handled in connection with the issuance, duplication, or transfer of any certificate of title. There shall be a service charge of $1.25 for each application that is handled in connection with the recording or notation of a lien on an off-highway vehicle that is not in connection with the purchase of such vehicle.

(b) The service charges specified in paragraph (a) shall be collected by the department on any application handled directly from its office. Otherwise, these service charges shall be collected and retained by the tax collector who handles the application.

(c) In addition to the fees provided in paragraph (a), any tax collector may impose an additional service charge of not more than 50 cents on any transaction specified in paragraph (a) when such transaction occurs at any tax collector's branch office.

Section 52. *Application for and issuance of certificate of title.—*

(1) The owner of an off-highway vehicle that is required to be titled must apply to the county tax collector for a certificate of title. The application must include the true name of the owner, the residence or business address of the owner, and a complete description of the off-highway vehicle. The application must be signed by the owner and must be accompanied by a fee of $29.

(2) The owner must establish proof of ownership by submitting with the application an executed bill of sale, a manufacturer's statement of origin, an affidavit of ownership for off-highway vehicles purchased before the effective date of this act, or any other document acceptable to the department.

(3) To apply for a certificate of title upon transfer of ownership of an off-highway vehicle, the new owner must surrender to the department the last title document issued for that vehicle. The document must be properly executed. Proper execution includes the previous owner's signature and certification that the off-highway vehicle to be transferred is debt-free or is subject to a lien. If a lien exists, the previous owner must furnish the new owner, on forms supplied by the department, the names and addresses of all lienholders and the dates of all liens, with a statement from each lienholder that the lienholder has knowledge of and consents to the transfer of title to the new owner.

(4) An application for an initial certificate of title or a title transfer must include payment of the applicable state sales tax or proof of payment of such tax, except for off-highway vehicles purchased or transferred before the effective date of this act.

(5) If the owner submits a complete application and complies with all other requirements of this section, the department shall issue a certificate of title that states that the title is for an off-highway vehicle that is not suitable for highway use. After October 1, 2003, the department shall also issue a copy of the guidebook prepared by the Department of Agriculture and Consumer Services pursuant to section 261.07, Florida Statutes.

Section 53. *Duplicate certificate of title.—*

(1) The department may issue a duplicate certificate of title upon application by the person entitled to hold such a certificate if the department is satisfied that the original certificate has been lost, destroyed, or mutilated. A fee of $15 shall be charged for issuing a duplicate certificate.

(2) In addition to the fee imposed by subsection (1), a fee of $7 shall be charged for expedited service in issuing a duplicate certificate of title. Application for such expedited service may be made by mail or in person. The department shall issue each certificate of title applied for under this subsection within 5 working days after receipt of a proper application or shall refund the additional $7 fee upon written request by the applicant.

(3) If, following the issuance of an original, duplicate, or corrected certificate of title by the department, the certificate is lost in transit and is not delivered to the addressee, the owner of the off-highway vehicle or the holder of a lien thereon may, within 180 days after the date of issuance of the certificate, apply to the department for reissuance of the certificate. An additional fee may not be charged for reissuance under this subsection.

(4) The department shall implement a system to verify that the application is signed by a person authorized to receive a duplicate certificate of title under this section if the address shown on the application is different from the address shown for the applicant on the records of the department.

Section 54. *Manufacturer's statement of origin to be furnished.—*

(1) Any person selling a new off-highway vehicle in this state must furnish a manufacturer's statement of origin to the purchaser. The statement, which must be in English or accompanied by an English translation if the vehicle was purchased outside the United States, must be signed and dated by an authorized representative of the manufacturer, indicate the complete name and address of the purchaser, include a complete description of the vehicle, and contain as many assignments as necessary to show title in the name of the purchaser.

(2) It is unlawful for an off-highway vehicle manufacturer, manufacturer's representative, or dealer to issue a manufacturer's certificate of origin describing an off-highway vehicle with the knowledge that the description is false or that the off-highway vehicle described does not exist. It is unlawful for any person to obtain or attempt to obtain a certificate of origin with the knowledge that the description is false or that the off-highway vehicle does not exist. Any person who violates this subsection commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

Section 55. *Disposition of fees.—The department shall deposit all funds received under sections 3 through 15, less administrative costs of $2 per title transaction, into the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services.*

Section 56. *Refusal to issue and authority to cancel a certificate of title.—*

(1) If the department finds that an applicant for an off-highway vehicle certificate of title has given a false statement or false or incomplete information in applying for the certificate or has otherwise failed to comply with the applicable provisions pertaining to the application for a certificate, it may refuse to issue the certificate.

(2) If the department finds that an owner or dealer named in an off-highway vehicle certificate of title has given a false statement or false or incomplete information in applying for the certificate or has otherwise failed to comply with the applicable provisions pertaining to the application for a certificate, it may cancel the certificate.

(3) The department may cancel any pending application or any certificate if it finds that any title fee or sales tax pertaining to such application or certificate has not been paid, unless the fee or tax is paid within a reasonable time after the department has given notice.

Section 57. *Crimes relating to certificates of title; penalties.—*

(1) It is unlawful for any person to procure or attempt to procure a certificate of title or duplicate certificate of title to an off-highway vehicle, or to pass or attempt to pass a certificate of title or duplicate certificate of title to an off-highway vehicle or any assignment thereof, if such person knows or has reason to believe that the vehicle has been stolen. Any person who violates this subsection commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(2) It is unlawful for any person, knowingly and with intent to defraud, to have in his or her possession, sell, offer to sell, counterfeit, or supply a blank, forged, fictitious, counterfeit, stolen, or fraudulently or unlawfully obtained certificate of title, duplicate certificate of title, bill of sale, or other indicia of ownership of an off-highway vehicle or to conspire

to do any of the foregoing. Any person who violates this subsection commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(3) It is unlawful to:

(a) Alter or forge any certificate of title to an off-highway vehicle or any assignment thereof or any cancellation of any lien on an off-highway vehicle.

(b) Retain or use such certificate, assignment, or cancellation knowing that it has been altered or forged.

(c) Use a false or fictitious name, give a false or fictitious address, or make any false statement in any application or affidavit required by sections 3 through 15 or in a bill of sale or sworn statement of ownership or otherwise commit a fraud in any application.

(d) Knowingly obtain goods, services, credit, or money by means of an invalid, duplicate, fictitious, forged, counterfeit, stolen, or unlawfully obtained certificate of title, bill of sale, or other indicia of ownership of an off-highway vehicle.

(e) Knowingly obtain goods, services, credit, or money by means of a certificate of title to an off-highway vehicle which certificate is required by law to be surrendered to the department.

Any person who violates this subsection commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes. A violation of this subsection with respect to any off-highway vehicle makes such off-highway vehicle contraband which may be seized by a law enforcement agency and forfeited under sections 932.701-932.704, Florida Statutes.

Section 58. *Nonmoving traffic violations.—Any person who fails to comply with any provision of sections 3 through 14 for which a penalty is not otherwise provided commits a nonmoving traffic violation, punishable as provided in section 318.18, Florida Statutes.*

Section 59. Section 375.313, Florida Statutes, is amended to read:

375.313 Commission powers and duties.—The commission shall:

(1) Regulate or prohibit, when necessary, the use of motor vehicles on the public lands of the state in order to prevent damage or destruction to said lands.

~~(2) Collect any registration fees imposed by section 375.315 and deposit said fees in the State Game Trust Fund. The revenue resulting from said registration shall be expended for the funding and administration of ss. 375.311-375.315.~~

(2)~~(3)~~ Adopt and promulgate such reasonable rules as deemed necessary to administer the provisions of ss. 375.311-375.315, except that, before any such rules are adopted, the commission shall obtain the consent and agreement, in writing, of the owner, in the case of privately owned lands, or the owner or primary custodian, in the case of publicly owned lands.

Section 60. *Section 375.315, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 1, after the second semicolon (;) insert: creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act; providing legislative findings and intent; providing definitions; creating the Off-Highway Vehicle Recreation Advisory Committee effective July 1, 2003; providing membership, duties, and responsibilities of the committee; providing functions, duties, and responsibilities of the Department of Agriculture and Consumer Services; requiring the department to review certain public lands and make a report to the Governor and the Legislature; providing rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing a penalty; providing for the use of designated off-highway vehicle funds within the Incidental Trust Fund of the Division of Forestry of the department; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; providing exceptions; creating the Florida Off-Highway Vehicle Titling Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; providing for fees; providing for disposition of fees; providing authority to refuse to issue and to cancel a certificate of title; providing crimes relating to certificates of title; providing penalties; providing noncriminal infractions; providing penalties; amending s. 375.313, F.S.; deleting fee collection responsibility of the Fish and Wildlife Conservation Commission for registration of off-road vehicles; repealing s. 375.315, F.S., relating to the registration of off-road vehicles by the commission;

Senator Geller moved the following amendment:

Amendment 11 (680982)(with title amendment)—On page 45, between lines 11 and 12, insert:

Section 44. Paragraph (g) of subsection (7) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)

(g)1. Notwithstanding any other provisions of this section, any separate legal entity created under this section, the membership of which is limited to municipalities and counties of the state, may acquire, own, construct, improve, operate, and manage public facilities*, or finance facilities on behalf of any person,* relating to a governmental function or purpose, including, but not limited to, wastewater facilities, water or alternative water supply facilities, and water reuse facilities, which may serve populations within or outside of the members of the entity. Notwithstanding s. 367.171(7), any separate legal entity created under this paragraph is not subject to commission jurisdiction and may not provide utility services within the service area of an existing utility system unless it has received the consent of the utility. The entity may finance or refinance the acquisition, construction, expansion, and improvement of *such facilities relating to a governmental function or purpose* ~~the public facility~~ through the issuance of its bonds, notes, or other obligations under this section *or as otherwise authorized by law*. The entity has all the powers provided by the interlocal agreement under which it is created or which are necessary to *finance,* own, operate, or manage the public facility, including, without limitation, the power to establish rates, charges, and fees for products or services provided by it, the power to levy special assessments, the power to sell *or finance* all or a portion of *such* ~~its~~ facility, and the power to contract with a public or private entity to manage and operate *such* ~~its~~ facilities or to provide or receive *facilities,* services*,* or products. Except as may be limited by the interlocal agreement under which the entity is created, all of the privileges, benefits, powers, and terms of s. 125.01, relating to counties, and s. 166.021, relating to municipalities, are fully applicable to the entity. However, neither the entity nor any of its members on behalf of the entity may exercise the power of eminent domain over the facilities or property of any existing water or wastewater plant utility system, nor may the entity acquire title to any water or wastewater plant utility facilities*, other facilities,* or property which was acquired by the use of eminent domain after the effective date of this act. Bonds, notes, and other obligations issued by the entity are issued on behalf of the public agencies that are members of the entity.

2. Any entity created under this section may also issue bond anticipation notes in connection with the authorization, issuance, and sale of bonds. The bonds may be issued as serial bonds or as term bonds or both. Any entity may issue capital appreciation bonds or variable rate bonds. Any bonds, notes, or other obligations must be authorized by resolution of the governing body of the entity and bear the date or dates; mature at the time or times, not exceeding 40 years from their respective dates; bear interest at the rate or rates; be payable at the time or times; be in the denomination; be in the form; carry the registration privileges; be executed in the manner; be payable from the sources and in the medium or payment and at the place; and be subject to the terms of redemption, including redemption prior to maturity, as the resolution may provide. If any officer whose signature, or a facsimile of whose signature, appears

on any bonds, notes, or other obligations ceases to be an officer before the delivery of the bonds, notes, or other obligations, the signature or facsimile is valid and sufficient for all purposes as if he or she had remained in office until the delivery. The bonds, notes, or other obligations may be sold at public or private sale for such price as the governing body of the entity shall determine. Pending preparation of the definitive bonds, the entity may issue interim certificates, which shall be exchanged for the definitive bonds. The bonds may be secured by a form of credit enhancement, if any, as the entity deems appropriate. The bonds may be secured by an indenture of trust or trust agreement. In addition, the governing body of the legal entity may delegate, to an officer, official, or agent of the legal entity as the governing body of the legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate of interest, which may be fixed or may vary at the time and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of the legal entity. However, the amount and maturity of the bonds, notes, or other obligations and the interest rate of the bonds, notes, or other obligations must be within the limits prescribed by the governing body of the legal entity and its resolution delegating to an officer, official, or agent the power to authorize the issuance and sale of the bonds, notes, or other obligations.

3. Bonds, notes, or other obligations issued under subparagraph 1. may be validated as provided in chapter 75. The complaint in any action to validate the bonds, notes, or other obligations must be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 must be published in Leon County and in each county that is a member of the entity issuing the bonds, notes, or other obligations, or in which a member of the entity is located, and the complaint and order of the circuit court must be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county that is a member of the entity issuing the bonds, notes, or other obligations or in which a member of the entity is located. Section 75.04(2) does not apply to a complaint for validation brought by the legal entity.

4. The accomplishment of the authorized purposes of a legal entity created under this paragraph is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. Since the legal entity will perform essential governmental functions in accomplishing its purposes, the legal entity is not required to pay any taxes or assessments of any kind whatsoever upon any property acquired or used by it for such purposes or upon any revenues at any time received by it. The bonds, notes, and other obligations of an entity, their transfer and the income therefrom, including any profits made on the sale thereof, are at all times free from taxation of any kind by the state or by any political subdivision or other agency or instrumentality thereof. The exemption granted in this subparagraph is not applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 1, after the second semicolon (;) insert: amending s. 163.01, F.S.; revising provisions with respect to the Florida Interlocal Cooperation Act of 1969; authorizing entities to finance certain facilities under the act;

POINT OF ORDER

Senator Latvala raised a point of order that pursuant to Rule 7.1 **Amendment 11** was not germane to the bill.

The President referred the point of order and the amendment to Senator Lee, Chairman of the Committee on Rules and Calendar.

Further consideration of **Amendment 11** with pending point of order was deferred.

Senator Laurent moved the following amendment which was adopted:

Amendment 12 (821488)(with title amendment)—On page 45, between lines 11 and 12, insert:

Section 44. Paragraph (a) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. *Each* ~~The~~ future land use *category* ~~plan~~ shall *be defined in terms of uses included, and shall* include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. ~~Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use.~~ The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. An amendment proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 1, after the second semicolon (;) insert: amending s. 163.3177, F.S.; revising requirements for future land use plans;

Senator Geller moved the following amendment which was adopted:

Amendment 13 (822514)(with title amendment)—On page 45, between lines 11 and 12, insert:

Section 44. *There is appropriated to the Department of Agriculture and Consumer Services from the General Inspection Trust Fund of the Division of Agricultural Environmental Services of the Department of Agriculture and Consumer Services, $10,000 to carry out the provisions of this act relating to the Pest Control Enforcement Advisory Council.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, delete line 1 and insert: farm building; providing an appropriation and one position; providing an appropriation;

POINT OF ORDER, DISPOSITION

The Senate resumed consideration of **Amendment 11 (680982)** with pending point of order. The point of order by Senator Latvala was withdrawn. Pending **Amendment 11** by Senator Geller was withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 2072** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1436—A bill to be entitled An act relating to insurance company representatives; providing legislative findings and intent; creating s. 626.015, F.S.; providing definitions; creating s. 626.025, F.S.; requiring insurance agents to comply with certain consumer protection laws; amending s. 626.171, F.S.; requiring the department to accept a uniform application for nonresident agent licensing; creating s. 626.175, F.S.; providing for Department of Insurance issuance of temporary licenses under certain circumstances; providing requirements and procedures; providing for fees; creating s. 626.207, F.S.; requiring the department to adopt rules establishing waiting periods for applicants for licensure under certain circumstances; authorizing the department to adopt rules providing for penalties for licensees under certain circumstances; amending s. 626.221, F.S.; exempting customer representatives and adjusters with certain designations, agents transferring their licenses from other states, and certain applicants for nonresident agent licensure from certain examination requirements under certain circumstances; amending s. 626.2815, F.S.; specifying additional continuing education requirements; creating s. 626.292, F.S.; providing requirements and procedures for certain agents licensed in other states to transfer their licenses to this state under certain circumstances; amending s. 626.301, F.S.; revising the form and content of licenses issued by the department; creating s. 626.536, F.S.; requiring agents to report to the department certain final dispositions of administrative actions taken against the agent; authorizing the department to adopt rules to implement the requirement; amending s. 626.551, F.S.; extending the time period allowed for licensees to notify the department of a change of address or name; providing for fines for failure to timely report such information to the department; creating ss. 626.7315, 626.7845, and 626.8305, F.S.; prohibiting engaging in specified general lines insurance activities, life insurance activities, or health insurance activities without a license; amending s. 626.732, F.S.; specifying additional requirements relating to knowledge, experience, or instruction for certain customer representatives and service representatives; specifying additional classroom and correspondence course instruction requirements; amending s. 626.738, F.S.; specifying cancellation of solicitor licenses and conversion to general lines insurance agent licenses; amending ss. 626.741, 626.792, and 626.835, F.S.; authorizing the department to issue a nonresident general lines agent, life agent, or health agent license to certain individuals under certain circumstances; authorizing the department to enter into reciprocal agreements with other states to waive certain examinations under certain circumstances; authorizing the department to verify the nonresident applicant's licensing status through a database; creating s. 626.7455, F.S.; prohibiting insurers from entering into agreements with unlicensed persons to manage certain business of the insurer; providing an exception; amending ss. 626.7851 and 626.8311, F.S.; specifying additional classroom and correspondence course instruction requirements; amending s. 626.852, F.S.; exempting from insurance adjusters provisions persons adjusting only multiple-peril crop insurance or crop hail claims; amending s. 626.902, F.S.; increasing a criminal penalty for representing an unauthorized insurer; providing a penalty for subsequent violations; amending ss. 624.11, 624.509, 626.094, 626.112, 626.321, 626.727, 626.729, 626.730, 626.7454, 626.779, 626.790, 626.8411, 626.927, 626.992, 629.401, and 648.27, F.S., to conform; amending s. 626.032, F.S., relating to a definition of administrative agent; amending ss. 624.311, 624.523, 624.507, 626.0428, 626.141, 626.112, 626.171, 626.221, 626.2815, 626.321, 626.451, 626.511, 626.521, 626.561, 626.601, 626.611, 626.621, 626.641, 626.651, 626.730, 626.745, 626.9541, 627.776, 631.155, 631.341, 634.318, 641.37, and 642.041, F.S., to conform; repealing ss. 624.505(2), 626.727(2), 626.737, 626.738, and 626.862(2), F.S., to conform; repealing ss. 626.031, 626.041, 626.051, 626.062, 626.071, 626.072, 626.081, 626.091, 626.094, 626.101, 626.102, 626.103, and 626.104, F.S., relating to definitions; repealing ss. 626.736, F.S., relating to solicitors; repealing s. 626.739, F.S., relating to certain temporary licenses; repealing s. 626.740, F.S., relating to certain temporary limited licenses; repealing ss. 626.790 and 626.791, F.S., relating to certain temporary licenses; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1436** to **CS for HB 1841**.

Pending further consideration of **CS for CS for SB 1436** as amended, on motion by Senator Posey, by two-thirds vote **CS for HB 1841** was withdrawn from the Committees on Banking and Insurance; and Appropriations.

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

CS for HB 1841—A bill to be entitled An act relating to insurance company representatives; providing legislative findings and intent; creating s. 626.015, F.S.; providing definitions; creating s. 626.025, F.S.; requiring insurance agents to comply with certain consumer protection laws; amending s. 626.171, F.S.; requiring the department to accept a uniform application for nonresident agent licensing; creating s. 626.175, F.S.; providing for Department of Insurance issuance of temporary licenses under certain circumstances; providing requirements and procedures; providing for fees; creating s. 626.207, F.S.; requiring the department to adopt rules establishing waiting periods for applicants for licensure under certain circumstances; authorizing the department to adopt rules providing for penalties for licensees under certain circumstances; amending s. 626.221, F.S.; exempting customer representatives and adjusters with certain designations, agents transferring their licenses from other states, and certain applicants for nonresident agent licensure from certain examination requirements under certain circumstances; amending s. 626.2815, F.S.; specifying additional continuing education requirements; creating s. 626.292, F.S.; providing requirements and procedures for certain agents licensed in other states to transfer their licenses to this state under certain circumstances; amending s. 626.301, F.S.; revising the form and content of licenses issued by the department; creating s. 626.536, F.S.; requiring agents to report to the department certain final dispositions of administrative actions taken against the agent; authorizing the department to adopt rules to implement the requirement; amending s. 626.551, F.S.; extending the time period allowed for licensees to notify the department of a change of address or name; providing for fines for failure to timely report such information to the department; creating ss. 626.7315, 626.7845, and 626.8305, F.S.; prohibiting engaging in specified general lines insurance activities, life insurance activities, or health insurance activities without a license; amending s. 626.732, F.S.; specifying additional requirements relating to knowledge, experience, or instruction for certain customer representatives and service representatives; specifying additional classroom and correspondence course instruction requirements; amending s. 626.738, F.S.; specifying cancellation of solicitor licenses and conversion to general lines insurance agent licenses; amending ss. 626.741, 626.792, and 626.835, F.S.; authorizing the department to issue a nonresident general lines agent, life agent, or health agent license to certain individuals under certain circumstances; authorizing the department to enter into reciprocal agreements with other states to waive certain examinations under certain circumstances; authorizing the department to verify the nonresident applicant's licensing status through a database; creating s. 626.7455, F.S.; prohibiting insurers from entering into agreements with unlicensed persons to manage certain business of the insurer; providing an exception; amending s. 626.785, F.S.; increasing a limitation on authorized final disposition or burial policies; amending ss. 626.7851 and 626.8311, F.S.; specifying additional classroom and correspondence course instruction requirements; amending s. 626.852, F.S.; exempting from insurance adjusters provisions persons adjusting only multiple-peril crop insurance or crop hail claims; amending s. 626.902, F.S.; increasing a criminal penalty for representing an unauthorized insurer; providing a penalty for subsequent violations; amending ss. 624.11, 624.509, 626.094, 626.112, 626.321, 626.727, 626.729, 626.730,

626.7454, 626.779, 626.790, 626.8411, 626.927, 626.992, 629.401, and 648.27, F.S., to conform; amending s. 626.032, F.S., relating to a definition of administrative agent; amending ss. 624.311, 624.523, 624.507, 626.0428, 626.141, 626.112, 626.171, 626.221, 626.2815, 626.321, 626.451, 626.511, 626.521, 626.561, 626.601, 626.611, 626.621, 626.641, 626.651, 626.730, 626.745, 626.9541, 627.776, 631.155, 631.341, 634.318, 641.37, and 642.041, F.S., to conform; repealing ss. 624.505(2), 626.727(2), 626.737, 626.738, and 626.862(2), F.S., to conform; repealing ss. 626.031, 626.041, 626.051, 626.062, 626.071, 626.072, 626.081, 626.091, 626.094, 626.101, 626.102, 626.103, and 626.104, F.S., relating to definitions; repealing ss. 626.736, 626.737, and 626.738, F.S., relating to solicitors; repealing s. 626.739, F.S., relating to certain temporary licenses; repealing s. 626.740, F.S., relating to certain temporary limited licenses; repealing ss. 626.790 and 626.791, F.S., relating to certain temporary licenses; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1436** as amended and by two-thirds vote read the second time by title. On motion by Senator Posey, by two-thirds vote **CS for HB 1841** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

CS for SB 398—A bill to be entitled An act relating to self-insurers; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending s. 440.51, F.S.; eliminating provisions authorizing the Department of Insurance to require that self-insurers make certain reports; eliminating provisions authorizing certain audits; transferring the powers, duties, functions, rules, records, and property relating to the regulation of individual, self-insured employers by the Department of Labor and Employment Security to the Department of Insurance; providing an appropriation; eliminating specified positions; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 398** to **CS for CS for HB 319**.

Pending further consideration of **CS for SB 398** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 319** was withdrawn from the Committees on Banking and Insurance; and Appropriations.

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

CS for CS for HB 319—A bill to be entitled An act relating to self-insurers; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurers Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the department; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.51, F.S.; eliminating provisions authorizing the Department of Insurance to require that self-insurers make certain reports; eliminating provisions authorizing certain audits; transferring the powers, duties, functions, rules, records, and property relating to the regulation of individual, self-insured employers by the Department of Labor and Employment Security to the Department of Insurance; providing an appropriation; eliminating specified positions; providing an effective date.

—a companion measure, was substituted for **CS for SB 398** as amended and by two-thirds vote read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 319** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Sullivan

Vote after roll call:

Yea—Rossin

CS for SB's 1842, 1124 and 498—A bill to be entitled An act relating to elections; amending s. 106.011, F.S.; redefining the term "political committee"; redefining the term "communications media"; amending s. 106.07, F.S.; changing the fine for certain late-filed reports; amending s. 106.11, F.S.; authorizing the use of debit cards for campaigns; providing requirements; amending s. 106.12, F.S.; increasing the amount for petty cash expenditures; amending s. 106.141, F.S.; requiring the filing

officer to notify candidates before the date the final report is due; increasing the amount of surplus funds that certain successful candidates may contribute to an office account; amending s. 106.1437, F.S.; modifying reporting requirements for miscellaneous advertisements intended to influence public policy; prescribing penalties; amending s. 106.15, F.S.; expanding the prohibition on the use of state employees for campaign purposes during working hours to county, municipal, and district employees; amending s. 106.19, F.S.; conforming a statutory cross-reference; providing for severability; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1 (582286)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 106.011, Florida Statutes, is amended to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(1)*(a)* "Political committee" means*:*

1. A combination of two or more individuals, or a person other than an individual, *that, in an aggregate amount in excess of $500 during a single calendar year:*

a. Accepts contributions for the purpose of making contributions to any candidate, political committee, committee of continuous existence, or political party;

b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or

d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, committee of continuous existence, or political party. ~~the primary or incidental purpose of which is to support or oppose any candidate, issue, or political party, which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of $500; "political committee" also means~~

2. The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.

(b) Notwithstanding paragraph (a), the following entities are not considered political committees for purposes of this chapter:

1. Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04, national political parties, and the state and county executive committees of political parties regulated by chapter 103 ~~shall not be considered political committees for the purposes of this chapter~~.

2. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates*,* ~~are not political committees~~ if their political activities are limited to contributions to candidates, political parties, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities.

Section 2. Paragraph (b) of subsection (8) of section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.—

(8)

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be $50 per day for the first 3 days late and, thereafter, $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever if greater, for the period covered by the late report. *For reports required under s. 106.141(7), the fine is $50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.* Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee shall not be personally liable for such fine.

Section 3. Subsection (5) of section 106.08, Florida Statutes, is reenacted and amended to read:

106.08 Contributions; limitations on.—

(5)*(a)* A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, and political parties may not solicit contributions from ~~or make contributions to~~ any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) Candidates, political committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good. ~~However,~~ It is not a violation of this *paragraph* ~~subsection~~ for*:*

1. A candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person*;* ~~or for~~

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months*; or*~~.~~

3. A candidate *to* ~~may~~ purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

Section 4. Section 106.11, Florida Statutes, is amended to read:

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(1)*(a)* The campaign treasurer or deputy campaign treasurer of a candidate or political committee shall make expenditures from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of the candidate or political committee. The campaign account shall be separate from any personal or other account and shall be used only for the purpose of depositing contributions and making expenditures for the candidate or political committee.

(b) The checks for such account shall contain, as a minimum, the following information:

1.~~(a)~~ The statement "Campaign Account of __(name of candidate or political committee)__."

2.~~(b)~~ The account number and the name of the bank.

3.~~(c)~~ The exact amount of the expenditure.

4.~~(d)~~ The signature of the campaign treasurer or deputy treasurer.

5.~~(e)~~ The exact purpose for which the expenditure is authorized.

6.~~(f)~~ The name of the payee.

(2)(a) For purposes of this section, debit cards are considered bank checks, if:

1. Debit cards are obtained from the same bank that has been designated as the candidate's or political committee's primary campaign depository.

2. Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and state "Campaign Account of (name of candidate or political committee)."

3. No more than three debit cards are requested and issued.

4. Before a debit card is used, a list of all persons authorized to use the card is filed with the division.

5. All debit cards issued to a candidate's campaign or a political committee expire no later than midnight of the last day of the month of the general election.

6. The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.

7. All receipts for debit card transactions contain:

a. The last four digits of the debit card number.

b. The exact amount of the expenditure.

c. The name of the payee.

d. The signature of the campaign treasurer, deputy treasurer, or authorized user.

e. The exact purpose for which the expenditure is authorized.

Any information required by this subparagraph but not included on the debit card transaction receipt may be handwritten on, or attached to, the receipt by the authorized user before submission to the treasurer.

(b) Debit cards are not subject to the requirements of paragraph (1)(b).

(3)~~(2)~~ The campaign treasurer*,* ~~or~~ deputy treasurer*, or authorized user* who signs the check shall be responsible for the completeness and accuracy of the information on such check and for insuring that such expenditure is an authorized expenditure.

(4)~~(3)~~ No candidate, campaign manager, treasurer, deputy treasurer, or political committee or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any expenses, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the primary depository account of the candidate or political committee to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid. However, an expense may be incurred for the purchase of goods or services if there are sufficient funds on deposit in the primary depository account to pay the full amount of the incurred expense, to honor all checks drawn on such account, which checks are outstanding, and to meet all other expenses previously authorized but not yet paid, provided that payment for such goods or services is made upon final delivery and acceptance of the goods or services; and an expenditure from petty cash pursuant to the provisions of s. 106.12 may be authorized, if there is a sufficient amount of money in the petty cash fund to pay for such expenditure. Payment for credit card purchases shall be made pursuant to s. 106.125. Any expense incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter.

(5)~~(4)~~ A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

(a) Purchase "thank you" advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.

(b) Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.

(c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.

(d) Dispose of surplus funds as provided in s. 106.141.

Section 5. Subsection (3) of section 106.12, Florida Statutes, is amended to read:

106.12 Petty cash funds allowed.—

(3) The petty cash fund so provided shall be spent only in amounts less than *$100* ~~$30~~ and only for office supplies, transportation expenses, and other necessities. Petty cash shall not be used for the purchase of time, space, or services from communications media as defined in s. 106.011(13).

Section 6. Subsections (5) and (7) of section 106.141, Florida Statutes, are amended to read:

106.141 Disposition of surplus funds by candidates.—

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) *Twenty* ~~Ten~~ thousand dollars, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) Five thousand dollars, for a candidate for multicounty office.

(c) *Five* ~~Two~~ thousand ~~five hundred~~ dollars multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) *Two* ~~One~~ thousand *five hundred* dollars multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) Six thousand dollars, for a candidate for retention as a justice of the Supreme Court.

(f) Three thousand dollars, for a candidate for retention as a judge of a district court of appeal.

(g) One thousand five hundred dollars, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member, personal taxes payable on office account funds by the candidate or elected public official, or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this

subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(7)*(a)* Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

1.~~(a)~~ The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;

2.~~(b)~~ The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and

3.~~(c)~~ The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank in which the office account is located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07.

(b) The filing officer shall notify each candidate at least 14 days before the date the report is due.

(c) Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late *termination* reports.

Section 7. Subsection (3) of section 106.15, Florida Statutes, is amended to read:

106.15 Certain acts prohibited.—

(3) *A* ~~No~~ candidate *may not* ~~shall~~, in the furtherance of his or her candidacy for nomination or election to public office in any election, use the services of any *state, county, municipal, or district* officer or employee ~~of the state~~ during working hours.

Section 8. Subsection (1) of section 106.19, Florida Statutes, is amended to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(1) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate or political committee; or other person who knowingly and willfully:

(a) Accepts a contribution in excess of the limits prescribed by s. 106.08;

(b) Fails to report any contribution required to be reported by this chapter;

(c) Falsely reports or deliberately fails to include any information required by this chapter; or

(d) Makes or authorizes any expenditure in violation of *s. 106.11(4)* ~~s. 106.11(3)~~ or any other expenditure prohibited by this chapter;

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 10. This act shall take effect July 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; amending s. 106.011, F.S.; redefining the term "political committee"; amending s. 106.07, F.S.; changing the fine for certain late-filed reports; amending s. 106.08, F.S.; clarifying requirements for soliciting and accepting charitable contributions; reenacting a prohibition against indirect campaign contributions; amending s. 106.11, F.S.; authorizing the use of debit cards for campaigns; providing requirements; amending s. 106.12, F.S.; increasing the amount for petty cash expenditures; amending s. 106.141, F.S.; requiring the filing officer to notify candidates before the date the final report is due; increasing the amount of surplus funds that certain successful candidates may contribute to an office account; amending s. 106.15, F.S.; expanding the prohibition on the use of state employees for campaign purposes during working hours to county, municipal, and district employees; amending s. 106.19, F.S.; conforming a statutory cross-reference; providing for severability; providing an effective date.

On motion by Senator Lee, by two-thirds vote **CS for SB's 1842, 1124 and 498** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 1102—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; amending the definition of "eligible employee"; providing for an extension of time to transfer assets from the defined benefit plan in the event of market disruption; providing for acceptance of rollovers; requiring that the election be filed with the third-party administrator; amending the earnings rate for funds in the suspense account to be invested by the board; providing for spousal notification of designation of beneficiary; providing for spousal rollovers to an eligible retirement plan; providing authorization for statements under oath; amending s. 121.571, F.S., relating to contributions to participant accounts; providing for a penalty for late contributions; providing for an assessment equal to certain market losses; providing for calculating the assessment; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment:

Amendment 1 (805384)—On page 17, delete line 29 and insert: *considered late, unless, in the opinion of the division or the board, exceptional circumstances beyond an employer's control prevented remittance by the prescribed due date notwithstanding the employer's good-faith efforts to effect delivery. A waiver of delinquency by the division or the board may be granted an employer only one time each fiscal year. The employer shall be assessed a penalty of 1*

On motion by Senator Sanderson, further consideration of **CS for SB 1102** with pending **Amendment 1 (805384)** was deferred.

SB 1456—A bill to be entitled An act relating to affordable housing; amending s. 373.4141, F.S.; providing that processing of permit applications for affordable housing projects under pt. IV of ch. 373, F.S., relating to management and storage of surface waters, shall be expedited;

amending s. 380.0552, F.S.; providing for carryover of unused residential permit units from one year to a subsequent year in the Florida Keys Area; amending s. 420.507, F.S.; providing that projects for occupancy by commercial fishing workers and the homeless are eligible for the lowest interest rate mortgage loans under the State Apartment Incentive Loan Program; authorizing the Florida Housing Finance Corporation to establish subsidiary corporations for certain purposes and to conduct and fund certain demonstration programs and projects; amending s. 420.508, F.S.; authorizing the corporation to establish a procedure for evaluating and ranking applications for private activity bond allocation in connection with multifamily projects and to establish terms of mortgage loans; amending s. 420.5087, F.S.; providing that, until a specified date, a project located in a county that includes or has included an area of critical state concern for which the Legislature intends to provide affordable housing and that meets certain income criteria is eligible under the State Apartment Incentive Loan Program; amending s. 420.526, F.S.; revising requirements relating to funding priorities under the Predevelopment Loan Program; amending s. 420.527, F.S.; revising requirements relating to the application procedure under the program and to evaluation of applicants; amending s. 420.9075, F.S.; revising requirements for monitoring and determining tenant eligibility in connection with a local housing assistance plan under the State Housing Initiatives Partnership Program; revising requirements for determining the average area purchase price under such plans; exempting, until a specified date, a county or municipality that includes or has included an area of critical state concern for which the Legislature intends to provide affordable housing from certain tenant income requirements under such plans; revising requirements for the annual report to the corporation required under the program; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1456** to **CS for HB 547**.

Pending further consideration of **SB 1456** as amended, on motion by Senator Constantine, by two-thirds vote **CS for HB 547** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Constantine—

CS for HB 547—A bill to be entitled An act relating to affordable housing; amending s. 373.4141, F.S.; providing that processing of permit applications for affordable housing projects under pt. IV of ch. 373, F.S., relating to management and storage of surface waters, shall be expedited; amending s. 420.507, F.S.; authorizing all State Apartment Incentive Loans to be subject to contingent interest based upon available cash flow; providing that projects for occupancy by commercial fishing workers and the homeless are eligible for the lowest interest rate mortgage loans under the State Apartment Incentive Loan Program; authorizing the Florida Housing Finance Corporation to establish subsidiary corporations for certain purposes and to conduct and fund certain demonstration programs and projects; amending s. 420.508, F.S.; authorizing the corporation to establish a procedure for evaluating and ranking applications for private activity bond allocation in connection with multifamily projects and to establish terms of mortgage loans; amending s. 420.5087, F.S.; providing that a project located in a county that includes or has included an area of critical state concern for which the Legislature intends to provide affordable housing and that meets certain income criteria is eligible under the State Apartment Incentive Loan Program; amending s. 420.526, F.S.; revising requirements relating to funding priorities under the Predevelopment Loan Program; amending s. 420.527, F.S.; revising requirements relating to the application procedure under the program and to evaluation of applicants; amending s. 420.9075, F.S.; revising requirements for monitoring and determining tenant eligibility in connection with a local housing assistance plan under the State Housing Initiatives Partnership Program; revising requirements for determining the average area purchase price under such plans; exempting a county or municipality that includes or has included an area of critical state concern for which the Legislature intends to provide affordable housing from certain tenant income requirements under such plans; revising requirements for the annual report to the corporation required under the program; providing an effective date.

—a companion measure, was substituted for **SB 1456** as amended and was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (954088)(with title amendment)—On page 9, line 28, after the period (.) insert: *The exemption created by this act expires on July 1, 2008.*

And the title is amended as follows:

On page 2, line 18, after the semicolon (;) insert: providing an expiration date;

Amendment 2 (542282)(with title amendment)—On page 6, line 3, after the period (.) insert: *This paragraph expires July 1, 2008.*

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: providing an expiration date;

On motion by Senator Constantine, by two-thirds vote **CS for HB 547** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 1478—A bill to be entitled An act relating to public records; amending s. 624.319, F.S.; exempting workpapers relating to examinations and investigations of insurers, certain organizations, adjusters, administrators, service organizations, and others from public records requirements; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1478** to **CS for HB 1355**.

Pending further consideration of **CS for SB 1478** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 1355** was withdrawn from the Committees on Banking and Insurance; and Governmental Oversight and Productivity.

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

CS for HB 1355—A bill to be entitled An act relating to public records; amending s. 624.319, F.S.; creating a public records exemption for workpapers prepared by the Department of Insurance, and workpapers and any other information received by the department from another governmental entity or the National Association of Insurance Commissioners, for the department's use in the performance of specified examination or investigation duties; providing exceptions to the exemption; providing for retroactive application of the exemption; providing for review and repeal of the exemption; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1478** as amended and by two-thirds vote read the second time by title. On motion by Senator Clary, by two-thirds vote **CS for HB 1355** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—18

Brown-Waite	Jones	Pruitt
Burt	King	Rossin
Clary	Lee	Sebesta
Constantine	Meek	Silver
Crist	Peaden	Sullivan
Diaz de la Portilla	Posey	Webster

Nays—12

Campbell	Klein	Mitchell
Dyer	Laurent	Saunders
Futch	Lawson	Smith
Garcia	Miller	Wasserman Schultz

Vote after roll call:

Yea—Sanderson, Villalobos

Yea to Nay—Jones, Meek, Silver

POINT OF ORDER

Senator Campbell raised a point of order that **CS for HB 1355** was not passed by the required constitutional votes.

The President referred the point of order to Senator Lee, Chairman of the Committee on Rules and Calendar.

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 598.

John B. Phelps, Clerk

CS for SB 598—A bill to be entitled An act relating to community mental health services; requiring that the Department of Children and Family Services use certain funds to expand the provision of crisis services and community mental health services; requiring that new funds for crisis services or community mental health services be appropriated in a lump-sum category; requiring that the spending plan include a schedule for phasing in new community mental health services; requiring the department to submit reports concerning its progress toward expanding community mental health services; requiring that certain crisis services and mental health services be provided by the state's community mental health system by specified dates to the extent of available appropriations; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Peaden, the Senate reconsidered the vote by which **CS for SB 598** passed February 27.

Pending further consideration of **CS for SB 598**, on motion by Senator Peaden, by two-thirds vote **CS for HB 751** was withdrawn from the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for HB 751—A bill to be entitled An act relating to community mental health services; requiring that the Department of Children and Family Services use certain funds to expand the provision of crisis services and community mental health services; requiring the Department of Children and Family Services in collaboration with the Agency for Health Care Administration to develop estimates of the need for mental health services; requiring estimates to be submitted annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that new funds for crisis services or community mental health services be appropriated in a lump-sum category; requiring a spending plan to be submitted to the Governor; requiring that the spending plan include a schedule for phasing in new community mental health services; requiring the department to submit reports concerning its progress toward expanding community mental health services; requiring that certain crisis services and mental health services be provided by the state's community mental health system by specified dates to the extent of available appropriations; providing an effective date.

—a companion measure, was substituted for **CS for SB 598** and by two-thirds vote read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for HB 751** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Rossin, Wise

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 432—A bill to be entitled An act relating to insurance; amending s. 624.430, F.S.; providing for the department to approve insurer withdrawals upon certain conditions being satisfied; providing for the dissolution of a domestic property and casualty insurer upon approval of the surrender of the certificate of authority; granting the department rulemaking authority; amending s. 626.9541, F.S.; conforming cross-references; amending s. 631.001, F.S.; revising construction and purpose provisions; amending s. 631.011, F.S.; providing additional definitions; revising definitions; creating s. 631.015, F.S.; providing for reciprocity; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; conforming a cross-reference; creating s. 631.042, F.S.; limiting application of certain time restrictions; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; authorizing the Department of Insurance to exercise certain third-party rights; providing an exception; amending s. 631.154, F.S.; including certain assets within provisions authorizing a receiver to take certain actions; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department; providing department powers; authorizing the department to provide certain information in such investigations; requiring a receivership court to order expedited discovery under certain circumstances; providing penalties; creating s. 631.157, F.S.; providing for civil actions by receivers; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; creating s. 631.1571, F.S.; providing that persons serving as officers or directors of insolvent insurers may not thereafter serve as officers or directors of insurers authorized in this state; providing time restrictions; creating s. 631.3915, F.S.; authorizing the department to pursue actions for damages or recoveries; amending s. 631.54, F.S.; redefining the term "covered claim"; amending s. 631.57, F.S.; vesting the Florida Insurance Guaranty Association with the defenses of certain insolvent insurers; amending s. 631.904, F.S.; redefining the term "covered claim"; creating s. 817.2341, F.S.; specifying certain activities relating to false or misleading financial statements or supporting documents as criminal offenses; providing penalties; repealing s. 624.3101, F.S., relating to false or misleading financial statements or supporting documents; providing an effective date.

—was read the second time by title.

Senator Klein moved the following amendment which was adopted:

Amendment 1 (312906)—On page 3, line 30, after the period (.) insert: *The department shall, within 45 days from receipt of a complete notice and all required or requested additional information, approve, disapprove, or approve with conditions the plan submitted by the insurer. Failure to timely take action with respect to the notice shall be deemed an approval of the surrender of the certificate of authority.*

Senator Burt moved the following amendment which was adopted:

Amendment 2 (880326)(with title amendment)—On page 22, lines 6-14, delete those lines and insert:

Section 13. Section 624.4073, Florida Statutes, is created to read:

624.4073 Officers and directors of insolvent insurers.—Any person who was an officer or director of an insurer doing business in this state and who served in that capacity within the 2-year period prior to the date the insurer became insolvent, for any insolvency that occurs on or after July 1, 2002, may not thereafter serve as an officer or director of an insurer authorized in this state unless the officer or director demonstrates that his or her personal actions or omissions were not a significant contributing cause to the insolvency.

And the title is amended as follows:

On page 2, lines 15-19, delete those lines and insert: creating s. 624.4073, F.S.; prohibiting a person who served as an officer or director of an insolvent insurer on or after a specified date from thereafter serving as an officer or director of an insurer authorized in this state; providing certain exceptions;

On motion by Senator Klein, by two-thirds vote **CS for CS for SB 432** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Rossin, Wise

CS for SB 1980—A bill to be entitled An act relating to children's health care; amending s. 624.91, F.S.; revising duties of the Florida Healthy Kids Corporation with respect to annual determination of participation in the Healthy Kids Program; prescribing duties of the corporation in establishing local match requirements; revising the composition of the board of directors; providing an effective date.

—was read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for SB 1980** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Rossin, Wise

CS for SB 1706—A bill to be entitled An act relating to public accountancy; creating s. 473.3125, F.S.; requiring the Board of Accountancy to require, by rule, licensees to undergo periodic peer review as a condition of license renewal; providing requirements for the rules governing peer review; providing immunity from liability for any action taken in good faith by a certified public accountant as a member of a review committee; providing immunity from liability for a certified public accountant or other individual who performs administrative services for a review committee in good faith, without malice, and on the basis of facts reasonably known to exist; amending s. 473.323, F.S.; authorizing the board to take disciplinary action against a licensee who fails to provide documentation of a satisfactory peer review; providing an effective date.

—was read the second time by title.

Senator Carlton moved the following amendments which were adopted:

Amendment 1 (682364)(with title amendment)—On page 1, lines 27-31, delete those lines and insert:

(1) The board shall require, by rule, each licensee performing audit services to undergo a peer review at least once every 3 years as a condition of license renewal. The peer review must be conducted in a manner prescribed by the board. A satisfactory result for a peer review means that the firm performing audit services has undergone the

And the title is amended as follows:

On page 1, lines 4-17, delete those lines and insert: Accountancy to require, by rule, licensees performing audit services to undergo periodic peer review as a condition of license renewal; providing requirements for the rules governing peer review; providing immunity from liability for any action taken in good faith by a certified public accountant as a member of a review committee; providing immunity from liability for a certified public accountant or other individual who performs administrative services for a review committee in good faith, without malice, and on the basis of facts reasonably known to exist; amending s. 473.323, F.S.; authorizing the board to take disciplinary action against a licensee performing audit services who

Amendment 2 (800450)—On page 3, delete line 19 and insert:

(n) Failure of a licensee performing audit services to provide to the board documentation of a

On motion by Senator Carlton, by two-thirds vote **CS for SB 1706** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Smith	Villalobos	Webster
Sullivan	Wasserman Schultz	Wise

Nays—None

Vote after roll call:

Yea—Rossin, Sanderson

CS for SB 648—A bill to be entitled An act relating to public records; creating an exemption from the requirements of s. 119.07(1), F.S., and Art. I, s. 24(a) of the State Constitution; providing that information that would identify a person or firm in peer-review records are confidential and exempt; creating an exemption from the requirements of s. 286.011, F.S., and Art. I, s. 24(b) of the State Constitution; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title. On motion by Senator Garcia, by two-thirds vote **CS for SB 648** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brown-Waite	Garcia	Posey
Burt	Geller	Pruitt
Campbell	Jones	Sanderson
Carlton	King	Saunders
Clary	Klein	Sebesta
Cowin	Lawson	Silver
Crist	Lee	Sullivan
Diaz de la Portilla	Miller	Villalobos
Dyer	Mitchell	Wasserman Schultz
Futch	Peaden	Wise

Nays—4

Constantine	Meek	Smith
Laurent		

Vote after roll call:

Yea—Rossin

CS for SB 1480—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; creating a public records exemption for bank account numbers, debit, charge, and credit card numbers, medical records, and personal identifying information contained in personal financial and health records held by the Department of Insurance; providing for exceptions to the exemption; providing for retroactive application; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1480** to **CS for HB 1767**.

Pending further consideration of **CS for SB 1480** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 1767** was withdrawn from the Committees on Banking and Insurance; and Appropriations.

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

CS for HB 1767—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; creating a public records exemption for bank account numbers, debit, charge, and credit card numbers and personal financial and health information held by the Department of Insurance; providing for exceptions to the exemption; providing for retroactive application; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1480** as amended and by two-thirds vote read the second time by title. On motion by Senator Clary, by two-thirds vote **CS for HB 1767** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Carlton	King	Saunders
Clary	Lawson	Sebesta
Cowin	Lee	Silver
Crist	Meek	Smith
Diaz de la Portilla	Miller	Sullivan
Dyer	Mitchell	Villalobos
Futch	Peaden	Wasserman Schultz
Garcia	Posey	Webster
Geller	Pruitt	Wise
Jones	Sanderson	

Nays—4

Brown-Waite	Constantine	Laurent
Campbell		

Vote after roll call:

Yea—Rossin

POINT OF ORDER, DISPOSITION

On motion by Senator Campbell, the pending point of order on **CS for HB 1355** was withdrawn.

Consideration of **CS for CS for SB 370** and **CS for SB 102** was deferred.

CS for CS for SB 76—A bill to be entitled An act relating to the Sheriff of St. Lucie County; providing for the relief of William Hennelly and Anne Hennelly; authorizing and directing the St. Lucie County Sheriff's Office to compensate them for personal injuries they suffered due to the negligence of employees of the sheriff's office; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **CS for CS for SB 76** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Burt	Geller	Posey
Campbell	Jones	Pruitt
Carlton	Klein	Sanderson
Clary	Latvala	Saunders
Constantine	Laurent	Sebesta
Cowin	Lawson	Silver
Crist	Lee	Smith
Diaz de la Portilla	Meek	Sullivan
Dyer	Miller	Villalobos
Futch	Mitchell	Wasserman Schultz
Garcia	Peaden	

Nays—3

King	Webster	Wise

Vote after roll call:

Yea—Rossin

CS for SB 102—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; revising definitions; amending s. 163.355, F.S., providing additional criteria for a finding of necessity for community redevelopment; amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas; providing for the membership of the board of commissioners of the community redevelopment agency; amending s. 163.361, F.S.; requiring the appropriate governing body to hold public hearings and provide notice to taxing authorities concerning modifications of community redevelopment plans;

amending s. 163.362, F.S.; providing a deadline for completing projects in a community redevelopment plan; amending s. 163.385, F.S.; revising provisions relating to issuance and maturation of refunding bonds; amending s. 163.387, F.S.; providing time limitations on the annual appropriation made by each taxing authority after the initial community redevelopment plan has been approved; providing that certain special districts are exempt from providing tax-increment dollars to the community redevelopment trust fund; amending s. 163.410, F.S.; providing that the governing body of a charter county must act on a delegation-of-powers request within a specific timeframe; providing for applicability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 102** to **CS for HB 1341**.

Pending further consideration of **CS for SB 102** as amended, on motion by Senator Constantine, by two-thirds vote **CS for HB 1341** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Appropriations.

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

CS for HB 1341—A bill to be entitled An act relating to community redevelopment; amending s. 163.336; F.S.; extending the date for a pilot project; amending s. 163.340, F.S.; revising definitions; amending s. 163.355, F.S.; providing additional criteria for a finding of necessity for community redevelopment; amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas; providing for the membership of the board of commissioners of the community redevelopment agency; amending s. 163.361, F.S.; requiring the appropriate governing body to hold public hearings and provide notice to taxing authorities concerning modifications of community redevelopment plans; amending s. 163.362, F.S.; providing a deadline for completing projects in a community redevelopment plan; amending s. 163.385, F.S.; revising provisions relating to issuance and maturation of refunding bonds; amending s. 163.387, F.S.; providing time limitations on the annual appropriation made by each taxing authority after the initial community redevelopment plan has been approved; providing that certain special districts are exempt from providing tax increment dollars to the community redevelopment trust fund; revising provisions for exemption from funding of the trust fund; amending s. 163.410, F.S.; providing that the governing body of a charter county must act on a delegation-of-powers request within a specific timeframe; providing for applicability; amending s. 288.106, F.S.; redefining the term "local financial support exemption option" with respect to the tax refund program; amending s. 288.107, F.S.; revising the criteria for participation in the bonus refund program; revising the formula for calculating the refund; providing an effective date.

—a companion measure, was substituted for **CS for SB 102** as amended and by two-thirds vote read the second time by title. On motion by Senator Constantine, by two-thirds vote **CS for HB 1341** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Campbell

Vote after roll call:

Yea—Rossin

CS for SB 1208—A bill to be entitled An act prescribing death benefits for dependents and beneficiaries of a law enforcement, correctional, or correctional probation officer or firefighter; amending ss. 112.19, 112.191, F.S.; increasing specified death benefits; providing for periodic adjustments to the amount of such benefits; providing for the state to waive specified vocational-technical, undergraduate, and postgraduate educational expenses for spouses and children at certain public educational institutions under specified circumstances; declaring the Legislature's intent that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1208** to **CS for HB 1357**.

Pending further consideration of **CS for SB 1208** as amended, on motion by Senator Geller, by two-thirds vote **CS for HB 1357** was withdrawn from the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Education; and Appropriations.

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

CS for HB 1357—A bill to be entitled An act prescribing death benefits for dependents and beneficiaries of a law enforcement, correctional, or correctional probation officer or firefighter; amending ss. 112.19, 112.191, F.S.; increasing specified death benefits; providing for periodic adjustments to the amount of such benefits; providing for the state to waive specified educational expenses for spouses and children at certain public educational institutions under specified circumstances; declaring that the act fulfills an important state interest; providing an effective date.

—a companion measure, was substituted for **CS for SB 1208** as amended and read the second time by title. On motion by Senator Geller, by two-thirds vote **CS for HB 1357** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

Consideration of **CS for SB 1584** and **CS for CS for SB 2340** was deferred.

CS for SB 480—A bill to be entitled An act relating to transportation; creating s. 339.141, F.S.; creating the Regional Transportation Act; providing purpose; creating the Regional Transportation Advisory Council; providing for membership, meetings, and staff support of the council; providing duties; requiring recommendation of regional and local transportation projects; providing criteria and procedures for approval of Regional Transportation Grant projects and Local Transportation Manage-

ment Grant projects; providing for approval by the Legislature; providing for funding; providing for allocation of funds from the State Transportation Trust Fund; limiting application of certain requirements; creating s. 339.142, F.S.; providing for designation as a regional transportation corridor; providing a definition; designating certain infrastructure as such corridors; authorizing the council to designate such corridors; creating s. 339.143, F.S.; creating the Regional Transportation Grant program; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; creating s. 339.144, F.S.; creating the Local Transportation Management Grant program; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; amending s. 339.08, F.S.; revising provisions relating to use of moneys in the State Transportation Trust Fund; conforming references; amending s. 339.1371, F.S.; eliminating provisions for funding the Transportation Outreach Program; amending s. 215.211, F.S.; providing for use of certain proceeds to fund projects selected under the act; repealing s. 339.137, F.S., relating to the Transportation Outreach Program; repealing s. 339.2817, F.S., relating to the County Incentive Grant Program; repealing s. 339.2818, F.S., relating to the Small County Outreach Program; providing an effective date.

—was read the second time by title.

Senator Sebesta moved the following amendment:

Amendment 1 (405274)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (14) is added to section 339.137, Florida Statutes, to read:

339.137 Transportation Outreach Program (TOP) supporting economic development; administration; definitions; eligible projects; Transportation Outreach Program (TOP) advisory council created; limitations; funding.—

(14) Notwithstanding this section, project applications may not be accepted by the department for fiscal year 2003-2004, new council members may not be selected until July 1, 2003, and funds designated for the Transportation Outreach Program for fiscal year 2003-2004, shall be allocated by the department to its districts in accordance with section 339.135(4).

Section 2. Subsections (2), (3), and (6), of section 339.2817, Florida Statutes, are amended to read:

339.2817 County Incentive Grant Program.—

(2) To be eligible for consideration, projects must be consistent *with applicable local government comprehensive plans and*, to the maximum extent feasible, with local metropolitan planning organization plans ~~and local government comprehensive plans~~.

(3) The department must consider, but is not limited to, the following criteria for evaluation of projects for County Incentive Grant Program assistance:

(a) The extent to which the project will encourage, enhance, or create economic benefits;

(b) The likelihood that assistance would enable the project to proceed at an earlier date than the project could otherwise proceed;

(c) The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;

(d) The extent to which the project uses new technologies, including intelligent transportation systems, which enhance the efficiency of the project;

(e) The extent to which the project helps to maintain or protect the environment; ~~and~~

(f) The extent to which the project includes transportation benefits for improving intermodalism and safety;~~.~~

(g) The extent to which the county has enacted local option fuel taxes and other dedicated local revenue sources or adopted the 1-percent infrastructure sales surtax or the small county surtax, with priority spending dedicated to transportation improvements; and

(h) The extent to which the project incorporates corridor management techniques, including access management strategies, right-of-way acquisition or protection measures, and appropriate zoning and setback controls.

(6) A municipality may apply to the county in which the municipality is located for consideration by the county for funding under this section of any project or project phase of a transportation facility which is located on the State Highway System or which is demonstrated to relieve congestion on the State Highway System. The county must evaluate all municipal applications as provided in subsection (3). *If the proposed project is determined by the county to meet the criteria in subsection (3), the county shall send the application to the department on behalf of the municipality. If the proposed project is approved by the department, the county may retain project oversight authority and responsibility for the project on behalf of the municipality.* If a municipality's proposed project is rejected by the county for funding under this section, or if the county's proposed project adversely affects a municipality within the county, the municipality may request mediation to resolve any concerns of the municipality and the county.

Section 3. *For fiscal years 2003-2004 and 2004-2005, the department shall allocate a maximum of $30 million to projects seeking County Incentive Grant Program grants and Small County Outreach Program grants. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program. For fiscal year 2005-2006 the department shall allocate a maximum of $4 million to projects seeking County Incentive Program Grants and Small County Outreach Program Grants. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program.*

Section 4. This act shall take effect July 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation grant programs; amending s. 339.137, F.S.; providing that applications may not be accepted by the department and council members may not be appointed in fiscal year 2003-2004; amending s. 339.2817; providing additional criteria that the department must consider when evaluating grant applications; authorizing counties to retain or delegate oversight with respect to certain projects under the County Incentive Grant Program; providing appropriations; providing an effective date.

Senators Wasserman Schultz and Carlton offered the following amendment to **Amendment 1** which was moved by Senator Wasserman Schultz and adopted:

Amendment 1A (281064)(with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. Paragraphs (a) and (d) of subsection (2) and subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a *two-thirds vote* ~~majority~~ of the members of the county governing authority *or pursuant to ordinance enacted by a majority of the members of the county governing authority*

and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax *or pursuant to ordinance enacted by a two-thirds vote of the members of the county governing authority*.

(d)1. The proceeds of the surtax authorized by this subsection *and approved by referendum* and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 75,000 that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011(1), and charter counties may, in addition, use the proceeds and any interest accrued thereto to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred for such refunding bonds prior to July 1, 1999, is ratified.

2. The proceeds of the surtax where the surtax is levied by a two-thirds vote of the governing body of the county and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county for infrastructure located within the urban service area that is identified in the local government comprehensive plan of the county or municipality and is identified in that local government's capital improvements element adopted pursuant to s. 163.3177(3) or that is identified in the school district's educational facilities plan adopted pursuant to s. 235.185.

3.~~2.~~ For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

4.~~3.~~ Notwithstanding any other provision of this subsection, a discretionary sales surtax imposed or extended after the effective date of this act may provide for an amount not to exceed 15 percent of the local option sales surtax proceeds to be allocated for deposit to a trust fund within the county's accounts created for the purpose of funding economic development projects of a general public purpose targeted to improve local economies, including the funding of operational costs and incentives related to such economic development. *If applicable,* the ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

. . . . FOR THE	. . . . CENTS TAX
. . . . AGAINST THE	. . . . CENTS TAX

(c) As an alternative method of levying the discretionary sales surtax, the district school board may levy, pursuant to resolution adopted by a two-thirds vote of the members of the school board, a discretionary sales surtax at a rate not to exceed 0.5 percent when the following conditions are met:

1. The district school board and local governments in the county where the school district is located have adopted an interlocal agreement and public educational facilities element as required by chapter 163;

2. The district school board has adopted a district educational facilities plan pursuant to s. 235.185; and

3. The district's use of surtax proceeds for new construction must not exceed the cost-per-student criteria established for the SIT Program in s. 235.216(2).

(d)~~(c)~~ The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.

(e)~~(d)~~ Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f)~~(e)~~ Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

And the title is amended as follows:

On page 4, line 12, after the semicolon (;) insert: amending s. 212.055, F.S.; providing for the levy of the infrastructure sales surtax and the school capital outlay surtax by a two-thirds vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; providing for the uses of the surtax proceeds;

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

Amendment 1B (743424)(with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. Section 341.8201, Florida Statutes, is created to read:

341.8201 Short title.—Sections 341.8201-341.843 may be cited as the "Florida High-Speed Rail Authority Act."

Section 2. Section 341.8202, Florida Statutes, is created to read:

341.8202 Legislative findings, policy, purpose, and intent.—

(1) The intent of this act is to implement the purpose of s. 19, Art. X of the State Constitution, which directs the Legislature, the Cabinet and the Governor to proceed with the development, either by the state or an approved private entity, of a high-speed monorail, fixed guideway, or magnetic levitation system, capable of speeds in excess of 120 miles per hour. The development of such a system, which will link Florida's five largest urban areas as defined in this act, includes acquisition of right-of-way and the financing of design and construction with construction beginning on or before November 1, 2003. Further, this act promotes the various growth management and environmental protection laws enacted by the Legislature and encourages and enhances the establishment of a high-speed rail system. The Legislature further finds that:

(a) The implementation of a high-speed rail system in the state will result in overall social and environmental benefits, improvements in ambient air quality, better protection of water quality, greater preservation of wildlife habitat, less use of open space, and enhanced conservation of natural resources and energy.

(b) A high-speed rail system, when developed in conjunction with sound land use planning, becomes an integral part in achieving growth management goals and encourages the use of public transportation to augment and implement land use and growth management goals and objectives.

(c) Development and utilization of a properly designed, constructed, and financed high-speed rail system and associated development can act as a catalyst for economic growth and development, mitigate unduly long and traffic-congested commutes for day-to-day commuters, create new employment opportunities, serve as a positive growth management system for building a better and more environmentally secure state, and serve a paramount public purpose by promoting the health, safety, and welfare of the citizens of the state.

(d) Transportation benefits of a high-speed rail system include improved travel times and more reliable travel, which will increase productivity and energy efficiency in the state.

(2) The Legislature further finds that:

(a) Access to timely and efficient modes of passenger transportation is necessary for travelers, visitors, and day-to-day commuters, to the quality of life in the state, and to the economy of the state.

(b) Technological advances in the state's transportation system can significantly and positively affect the ability of the state to attract and provide efficient services for domestic and international tourists and therefore increase revenue of the state.

(c) The geography of the state is suitable for the construction and efficient operation of a high-speed rail system.

(d) The public use of the high-speed rail system must be encouraged and assured in order to achieve the public purpose and objectives set forth in this act. In order to encourage the public use of the high-speed rail system and to protect the public investment in the system, it is necessary to provide an environment surrounding each high-speed rail station which will allow the development of associated development for the purpose of creating revenue in support of and for the high-speed rail system, enhance the safe movement of pedestrians and traffic into and out of the area, ensure the personal safety of high-speed rail system and related facility users and their personal property while the users are in the area of each station, and eliminate all conditions in the vicinity which constitute economic and social impediments and barriers to the use of the high-speed rail system and associated development.

(e) Areas surrounding certain proposed high-speed rail stations can, as a result of existing conditions, crime, and traffic congestion, pose a serious threat to the use of the high-speed rail system, reduce revenue from users, discourage pedestrian and traffic ingress and egress, retard sound growth and development, impair public investment, and consume an excessive amount of public revenues in the employment of police and other forms of public protection to adequately safeguard the high-speed rail system and its users. Such areas may require redevelopment, acquisition, clearance, or disposition, or joint public and private development to provide parking facilities, retail establishments, restaurants, hotels, or office facilities associated with or ancillary to the high-speed rail system and rail stations and to otherwise provide for an environment that will encourage the use of, and safeguard, the system.

(f) The powers conferred by this act are for public uses and purposes as established by s. 19, Art. X of the State Constitution for which public funds may be expended, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination to implement the intent of s. 19, Art. X of the State Constitution.

(g) Urban and social benefits include revitalization of economically depressed areas, the redirection of growth in a carefully and comprehensively planned manner, and the creation of numerous employment opportunities within inner-city areas.

(h) The provisions contained in this act are a declaration of legislative intent that the state develop a high-speed rail system to help solve transportation problems and eliminate their negative effect on the citizens of this state, and therefore serves a public purpose.

(i) Joint development is a necessary planning, financing, management, operation, and construction mechanism to ensure the continued future development of an efficient and economically viable high-speed rail system in this state.

(3) It is the intent of the Legislature to authorize the authority to implement innovative mechanisms required to effect the joint public-private venture approach to planning, locating, permitting, managing, financing, constructing, operating, and maintaining a high-speed rail system for the state, including providing incentives for revenue generation, operation, construction, and management by the private sector.

Section 3. Section 341.8203, Florida Statutes, is created to read:

341.8203 Definitions.—As used in this act, unless the context clearly indicates otherwise, the term:

(1) "Associated development" means property, equipment, buildings, or other ancillary facilities which are built, installed, or established to provide financing, funding, or revenues for the planning, building, managing, and operation of a high-speed rail system and which are associated with or part of the rail stations. The term includes property, including air rights, necessary for joint development, such as parking facilities, retail establishments, restaurants, hotels, offices, or other commercial, civic, residential, or support facilities, and may also include property necessary to protect or preserve the rail station area by reducing urban blight or traffic congestion or property necessary to accomplish any of the purposes set forth in this subsection which are reasonably anticipated or necessary.

(2) "Authority" means the Florida High-Speed Rail Authority and its agents.

(3) "Central Florida" means the counties of Lake, Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard, Hernando, Pasco, Hillsborough, Pinellas, and Polk.

(4) "DBOM contract" means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, and maintain a high-speed rail system.

(5) "DBOM & F contract" means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, maintain, and finance a high-speed rail system.

(6) "High-speed rail system" means any high-speed fixed guideway system for transporting people or goods, which system is capable of operating at speeds in excess of 120 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the authority. The term includes a corridor and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, stations, platforms, switches, yards, parking facilities, power relays, switching houses, rail stations, associated development, and any

other facilities or equipment used or useful for the purposes of high-speed rail system design, construction, operation, maintenance, or the financing of the high-speed rail system.

(7) "Joint development" means the planning, managing, financing, or constructing of projects adjacent to, functionally related to, or otherwise related to a high-speed rail system pursuant to agreements between any person, firm, corporation, association, organization, agency, or other entity, public or private.

(8) "Northeast Florida" means the counties of Nassau, Duval, Clay, St. Johns, Putnam, Alachua, Marion, and Flagler.

(9) "Northwest Florida" means the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon, Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee, Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford, and Levy.

(10) "Rail station," "station," or "high-speed rail station" means any structure or transportation facility that is part of a high-speed rail system designed to accommodate the movement of passengers from one mode of transportation to another at which passengers board or disembark from transportation conveyances and transfer from one mode of transportation to another.

(11) "Selected person or entity" means the person or entity to whom the authority awards a contract under s. 341.834 to establish a high-speed rail system pursuant to this act.

(12) "Southeast Florida" means the counties of Broward, Monroe, Miami-Dade, Indian River, St. Lucie, Martin, Okeechobee, and Palm Beach.

(13) "Southwest Florida" means the counties of Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte, Glades, Lee, Hendry, and Collier.

(14) "Urban areas" means Central Florida, Northeast Florida, Northwest Florida, Southeast Florida, and Southwest Florida.

Section 4. Section 341.821, Florida Statutes, is amended to read:

341.821 Florida High-Speed Rail Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Florida High-Speed Rail Authority," hereinafter referred to as the "authority."

(2)(a) The governing board of the authority shall consist of nine voting members appointed as follows:

1. Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.

2. Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.

3. Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.

(b) The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years. ~~Initial appointments must be made within 30 days after the effective date of this act.~~

(c) A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.

(d) The Secretary of Transportation shall be a nonvoting ex officio member of the board.

(e) The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.

(f) The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.

(3) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.

(4) The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

Section 5. Section 341.822, Florida Statutes, is amended to read:

341.822 Powers and duties.—

(1) The authority created and established by this act shall *locate,* plan, *design, finance, construct, maintain, own, operate,* administer, and manage the ~~preliminary engineering and preliminary environmental assessment of the intrastate~~ high-speed rail system in the state.~~, hereinafter referred to as "intrastate high-speed rail."~~

(2) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may *only* ~~not~~ incur debt *in accordance with levels authorized by the Legislature*.

(3) The authority shall have perpetual succession as a body politic and corporate.

(4) The authority is authorized to seek *and obtain* federal matching funds or any other funds to fulfill the requirements of this act *either directly or through the Department of Transportation*.

(5) The authority may employ an executive director~~, permanent or temporary,~~ as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

Section 6. Section 341.823, Florida Statutes, is amended to read:

341.823 Criteria for assessment and recommendations.—

(1) The following criteria shall apply *to the establishment of the high-speed rail system* ~~in developing the preliminary engineering, preliminary environmental assessment, and recommendations~~ required by this act:

(a) The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;

(b) The initial segments of the system will be developed and operated between *the* St. Petersburg *area*, *the* Tampa *area*, and *the* Orlando *area*, with future service to *the* Miami *area*;

(c) The authority is to develop a *program* ~~model~~ that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, *maintenance,* ~~and~~ operation*, and financing* of the system;

(2) The authority shall *establish requirements* ~~make recommendations~~ concerning:

(a) The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;

(b) The preferred routes between the cities *and urban areas* designated *in accordance with s. 341.8203* ~~in paragraph (1)(b)~~;

(c) The preferred locations for the stations in the cities *and urban areas* designated *in accordance with s. 341.8203* ~~in paragraph (1)(b)~~;

(d) The preferred locomotion technology to be employed ~~from constitutional choices of monorail, fixed guideway, or magnetic levitation~~; *and*

~~(e) Any changes that may be needed in state statutes or federal laws which would make the proposed system eligible for available federal funding; and~~

(e)~~(f)~~ Any other issues the authority deems relevant to the development of a high-speed rail system.

(3) The authority shall develop a marketing plan, a detailed planning-level ridership study, and an estimate of the annual operating and maintenance cost for the system and all other associate expenses.

~~(3) When preparing the operating plan, the authority shall include:~~

~~(a) The frequency of service between the cities designated in paragraph (1)(b);~~

~~(b) The proposed fare structure for passenger and freight service;~~

~~(c) Proposed trip times, system capacity, passenger accommodations, and amenities;~~

~~(d) Methods to ensure compliance with applicable environmental standards and regulations;~~

~~(e) A marketing plan, including strategies that can be employed to enhance the utilization of the system;~~

~~(f) A detailed planning-level ridership study;~~

~~(g) Consideration of nonfare revenues that may be derived from:~~

~~1. The sale of development rights at the stations;~~

~~2. License, franchise, and lease fees;~~

~~3. Sale of advertising space on the trains or in the stations; and~~

~~4. Any other potential sources deemed appropriate.~~

~~(h) An estimate of the total cost of the entire system, including, but not limited to, the costs to:~~

~~1. Design and build the stations and monorail, fixed guideway, or magnetic levitation system;~~

~~2. Acquire any necessary rights-of-way;~~

~~3. Purchase or lease rolling stock and other equipment necessary to build, operate, and maintain the system.~~

~~(i) An estimate of the annual operating and maintenance costs for the system and all other associated expenses.~~

~~(j) An estimate of the value of assets the state or its political subdivisions may provide as in-kind contributions for the system, including rights-of-way, engineering studies performed for previous high-speed rail initiatives, land for rail stations and necessary maintenance facilities, and any expenses that may be incurred by the state or its political subdivisions to accommodate the installation of the system.~~

~~(k) An estimate of the funding required per year from state funds for the next 30 years for operating the preferred routes between the cities designated in paragraph (1)(b).~~

~~Whenever applicable and appropriate, the authority will base estimates of projected costs, expenses, and revenues on documented expenditures or experience derived from similar projects.~~

Section 7. Section 341.824, Florida Statutes, is amended to read:

341.824 Technical, scientific, or other assistance.—

(1) The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.

(2) The Department of Community Affairs shall, if requested, provide assistance to local governments in analyzing the land use and comprehensive planning aspects of the high-speed rail system. The Department of Community Affairs shall assist the authority with the resolution of any conflicts between the system and adopted local comprehensive plans.

(3) The Department of Environmental Protection shall, if requested, provide assistance to local governments and other permitting agencies in analyzing the environmental aspects of the high-speed rail system. The Department of Environmental Protection shall assist the authority and the contractor in expediting the approval of the necessary environmental permits for the system.

Section 8. Section 341.827, Florida Statutes, is created to read:

341.827 Service areas; segment designation.—

(1) The authority shall determine in which order the service areas, as designated by the Legislature, will be served by the high-speed rail system.

(2) The authority shall plan and develop the high-speed rail system so that construction proceeds as follows:

(a) The initial segments of the system shall be developed and operated between the St. Petersburg area, the Tampa area, the Lakeland/Winter Haven area, and the Orlando area, with future service to the Miami area.

(b) Construction of subsequent segments of the high-speed rail system shall connect the metropolitan areas of Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft. Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft. Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala, Tallahassee, and Pensacola.

(c) Selection of segments of the high-speed rail system to be constructed subsequent to the initial segments of the system shall be prioritized by the authority, giving consideration to the demand for service, financial participation by local governments, financial participation by the private sector, and the available financial resources of the authority.

Section 9. Section 341.828, Florida Statutes, is created to read:

341.828 Permitting.—

(1) The authority, for the purposes of permitting, may utilize one or more permitting processes provided for in statute, including, but not limited to, the metropolitan planning organization long-range transportation planning process as defined in s. 339.175 (6) and (7), in conjunction with the Department of Transportation's work program process as defined in s. 339.135, or any permitting process now in effect or that may be in effect at the time of permitting and will provide the most timely and cost-effective permitting process.

(2) The authority shall work in cooperation with metropolitan planning organizations in areas where the high-speed rail system will be located. The metropolitan planning organizations shall cooperate with the authority and include the high-speed rail system alignment within their adopted long-range transportation plans and transportation improvement programs for the purposes of providing public information, consistency with the plans, and receipt of federal and state funds by the authority to support the high-speed rail system.

(3) For purposes of selecting a route alignment, the authority may use the project development and environment study process, including the

efficient transportation decisionmaking system process as adopted by the Department of Transportation.

Section 10. Section 341.829, Florida Statutes, is created to read:

341.829 Conflict prevention, mitigation, and resolution.—

(1) The authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, shall develop and implement, within 180 days after the effective date of this act, a process to prevent, mitigate, and resolve, to the maximum extent feasible, any conflicts or potential conflicts of a high-speed rail system with growth management requirements and environmental standards.

(2) Any person who disagrees with the alignment decision must file a complaint with the authority within 20 days after the authority's final adoption of the alignment.

(3) The authority must respond to any timely filed complaint within 60 days after the complaint is filed with the authority.

Section 11. Section 341.830, Florida Statutes, is created to read:

341.830 Procurement.—

(1) The authority may employ procurement methods under chapters 255, 287, and 337 and under any rule adopted under such chapters. To enhance the effective and efficient operation of the authority, and to enhance the ability of the authority to use best business practices, the authority may, pursuant to ss. 120.536(1) and 120.54, adopt rules for and employ procurement methods available to the private sector.

(2) The authority is authorized to procure commodities and the services of a qualified person or entity to design, build, finance, operate, maintain, and implement a high-speed rail system, including the use of a DBOM or DBOM & F method using a request for proposal, a request for qualifications, or an invitation to negotiate.

Section 12. Section 341.831, Florida Statutes, is created to read:

341.831 Prequalification.—

(1) The authority may prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system. The authority may establish qualifying criteria that may include, but not be limited to, experience, financial resources, organization and personnel, equipment, past record or history of the person or entity, ability to finance or issue bonds, and ability to post a construction or performance bond.

(2) The authority may establish the qualifying criteria in a request for qualification without adopting the qualifying criteria as rules.

Section 13. Section 341.832, Florida Statutes, is created to read:

341.832 Request for qualifications.—

(1) The authority is authorized to develop and execute a request for qualifications process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for qualifications. The authority shall develop criteria for selection of a person or entity that shall be included in any request for qualifications.

(2) The authority may issue a request for qualifications without adopting a rule.

Section 14. Section 341.833, Florida Statutes, is created to read:

341.833 Request for proposals.—

(1) The authority is authorized to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for proposals. The authority shall develop criteria for selection of a person or entity that shall be included in any request for proposals.

(2) In the request for proposals, the authority shall specify the minimum period of time for the contract duration. A person or entity may propose a longer period of time for the contract and provide justification of the need for an extended contract period. If the authority extends the time period for the contract, such time period shall be extended for all persons or entities if so requested.

Section 15. Section 341.834, Florida Statutes, is created to read:

341.834 Award of contract.—

(1) The authority may award a contract subject to such terms and conditions, including, but not limited to, compliance with any applicable permitting requirements, and any other terms and conditions the authority considers appropriate.

(2) The contract shall authorize the contractor to provide service between stations as established by the contract. The contractor shall coordinate its facilities and services with passenger rail providers, commuter rail authorities, and public transit providers to provide access to and from the high-speed rail system.

(3) The contractor shall not convey, lease, or otherwise transfer any high-speed rail system property, any interest in such property, or any improvement constructed upon such property without written approval of the authority.

Section 16. Section 341.835, Florida Statutes, is created to read:

341.835 Acquisition of property; rights-of-way; disposal of land.—

(1) The authority may purchase, lease, exchange, or otherwise acquire any land, property interests, or buildings or other improvements, including personal property within such buildings or on such lands, necessary to secure or utilize rights-of-way for existing, proposed, or anticipated high-speed rail system facilities.

(2) Title to any property acquired in the name of the authority shall be administered by the authority under such terms and conditions as the authority may require.

(3) When the authority acquires property for a high-speed rail system, or any related or ancillary facilities, by purchase or donation, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

(4) In acquiring property or property rights for any high-speed rail system or related or ancillary facilities, the authority may acquire an entire lot, block, or tract of land if the interests of the public will be best served by such acquisition, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper or for the specific related or ancillary facilities.

(5) The authority, by resolution, may dispose of any interest in property acquired pursuant to this section on terms and conditions the authority deems appropriate.

(6) The authority and its employees and agents shall have the right to enter upon properties which may be determined to be necessary for the construction, reconstruction, relocation, maintenance, and operation of a proposed high-speed rail system and associated development and related or ancillary facilities as described in subsection (1) for the purposes of surveying and soil and environmental testing.

(7) The authority is authorized to accept donations of real property from public or private entities for the purposes of implementing a high-speed rail system.

Section 17. Section 341.836, Florida Statutes, is created to read:

341.836 Associated development.—

(1) The authority, alone or as part of a joint development, may undertake development of associated developments to be a source of revenue for

the establishment, construction, operation, or maintenance of the high-speed rail system. Such associated developments must be associated with a rail station and have pedestrian ingress to and egress from the rail station; be consistent, to the extent feasible, with applicable local government comprehensive plans and local land development regulations; and otherwise be in compliance with the provisions of this act.

(2) This act does not prohibit the authority, the selected person or entity, or a party to a joint venture with the authority or its selected person or entity from obtaining approval, pursuant to any other law, for any associated development that is reasonably related to the high-speed rail system.

Section 18. Section 341.837, Florida Statutes, is created to read:

341.837 Payment of expenses.—All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act, or from other legally available sources.

Section 19. Section 341.838, Florida Statutes, is created to read:

341.838 Rates, rents, fees, and charges.—

(1) The authority is authorized to fix, revise, charge, and collect rates, rents, fees, charges, and revenues for the use of and for the services furnished, or to be furnished, by the system and to contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. Such rates, rents, fees, and charges shall be reviewed annually by the authority and may be adjusted as set forth in the contract setting such rates, rents, fees, or charges. The funds collected hereunder shall, with any other funds available, be used to pay the cost of all administrative expenses of the authority, and the cost of designing, building, operating, and maintaining the system and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for.

(2) Rates, rents, fees, and charges fixed, revised, charged, and collected pursuant to this section shall not be subject to supervision or regulation by any department, commission, board, body, bureau, or agency of this state other than the authority.

Section 20. Section 341.839, Florida Statutes, is created to read:

341.839 Alternate means.—The foregoing sections of this act shall be deemed to provide an additional and alternative method for accomplishing the purposes authorized therein, and shall be regarded as supplemental and additional to powers conferred by other laws. Except as otherwise expressly provided in this act, none of the powers granted to the authority under the provisions of this act shall be subject to the supervision or require the approval or consent of any municipality or political subdivision or any commission, board, body, bureau, or official.

Section 21. Section 341.840, Florida Statutes, is created to read:

341.840 Tax exemption.—The exercise of the powers granted by this act will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and as the design, building, operation, maintenance, and financing of a system by the authority or its agent or the owner or lessee thereof, as herein authorized, constitutes the performance of an essential public function, neither the authority, its agent, nor the owner of such system shall be required to pay any taxes or assessments upon or in respect to the system or any property acquired or used by the authority, its agent, or such owner under the provisions of this act or upon the income therefrom, any security therefor, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, the counties, and the municipalities and other political subdivisions in the state.

Section 22. Section 341.841, Florida Statutes, is created to read:

341.841 Report; audit.—The authority shall prepare an annual report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1. The authority shall provide for an annual financial audit, as defined in s. 11.45, of its accounts and records conducted by an independent certified public accountant. The audit report shall include a management letter as defined in s. 11.45. The cost of the audit shall be paid from funds available to the authority pursuant to this act.

Section 23. Section 341.842, Florida Statutes, is created to read:

341.842 Liberal construction.—This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

Section 24. Subsection (10) of section 288.109, Florida Statutes, is amended to read:

288.109 One-Stop Permitting System.—

(10) Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; *and* the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425~~; and the High Speed Rail Transportation Siting Act, ss. 341.3201-341.386~~.

Section 25. Subsection (6) of section 334.30, Florida Statutes, is amended to read:

334.30 Private transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(6) ~~Notwithstanding s. 341.327,~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.

Section 26. Subsection (9) of section 337.251, Florida Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(9) ~~Notwithstanding s. 341.327,~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under this section may operate at any safe speed.

Section 27. Section 341.501, Florida Statutes, is amended to read:

341.501 High-technology transportation systems; joint project agreement or assistance.—Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, private or public entities, or consortia thereof, to facilitate the research, development, and demonstration of high-technology transportation systems, including, but not limited to, systems using magnetic levitation technology. ~~The provisions of the Florida High-Speed Rail Transportation Act, ss. 341.3201-341.386, do not apply to actions taken under this section, and~~ The department may, subject to s. 339.135, provide funds to match any available federal aid for effectuating the research, development, and demonstration of high-technology transportation systems.

Section 28. *Sections 341.3201, 341.321, 341.322, 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331, 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337, 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365, 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465, 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364, 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375, 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 12, after the first semicolon (;) insert: creating the "Florida High-Speed Rail Authority Act"; creating s. 341.8201, F.S.; providing a short title; creating s. 341.8202, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, design, financing, construction, and operation of a high-speed rail system in the state; creating s. 341.8203, F.S.; providing definitions; amending s. 341.821, F.S., relating to the creation of the Florida High-Speed Rail Authority; removing obsolete provisions; amending s. 341.822, F.S.; revising and providing additional powers and duties of the authority; amending s. 341.823, F.S.; revising the criteria for assessment and recommendations with respect to the establishment of the high-speed rail system; requiring the authority to establish specified requirements; requiring the authority to develop a specified plan, study, and estimates; amending s. 341.824, F.S.; specifying types of technical, scientific, or other assistance to be provided by the Department of Community Affairs and the Department of Environmental Protection; creating s. 341.827, F.S.; providing for determination of service areas and the order of system segment construction; creating s. 341.828, F.S.; authorizing the authority to utilize existing permitting processes; requiring cooperation between the authority and metropolitan planning organizations; creating s. 341.829, F.S.; requiring the authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, to develop and implement a process to mitigate and resolve conflicts between the system and growth management requirements and environmental standards; providing time limits for the filing of and response to specified complaints; creating s. 341.830, F.S.; authorizing the authority to employ specified procurement methods; providing for the adoption of rules; authorizing the authority to procure commodities and services for the designing, building, financing, maintenance, operation, and implementation of a high-speed rail system; creating s. 341.831, F.S.; authorizing the authority to prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system; providing for the establishment of qualifying criteria; creating s. 341.832, F.S.; authorizing the authority to develop and execute a request for qualifications process; creating s. 341.833, F.S.; authorizing the authority to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system; creating s. 341.834, F.S.; providing for award of a conditional contract; providing contract requirements; prohibiting transfer of system property without written approval; creating s. 341.835, F.S.; authorizing the authority to purchase, lease, exchange, or acquire land, property, or buildings necessary to secure or utilize rights-of-way for high-speed rail system facilities; providing that the authority is not subject to specified liability; authorizing the authority and the Department of Environmental Protection to enter into certain interagency agreements; providing for the disposal of interest in property; authorizing agents and employees of the authority to enter upon certain property; authorizing the authority to accept donations of real property; creating s. 341.836, F.S.; authorizing the authority to undertake the development of associated developments; providing requirements of associated developments; creating s. 341.837, F.S.; providing for payment of expenses incurred in carrying out the act; creating s. 341.838, F.S.; authorizing the authority to fix, revise, charge, collect, and adjust rates, rents, fees, charges, and revenues, and to enter into contracts; providing for annual review by the authority of rates, rents, fees, and charges; providing for uses of revenues; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, approval, or consent; creating s. 341.840, F.S.; providing tax exemptions for property acquired or used by the authority or specified income; creating s. 341.841, F.S.; requiring the authority to prepare and submit a report; providing for an annual audit; creating s. 341.842, F.S.; providing construction of the act; amending s. 288.109, F.S.; removing a cross reference; amending s. 334.30, F.S.; removing a cross reference; amending s. 337.251, F.S.; removing a cross reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the "Florida High-Speed Rail Transportation Act"; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental review process of application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens' Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be conducted by local governments; repealing s. 341.348, F.S., relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings;

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

Amendment 1C (950176)(with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. Paragraph (a) of subsection (1) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties

authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(a) Each charter county which adopted a charter prior to *January 1, 1984* ~~June 1, 1976~~, and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 12, after the first semicolon (;) insert: amending s. 212.055, F.S.; removing a limitation on which charter counties may levy a charter county transit surtax;

Senators Silver, Villalobos and Garcia offered the following amendment to **Amendment 1** which was moved by Senator Silver and adopted:

Amendment 1D (091420)(with title amendment)—On page 3, between lines 21 and 22, insert:

Section 3. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended, and paragraph (k) is added to that subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. *Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.*

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the first semicolon (;) insert: amending s. 163.3187, F.S.; providing for plan amendment relating to certain roadways in specified counties under certain conditions;

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

Amendment 1E (054344)(with title amendment)—On page 4, between lines 1 and 2, insert:

Section 4. Chapter 261, Florida Statutes, consisting of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06, 261.07, 261.08, 261.09, 261.10, 261.11, and 261.12, Florida Statutes, is created to read:

261.01 Short title.—This chapter may be cited as the "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act."

261.02 Legislative findings and intent.—

(1) The Legislature finds that off-highway vehicles are becoming increasingly popular in this state and that the use of these vehicles should be controlled and managed to minimize negative effects on the environment, wildlife habitats, native wildlife, and native flora and fauna.

(2) The Legislature declares that effectively managed areas and adequate facilities for the use of off-highway vehicles are compatible with this state's overall recreation plan and the underlying goal of multiple use.

(3) It is the intent of the Legislature that:

(a) Existing off-highway vehicle recreational areas, facilities, and opportunities be improved and appropriately expanded and be managed in a manner consistent with this chapter, in particular to maintain natural resources and sustained long-term use of off-highway vehicle trails and areas.

(b) New off-highway vehicle recreational areas, facilities, and opportunities be provided and managed pursuant to this chapter in a manner that will sustain both long-term use and the environment.

(4) Nothing contained within this chapter shall be construed to require the construction or maintenance of off-highway vehicle recreation areas, facilities, or trails on public lands where such construction or maintenance would be inconsistent with the property's management objectives or land management plan.

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

(1) "Advisory committee" means the Off-Highway Vehicle Recreation Advisory Committee created by s. 261.04.

(2) "ATV" means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger.

(3) "Department" means the Department of Agriculture and Consumer Services.

(4) "Division" means the Division of Forestry of the Department of Agriculture and Consumer Services.

(5) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

(6) "Off-highway vehicle" means any ATV or OHM that is used off the roads or highways of this state for recreational purposes and that is not registered and licensed for highway use under chapter 320.

(7) "Program" means the Off-Highway Vehicle Recreation Program.

(8) "Public lands" means lands within the state that are available for public use and that are owned, operated, or managed by a federal, state, county, or municipal governmental entity.

(9) "System" means the off-highway vehicle recreation areas and trails on public lands within the state.

(10) "Trust fund" means the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services.

261.04 Off-Highway Vehicle Recreation Advisory Committee; members; appointment.—

(1) Effective July 1, 2003, the Off-Highway Vehicle Recreation Advisory Committee is created within the Division of Forestry and consists of nine members, all of whom are appointed by the Commissioner of Agriculture. The appointees shall include one representative of the Department of Agriculture and Consumer Services, one representative of the Department of Highway Safety and Motor Vehicles, one representative of the Department of Environmental Protection's Office of Greenways and Trails, one representative of the Fish and Wildlife Conservation Commission, one citizen with scientific expertise in disciplines relating to ecology, wildlife biology, or other environmental sciences, one representative of a licensed off-highway vehicle dealer, and three representatives of off-highway vehicle recreation groups. In making these appointments, the commissioner shall consider the places of residence of the members to ensure statewide representation.

(2) The term of office of each member of the advisory committee is 2 years. The members first appointed shall classify themselves by lot so that the terms of four members expire June 30, 2005, and the terms of five members expire June 30, 2006.

(3) In case of a vacancy on the advisory committee, the commissioner shall appoint a successor member for the unexpired portion of the term.

(4) The members shall elect a chair among themselves who shall serve for 1 year or until a successor is elected.

(5) The members of the advisory committee shall serve without compensation, but shall be reimbursed for travel and per diem expenses as provided in s. 112.061, while in the performance of their official duties.

261.05 Duties and responsibilities of the Off-Highway Vehicle Recreation Advisory Committee.—

(1) The advisory committee shall establish policies to guide the department regarding the Off-Highway Vehicle Recreation Program and the system of off-highway vehicle recreation areas and trails.

(2) The advisory committee shall make recommendations to the department regarding off-highway vehicle safety and training and education programs in the operation of such vehicles.

(3) The advisory committee must be informed regarding all governmental activities affecting the program.

(4) The advisory committee must be informed regarding off-highway vehicle impacts and effects on the environment, wildlife habitats, and native flora and fauna and shall make recommendations to avoid or minimize adverse environmental impacts and promote sustained long-term use.

(5) The advisory committee must be fully informed regarding the inventory of off-highway vehicle access and opportunities.

(6) The advisory committee shall meet at various times and locations throughout the state to receive public comments on the implementation of the program and shall take these public comments into consideration when making its recommendations.

(7) The advisory committee shall review and make recommendations annually regarding the department's proposed budget of expenditures from the designated off-highway vehicle funds in the trust fund, which may include providing funds to match grant funds available from other sources.

(8) The advisory committee shall make recommendations regarding all capital outlay expenditures from the trust fund proposed for inclusion in the budget and shall identify additional funding sources for management, enforcement, education, rehabilitation, and other duties of the land management agencies related to the system.

(9) The advisory committee shall review grant applications submitted by any governmental agency or entity or nongovernmental entity requesting moneys from the trust fund to create, operate, manage, or improve off-highway vehicle recreation areas or trails within the state, protect and restore affected natural areas in the system, or provide off-highway vehicle driver education. The advisory committee shall recommend to the department approval or denial of such grant applications based upon criteria established by the advisory committee.

261.06 Functions, duties, and responsibilities of the department.—The following are functions, duties, and responsibilities of the department through the division:

(1) Coordination of the planning, development, conservation, and rehabilitation of state lands in and for the system.

(2) Coordination of the management, maintenance, administration, and operation of state lands in the system and the provision of law enforcement and appropriate public safety activities.

(3) Management of the trust fund and approval of the advisory committee's budget recommendations.

(4) Implementation of the program, including the ultimate approval of grant applications submitted by governmental agencies or entities or nongovernmental entities.

(5) Coordination to help ensure compliance with environmental laws and regulations of the program and lands in the system.

(6) Implementation of the policies established by the advisory committee.

(7) Provision of staff assistance to the advisory committee.

(8) Preparation of plans for lands in, or proposed to be included in, the system.

(9) Conducting surveys and the preparation of studies as are necessary or desirable for implementing the program.

(10) Recruitment and utilization of volunteers to further the program.

(11) Rulemaking authority to implement the provisions of ss. 261.01-261.10.

(12) In consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, the environmental community, and the off-highway vehicle industry and user groups, review of the inventory of public lands to determine the feasibility of providing public access for off-highway vehicle recreation and trails. The department shall provide a report to the Governor and the presiding officers of the Legislature by January 1, 2003. The report must include at least two appropriate locations for public access for off-highway vehicle recreational use and the applicable cost of providing each facility. The cost section of the report shall fully explain the fiscal approach of renovating, maintaining, and operating each site and include a recommended fee structure to support the ongoing maintenance and operation of the program. The report shall also include the benefits and risks of offering each site for off-highway vehicle recreational use. The recommendations contained within the report shall be implemented to the extent enacted or appropriated by the Legislature. This subsection shall expire July 1, 2003.

261.07 Publication and distribution of guidebook; contents.—In consultation with the advisory committee, the department shall publish a guidebook that includes the text of this chapter, other laws and regulations relating to the program, and maps of areas and trails of the system. The guidebook may include other public areas, trails, and facilities for the use of off-highway vehicles. The guidebook must include information regarding the responsibilities of users of the system and must set forth pertinent laws, rules, and regulations including particular provisions and other information intended to prevent trespass and damage to public or private property. The guidebook must be prepared at minimal cost to facilitate the broadest possible distribution and must be available for distribution no later than October 1, 2003.

261.08 Repair, maintenance, and rehabilitation of areas, trails, and lands.—

(1) The protection of public safety, the appropriate use of lands in the system, and the conservation of the environment, wildlife habitats, native wildlife, and native flora and fauna in the system are of the highest priority in the management of the system. Accordingly, the public land managing agency shall avoid or minimize adverse impacts to the environment, promptly repair and continuously maintain areas and trails, anticipate and prevent accelerated erosion, and rehabilitate lands to the extent damaged by off-highway vehicle use in accordance with the management plans of the public land managing agency.

(2) The public land managing agency shall monitor the condition of soils and wildlife habitat in each area of the system to determine whether there is compliance with applicable environmental laws and regulations and shall take appropriate action as necessary.

(3) The public land managing agency may regulate or prohibit, when necessary, the use of off-highway vehicles on the public lands of the state in order to prevent damage or destruction to said lands.

261.09 Contracts and agreements.—The public land managing agency may contract with private persons or entities and enter into cooperative agreements with other public agencies for the care and maintenance of lands in the system, including contracts for law enforcement services with public agencies having law enforcement powers.

261.10 Criteria for recreation areas and trails.—Publicly owned or operated off-highway vehicle recreation areas and trails shall be designated and maintained for recreational travel by off-highway vehicles. These areas and trails need not be generally suitable or maintained for normal travel by conventional two-wheel-drive vehicles and should not be designated as recreational footpaths. State off-highway vehicle recreation areas and trails must be selected and managed in accordance with this chapter.

261.11 Penalties.—No off-highway vehicle may be operated upon the public roads, streets, or highways of this state, except as otherwise permitted by the managing local, state, or federal agency. A violation of this section is a noncriminal traffic infraction, punishable as provided in chapter 318.

261.12 Designated off-highway vehicle funds within the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services.—

(1) The designated off-highway vehicle funds of the trust fund shall consist of deposits from the following sources:

(a) Fees paid to the Department of Highway Safety and Motor Vehicles for the titling of off-highway vehicles.

(b) Revenues and income from any other sources required by law or as appropriated by the Legislature to be deposited into the trust fund as designated off-highway vehicle funds.

(c) Donations from private sources that are designated as off-highway vehicle funds.

(d) Interest earned on designated off-highway vehicle funds on deposit in the trust fund.

(2) Designated off-highway vehicle funds in the trust fund shall be available for recommended allocation by the Off-Highway Vehicle Recreation Advisory Committee and the Department of Agriculture and Consumer Services and upon annual appropriation by the Legislature, exclusively for the following:

(a) Implementation of the Off-Highway Vehicle Recreation Program by the Department of Agriculture and Consumer Services, which includes personnel and other related expenses; administrative and operating expenses; expenses related to safety, training, rider education programs, management, maintenance, and rehabilitation of lands in the Off-Highway Vehicle Recreation Program's system of lands and trails; and, if funds are available, acquisition of lands to be included in the system and the management, maintenance, and rehabilitation of such lands.

(b) Approved grants to governmental agencies or entities or nongovernmental entities that wish to provide or improve off-highway vehicle recreation areas or trails for public use on public lands, provide environmental protection and restoration to affected natural areas in the system, provide enforcement of applicable regulations related to the system and off-highway vehicle activities, or provide education in the operation of off-highway vehicles.

(c) Matching funds to be used to match grant funds available from other sources.

(3) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance of designated off-highway vehicle funds in the trust fund at the end of any fiscal year shall remain therein and shall be available for the purposes set out in this section and as otherwise provided by law.

Section 5. Section 316.2074, Florida Statutes, is amended to read:

316.2074 All-terrain vehicles.—

(1) It is the intent of the Legislature~~,~~ through the adoption of this section to provide safety protection for minors while operating an all-terrain vehicle in this state.

(2) As used in this section*, the term* "all-terrain vehicle" means any motorized off-highway vehicle 50 inches ~~(1270 mm)~~ or less in width, having a dry weight of *900* ~~600~~ pounds ~~(273 kg)~~ or less, *designed to travel* ~~traveling~~ on three or more low-pressure tires, ~~designed for operator use only with no passengers,~~ having a seat ~~or saddle~~ designed to be straddled by the operator~~,~~ and ~~having~~ handlebars for steering control*, and intended for use by a single operator with no passenger*.

(3) No person under 16 years of age shall operate, ride, or be otherwise propelled on an all-terrain vehicle unless the person wears a safety helmet meeting United States Department of Transportation standards and eye protection.

(4) If a crash results in the death of any person or in the injury of any person which results in treatment of the person by a physician, the operator of each all-terrain vehicle involved in the crash shall give notice of the crash pursuant to s. 316.066.

(5) Except as provided in this section, an all-terrain vehicle may not be operated upon the public roads, streets, or highways of this state, except as otherwise permitted by the managing state or federal agency.

(6)~~(5)~~ An all-terrain vehicle having four wheels may be used by police officers on public beaches designated as public roadways for the purpose of enforcing the traffic laws of the state. All-terrain vehicles may also be used by the police to travel on public roadways within 5 miles of beach access only when getting to and from the beach.

(7) An all-terrain vehicle having four wheels may be used by law enforcement officers on public roads within public lands while in the course and scope of their duties.

(8)~~(6)~~ A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 6. *Short title.—Sections 3 through 15 of this act may be cited as the "Florida Off-Highway Vehicle Titling Act."*

Section 7. *Legislative intent.—It is the intent of the Legislature that all off-highway vehicles purchased after the effective date of this act and all off-highway vehicles operated on public lands be titled and issued a certificate of title to allow for easy determination of ownership.*

Section 8. *Definitions.—As used in sections 3 through 15, the term:*

(1) "ATV" means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and with no passenger.

(2) "Dealer" means any person authorized by the Department of Revenue to buy, sell, resell, or otherwise distribute off-highway vehicles. Such person must have a valid sales tax certificate of registration issued by the Department of Revenue and a valid commercial or occupational license required by any county, municipality, or political subdivision of the state in which the person operates.

(3) "Department" means the Department of Highway Safety and Motor Vehicles.

(4) "Florida resident" means a person who has had a principal place of domicile in this state for a period of more than 6 consecutive months, who has registered to vote in this state, who has made a statement of domicile pursuant to s. 222.17, Florida Statutes, or who has filed for homestead tax exemption on property in this state.

(5) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

(6) "Off-highway vehicle" means any ATV or OHM that is used off the roads or highways of this state for recreational purposes and that is not registered and licensed for highway use pursuant to chapter 320.

(7) "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle, including a person entitled to the use or possession of an off-highway vehicle subject to an interest held by another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(8) "Public lands" means lands within the state that are available for public use and that are owned, operated, or managed by a federal, state, county, or municipal governmental entity.

Section 9. *Administration of off-highway vehicle titling laws; records.—*

(1) The administration of off-highway vehicle titling laws in sections 3 through 15 is under the Department of Highway Safety and Motor Vehicles, which shall provide for the issuing, handling, and recording of all off-highway vehicle titling applications and certificates, including the receipt and accounting of off-highway vehicle titling fees.

(2) The department shall keep records and perform other clerical duties pertaining to off-highway vehicle titling as required.

Section 10. *Rules, forms, and notices.—*

(1) The department may adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, which pertain to off-highway vehicle titling, in order to implement the provisions of sections 3 through 15 conferring duties upon it.

(2) The department shall prescribe and provide suitable forms for applications and other notices and forms necessary to administer the provisions of sections 3 through 15.

Section 11. *Certificate of title required.—*

(1) Any off-highway vehicle that is purchased by a resident of this state after the effective date of this act or that is owned by a resident and is operated on the public lands of this state must be titled pursuant to sections 3 through 15.

(2) A person may not sell, assign, or transfer an off-highway vehicle titled by the state without delivering to the purchaser or transferee a valid certificate of title with an assignment on it showing the transfer of title to the purchaser or transferee. A person may not purchase or otherwise acquire an off-highway vehicle required to be titled without obtaining a certificate of title for the vehicle in his or her name. The purchaser or transferee shall, within 30 days after a change in off-highway vehicle ownership, file an application for a title transfer with the county tax collector. An additional $10 fee shall be charged against a purchaser or transferee who files a title transfer application after the 30-day period. The county tax collector may retain $5 of the additional amount.

(3) A certificate of title is prima facie evidence of the ownership of the off-highway vehicle and is good for the life of the off-highway vehicle so long as the certificate is owned or held by the legal holder. If a titled off-highway vehicle is destroyed or abandoned, the owner, with the consent of any recorded lienholders, shall, within 30 days after the destruction or abandonment, surrender to the department all title documents for cancellation.

(4) The department shall provide labeled places on the title where the seller's price shall be indicated when an off-highway vehicle is sold and where a selling dealer shall record his or her valid sales tax certificate of registration number.

(5)(a) There shall be a service charge of $4.25 for each application that is handled in connection with the issuance, duplication, or transfer of any certificate of title. There shall be a service charge of $1.25 for each application that is handled in connection with the recording or notation of a lien on an off-highway vehicle that is not in connection with the purchase of such vehicle.

(b) The service charges specified in paragraph (a) shall be collected by the department on any application handled directly from its office. Otherwise, these service charges shall be collected and retained by the tax collector who handles the application.

(c) In addition to the fees provided in paragraph (a), any tax collector may impose an additional service charge of not more than 50 cents on any transaction specified in paragraph (a) when such transaction occurs at any tax collector's branch office.

Section 12. *Application for and issuance of certificate of title.—*

(1) The owner of an off-highway vehicle that is required to be titled must apply to the county tax collector for a certificate of title. The application must include the true name of the owner, the residence or business address of the owner, and a complete description of the off-highway vehicle. The application must be signed by the owner and must be accompanied by a fee of $29.

(2) The owner must establish proof of ownership by submitting with the application an executed bill of sale, a manufacturer's statement of origin, an affidavit of ownership for off-highway vehicles purchased before the effective date of this act, or any other document acceptable to the department.

(3) To apply for a certificate of title upon transfer of ownership of an off-highway vehicle, the new owner must surrender to the department the last title document issued for that vehicle. The document must be properly executed. Proper execution includes the previous owner's signature and certification that the off-highway vehicle to be transferred is debt-free or is subject to a lien. If a lien exists, the previous owner must furnish the new owner, on forms supplied by the department, the names and addresses of all lienholders and the dates of all liens, with a statement from each lienholder that the lienholder has knowledge of and consents to the transfer of title to the new owner.

(4) An application for an initial certificate of title or a title transfer must include payment of the applicable state sales tax or proof of payment of such tax, except for off-highway vehicles purchased or transferred before the effective date of this act.

(5) If the owner submits a complete application and complies with all other requirements of this section, the department shall issue a certificate of title that states that the title is for an off-highway vehicle that is not suitable for highway use. After October 1, 2003, the department shall also issue a copy of the guidebook prepared by the Department of Agriculture and Consumer Services pursuant to s. 261.07, Florida Statutes.

Section 13. *Duplicate certificate of title.—*

(1) The department may issue a duplicate certificate of title upon application by the person entitled to hold such a certificate if the department is satisfied that the original certificate has been lost, destroyed, or mutilated. A fee of $15 shall be charged for issuing a duplicate certificate.

(2) In addition to the fee imposed by subsection (1), a fee of $7 shall be charged for expedited service in issuing a duplicate certificate of title. Application for such expedited service may be made by mail or in person. The department shall issue each certificate of title applied for under this subsection within 5 working days after receipt of a proper application or shall refund the additional $7 fee upon written request by the applicant.

(3) If, following the issuance of an original, duplicate, or corrected certificate of title by the department, the certificate is lost in transit and is not delivered to the addressee, the owner of the off-highway vehicle or the holder of a lien thereon may, within 180 days after the date of issuance of the certificate, apply to the department for reissuance of the certificate. An additional fee may not be charged for reissuance under this subsection.

(4) The department shall implement a system to verify that the application is signed by a person authorized to receive a duplicate certificate of title under this section if the address shown on the application is different from the address shown for the applicant on the records of the department.

Section 14. *Manufacturer's statement of origin to be furnished.—*

(1) Any person selling a new off-highway vehicle in this state must furnish a manufacturer's statement of origin to the purchaser. The statement, which must be in English or accompanied by an English translation if the vehicle was purchased outside the United States, must be signed and dated by an authorized representative of the manufacturer, indicate the complete name and address of the purchaser, include a complete description of the vehicle, and contain as many assignments as necessary to show title in the name of the purchaser.

(2) It is unlawful for an off-highway vehicle manufacturer, manufacturer's representative, or dealer to issue a manufacturer's certificate of origin describing an off-highway vehicle with the knowledge that the description is false or that the off-highway vehicle described does not exist. It is unlawful for any person to obtain or attempt to obtain a certificate of origin with the knowledge that the description is false or that the off-highway vehicle does not exist. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Section 15. *Disposition of fees.—The department shall deposit all funds received under sections 3 through 15, less administrative costs of $2 per title transaction, into the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services.*

Section 16. *Refusal to issue and authority to cancel a certificate of title.—*

(1) If the department finds that an applicant for an off-highway vehicle certificate of title has given a false statement or false or incomplete information in applying for the certificate or has otherwise failed to comply with the applicable provisions pertaining to the application for a certificate, it may refuse to issue the certificate.

(2) If the department finds that an owner or dealer named in an off-highway vehicle certificate of title has given a false statement or false or incomplete information in applying for the certificate or has otherwise failed to comply with the applicable provisions pertaining to the application for a certificate, it may cancel the certificate.

(3) The department may cancel any pending application or any certificate if it finds that any title fee or sales tax pertaining to such application or certificate has not been paid, unless the fee or tax is paid within a reasonable time after the department has given notice.

Section 17. *Crimes relating to certificates of title; penalties.—*

(1) It is unlawful for any person to procure or attempt to procure a certificate of title or duplicate certificate of title to an off-highway vehicle, or to pass or attempt to pass a certificate of title or duplicate certificate of title to an off-highway vehicle or any assignment thereof, if such person knows or has reason to believe that the vehicle has been stolen. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(2) It is unlawful for any person, knowingly and with intent to defraud, to have in his or her possession, sell, offer to sell, counterfeit, or supply a blank, forged, fictitious, counterfeit, stolen, or fraudulently or unlawfully obtained certificate of title, duplicate certificate of title, bill of sale, or other indicia of ownership of an off-highway vehicle or to conspire to do any of the foregoing. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(3) It is unlawful to:

(a) Alter or forge any certificate of title to an off-highway vehicle or any assignment thereof or any cancellation of any lien on an off-highway vehicle.

(b) Retain or use such certificate, assignment, or cancellation knowing that it has been altered or forged.

(c) Use a false or fictitious name, give a false or fictitious address, or make any false statement in any application or affidavit required by sections 3 through 15 or in a bill of sale or sworn statement of ownership or otherwise commit a fraud in any application.

(d) Knowingly obtain goods, services, credit, or money by means of an invalid, duplicate, fictitious, forged, counterfeit, stolen, or unlawfully obtained certificate of title, bill of sale, or other indicia of ownership of an off-highway vehicle.

(e) Knowingly obtain goods, services, credit, or money by means of a certificate of title to an off-highway vehicle which certificate is required by law to be surrendered to the department.

Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes. A violation of this subsection with respect to any off-highway vehicle makes such off-highway vehicle contraband which may

be seized by a law enforcement agency and forfeited under ss. 932.701-932.704, Florida Statutes.

Section 18. *Nonmoving traffic violations.—Any person who fails to comply with any provision of sections 3 through 14 for which a penalty is not otherwise provided commits a nonmoving traffic violation, punishable as provided in s. 318.18, Florida Statutes.*

Section 19. Section 375.313, Florida Statutes, is amended to read:

375.313 Commission powers and duties.—The commission shall:

(1) Regulate or prohibit, when necessary, the use of motor vehicles on the public lands of the state in order to prevent damage or destruction to said lands.

~~(2) Collect any registration fees imposed by s. 375.315 and deposit said fees in the State Game Trust Fund. The revenue resulting from said registration shall be expended for the funding and administration of ss. 375.311-375.315.~~

(2)~~(3)~~ Adopt and promulgate such reasonable rules as deemed necessary to administer the provisions of ss. 375.311-375.315, except that, before any such rules are adopted, the commission shall obtain the consent and agreement, in writing, of the owner, in the case of privately owned lands, or the owner or primary custodian, in the case of publicly owned lands.

Section 20. *Section 375.315, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the second semicolon (;) insert: creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act; providing legislative findings and intent; providing definitions; creating the Off-Highway Vehicle Recreation Advisory Committee effective July 1, 2003; providing membership, duties, and responsibilities of the committee; providing functions, duties, and responsibilities of the Department of Agriculture and Consumer Services; requiring the department to review certain public lands and make a report to the Governor and the Legislature; providing rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing a penalty; providing for the use of designated off-highway vehicle funds within the Incidental Trust Fund of the Division of Forestry of the department; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; providing exceptions; creating the Florida Off-Highway Vehicle Titling Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; providing for fees; providing for disposition of fees; providing authority to refuse to issue and to cancel a certificate of title; providing crimes relating to certificates of title; providing penalties; providing noncriminal infractions; providing penalties; amending s. 375.313, F.S.; deleting fee collection responsibility of the Fish and Wildlife Conservation Commission for registration of off-road vehicles; repealing s. 375.315, F.S., relating to the registration of off-road vehicles by the commission;

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

Amendment 1F (103536)(with title amendment)—On page 4, between lines 1 and 2, insert:

Section 4. Subsection (21) of section 316.003, Florida Statutes, is amended, and subsection (82) is added to that section, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(21) MOTOR VEHICLE.—Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle*, electric personal assistive mobility device,* or moped.

(82) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any self-balancing, two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 h.p.), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 mph. Electric personal assistive mobility devices are not vehicles as defined in this section.

Section 5. Section 316.2068, Florida Statutes, is created to read:

316.2068 Electric personal assistive mobility devices; regulations.—

(1) An electric personal assistive mobility device, as defined in s. 316.003, may be operated:

(a) On a road or street where the posted speed limit is 25 miles per hour or less.

(b) On a marked bicycle path.

(c) On any street or road where bicycles are permitted.

(d) At an intersection, to cross a road or street even if the road or street has a posted speed limit of more than 25 miles per hour.

(d) On a sidewalk if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian.

(2) A valid driver's license is not a prerequisite to operating an electric personal assistive mobility device.

(3) Electric personal assistive mobility devices need not be registered and insured in accordance with s. 320.02.

(4) A person who is under the age of 16 years may not operate, ride, or otherwise be propelled on an electric personal assistive mobility device unless the person wears a bicycle helmet that is properly fitted, that is fastened securely upon his or her head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets which are adopted by the department.

(7) A county or municipality may prohibit the operation of electric personal assistive mobility devices on any road, street, or bicycle path under its jurisdiction if the governing body of the county or municipality determines that such a prohibition is necessary in the interest of safety.

(8) The Department of Transportation may prohibit the operation of electric personal assistive mobility devices on any road under its jurisdiction if it determines that such a prohibition is necessary in the interest of safety.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, lines 11 and 12, delete those lines and insert: An act relating to transportation; amending s. 316.003, F.S.; defining the term "electric personal assistive mobility device"; creating s. 316.2068, F.S.; providing regulations for electric personal assistive mobility devices; amending s. 339.137, F.S.; providing

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

Amendment 1G (441290)(with title amendment)—On page 4, between lines 1 and 2, insert:

Section 4. Subsection (5) of section 337.408, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section to read:

337.408 Regulation of benches, transit shelters, *street light poles,* and waste disposal receptacles within rights-of-way.—

(5) Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, and waste disposal receptacles as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertisements may be installed on street light poles on roads on the State Highway System in accordance with height, size, setback, spacing distance, duration of display, safety, traffic control, and permitting requirements established by administrative rule of the Department of Transportation. Public service messages and advertisements shall be subject to bilateral agreements, where applicable, to be negotiated with the owner of the street light poles, which shall consider, among other things, power source rates, design, safety, operational and maintenance concerns, and other matters of public importance. For the purposes of this section, the term "street light poles" does not include electric transmission or distribution poles. The department shall have authority to establish administrative rules to implement this subsection. No advertising on light poles shall be permitted on the Interstate Highway System. No permanent structures carrying advertisements attached to light poles shall be permitted on the National Highway System.

Section 5. Paragraph (d) of subsection (2) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(d) Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body of an authority shall consist of up to 13 members, and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Seven voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Five voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority. If the governing board of an authority includes any member originally appointed by the governing body of the county as a nonvoting member, when the term of such member expires, that member shall be replaced by a member appointed by the Governor until the governing body of the authority is composed of seven members appointed by the governing body of the county and five members appointed by the Governor. *The qualifications, terms of office, and obligations and rights of members of the authority shall be determined by resolution or ordinance of the governing body of the county in a manner that is consistent with subsections (3) and (4).*

Section 6. Section 348.0008, Florida Statutes, is amended to read:

348.0008 Acquisition of lands and property.—

(1) For the purposes of the Florida Expressway Authority Act, an expressway authority may acquire *such rights, title, or interest in* private or public property and *such* property rights, including *easements,* rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any of the purposes of the Florida Expressway Authority Act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of an expressway system, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the expressway system or in a transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may also condemn any material and property necessary for such purposes.

(2) An authority and its authorized agents, contractors, and employees are authorized to enter upon any lands, waters, and premises, upon giving reasonable notice to the landowner, for the purpose of making surveys, soundings, drillings, appraisals, environmental assessments including phase I and phase II environmental surveys, archaeological assessments, and such other examinations as are necessary for the acquisition of private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings or as are necessary for the authority to perform its duties and functions; and any such entry shall not be deemed a trespass or an entry that would constitute a taking in an eminent domain proceeding. An expressway authority shall make reimbursement for any actual damage to such lands, water, and premises as a result of such activities.

(3)~~(2)~~ The right of eminent domain conferred by the Florida Expressway Authority Act must be exercised by each authority in the manner provided by law.

(4)~~(3)~~ When an authority acquires property for an expressway system or in a transportation corridor as defined in s. 334.03, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This subsection does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. An authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the second semicolon (;) insert: amending s. 337.408, F.S.; providing for regulation of street light poles; amending s. 348.0003, F.S.; authorizing a county governing body to set qualifications, terms of office, and obligations and rights for the members of expressway authorities their jurisdictions; amending s. 348.0008, F.S.; allowing expressway authorities to acquire certain interests in land; providing for expressway authorities and their agents or employees to access public or private property for certain purposes;

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

Amendment 1H (690816)(with title amendment)—On page 4, between lines 1 and 2, insert:

Section 4. Paragraph (b) of subsection (19) of section 320.08058, Florida Statutes, as amended by chapter 2001-355, Laws of Florida, is amended to read:

320.08058 Specialty license plates.—

(19) SEA TURTLE LICENSE PLATES.—

(b) The *first $500,000 in* annual use fees shall be deposited in the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission *and*~~. The first $500,000 in annual revenue~~ shall be used by the Florida Marine Turtle Protection Program to conduct sea turtle protection, research, and recovery programs. *The next $215,000 in annual use fees shall be distributed to the Caribbean Conservation Corporation, located in Gainesville, to fund sea turtle research and education programs that benefit Florida sea turtles. The Caribbean Conservation Corporation shall annually distribute assigned funds through a Sea Turtle Grants Program that supports sea turtle research and education activities of Florida-based nonprofit groups, educational institutions, and Florida coastal counties. The Caribbean Conservation Corporation shall write and publish procedures for submitting grant applications and criteria for allocating available funds, and shall appoint a technical advisory committee, composed of at least five members, including two representatives from the Fish and Wildlife Conservation Commission, to select grant recipients from proposals submitted by eligible entities. Any additional annual revenue shall be distributed as follows: 70 percent shall be deposited in the Marine Resources Conservation*

Trust Fund and used by the Florida Marine Turtle Protection Program for sea turtle conservation activities; and 30 percent shall be assigned to the Caribbean Conservation Corporation for distribution through the Sea Turtle Grants Program. Up to 15 percent of the funds distributed to the Caribbean Conservation Corporation may be expended for administrative costs directly associated with the grants program. Up to 10 percent of the funds distributed to the Caribbean Conservation Corporation may be used to promote and market the Sea Turtle license plate. None of the funds received by the Caribbean Conservation Corporation from the Sea Turtle license plate or the Sea Turtle Grants Program, nor funds received by any grant recipients of the Sea Turtle Grants Program, may be used for purposes of litigation. ~~Additional license plate revenue, up to an amount not exceeding 30 percent of the total annual revenue, shall be dispersed annually through the marine turtle grants program as provided in s. 370.12(1)(h). The remaining annual use proceeds shall be used by the Florida Marine Turtle Protection Program for sea turtle conservation activities.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, lines 11 and 12, delete those lines and insert: An act relating to transportation; amending s. 320.08058, F.S.; providing for a portion of the annual use fees to be distributed to the Caribbean Conservation Corporation; providing guidelines for the distribution of such funds by the corporation; prohibiting funds from being used for litigation; amending s. 339.137, F.S.; providing

On motion by Senator Sebesta, further consideration of **CS for SB 480** with pending **Amendment 1 (405274)** as amended was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 270** and **CS for SB 1402** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 1422** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar; **SB 1514** and **CS for SB 2292** were withdrawn from the Committee on Judiciary; **CS for SB 1720** and **CS for SB 2248** were withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs; and **CS for SB 1760** and **CS for SB 2250** were withdrawn from the Committee on Rules and Calendar; and **SB 1230** was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the Special Order Calendar.

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for CS for SB 316**, **CS for SJR 940** and **CS for CS for SB 320** was deferred.

SB 1954—A bill to be entitled An act relating to intergovernmental programs; amending s. 163.01, F.S.; prohibiting an entity created under the Interlocal Cooperation Act and consisting of municipalities and counties from owning and operating certain public facilities that serve populations outside the territorial limits of the entity members; providing an effective date.

—was read the second time by title.

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

Amendment 1 (114650)(with title amendment)—On page 1, line 26, after the period (.) insert: *unless the governing body of the county or municipality, where the population to be served is located, grants the entity permission to provide service within the boundaries of that county or municipality*

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: providing an exception when the county or municipality grants the entity permission to serve populations within the county or municipality;

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

Amendment 2 (354210)—On page 1, line 25, after "populations" insert: *by providing wastewater facilities, water or alternative water supply facilities and water reuse facilities*

Amendment 3 (190796)—On page 1, delete line 26 and insert: of the members of the entity. *Provided, however, that facilities owned prior to the effective date of this act by any separate legal entity created under this paragraph shall be exempt from its application.* Notwithstanding s. 367.171(7),

On motion by Senator Constantine, by two-thirds vote **SB 1954** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Rossin, Wise

On motion by Senator Laurent—

CS for SB 2122—A bill to be entitled An act relating to alternative water supplies; amending s. 373.139, F.S.; providing that title information is not confidential; amending s. 373.236, F.S.; encouraging water conservation; amending s. 373.414, F.S.; requiring that the Department of Environmental Protection adopt a uniform mitigation assessment method by rule by July 31, 2002; amending s. 378.212, F.S.; providing water resource enhancements as a basis for a variance; amending s. 403.1835, F.S.; providing for below-market interest rate loans for water treatment; creating s. 403.5205, F.S.; providing legislative findings; providing additional conditions for locating simple cycle turbine electric plants; providing eligibility for cooperative-funding assistance for activities designed to promote alternative water supplies; amending s. 403.813, F.S.; providing requirements for exemptions for maintenance dredging; providing legislative intent for public education of water resources; providing for a study of the conveyance of reclaimed water in specified canals; amending s. 373.0831, F.S.; revising the criteria by which water supply development projects may receive priority consideration for funding assistance; repealing s. 373.498, F.S., relating to an obsolete account; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (421674)(with title amendment)—On page 2, line 2, insert:

Section 1. Effective July 1, 2002, subsection (3) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant

to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. *Beginning in fiscal year 2002-2003, funds from the unencumbered cash balance less approved commitments remaining in the agency subaccounts in the Preservation 2000 Trust Fund may be used by those agencies to fund projects described in paragraphs (3)(a)-(h) of s. 259.105 which meet the criteria for funding pursuant to the Florida Forever Program or the Florida Preservation 2000 Program.* Starting in fiscal year 2001-2002, from the cash balance less approved commitments encumbered that is remaining in the Florida Preservation 2000 Trust Fund, the Legislature shall appropriate up to $75 million from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund to be used for the acquisition of lands needed for restoration of the Florida Everglades pursuant to s. 373.470. Furthermore, the remaining cash balances available for the Preservation 2000 programs described in paragraphs (a)-(g) shall be adjusted pro rata for the amount appropriated by the Legislature. Additionally, any cash balances less approved commitments encumbered available to the programs described in paragraphs (a)-(g) at the time the first series of Florida Forever Program bonds is issued and proceeds are deposited into the Florida Forever Trust Fund shall be reserved and remain unavailable for expenditure for projects pursuant to the Florida Preservation 2000 Program until and unless the programs receiving an allocation under the Florida Forever Program described in paragraphs (3)(a)-(h) of s. 259.105, respectively, have encumbered all funds available from the first Florida Forever Program bond issue. To the extent that projects eligible for Preservation 2000 funds can also be eligible for Florida Forever funds, the proceeds from Florida Forever bonds may be used to complete transactions begun with Preservation 2000 funds or meet cash needs for property transactions begun in fiscal year 2000-2001. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

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

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

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, $3 million annually shall be used by the Division of State Lands within the Department of Environmental Protection to implement the Green Swamp Land Protection Initiative specifically for the purchase of conservation easements, as defined in s. 380.0677(4), of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, $3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of any real property interest in either those lands subject to the Rate of Growth Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds allocated to the trust after the above transfers occur, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

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

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

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

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

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund. The board of trustees shall hold title to land protection agreements and conservation easements that were or will be acquired pursuant to s. 380.0677, and the Southwest Florida Water Management District and the St. Johns River Water Management District shall monitor such agreements and easements within their respective districts until the state assumes this responsibility.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing for the funding of projects under the Florida Forever Program and the Florida Preservation 2000 Program;

Senator Laurent moved the following amendments which were adopted:

Amendment 2 (921488)(with title amendment)—On page 7, between lines 10 and 11, insert:

Section 5. Subsection (11) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.—

(a) The department shall not implement, without prior legislative approval, any additional regulatory authority pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part 130, if such implementation would result in water quality discharge regulation of activities not currently subject to regulation.

(b) Interim measures, best management practices, or other measures may be developed and voluntarily implemented pursuant to paragraph (7)(c) or paragraph (7)(d) for any water body or segment for which a total maximum daily load or allocation has not been established. The implementation of such pollution control programs may be considered by the department in the determination made pursuant to subsection (4).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: amending s. 403.067, F.S.; authorizing the development of interim measures or best-management practices for specified water bodies or segments for which total maximum daily loads or allocations have not yet been established;

Amendment 3 (325676)(with title amendment)—On page 7, line 11 through page 8, line 8, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 11-13, delete those lines and insert: basis for a variance; creating s.

Amendment 4 (824736)(with title amendment)—On page 8, line 9 through page 9, line 12, delete those lines and insert:

Section 6. Section 373.2505, Florida Statutes, is created to read:

373.2505 Permitting requirements for alternative water facilities and electric power plants.—

(1) The Legislature finds that the recent increase in proposed electric power plants that are not subject to the regulatory-review requirements of the Florida Electrical Power Plant Siting Act creates both potential problems and water-supply opportunities. The continued proliferation of inland plants may result in environmental and growth-management problems for the counties in which they are located and can affect the patterns of urban development and demands on water resources if improperly located and inadequately regulated.

(2)(a) Electric power plants of any generating technology are encouraged to locate in coastal counties where they can be colocated with reverse-osmosis facilities or other similar technologies to desalinate water resources to help meet potable-water-supply needs. Entities having existing electric power plant sites located in coastal counties are encouraged to evaluate modifications, expansions, or additions that would be colocated with reverse-osmosis or other similar technologies to desalinate water resources to help meet potable-water-supply needs.

(b) Reverse-osmosis facilities or other similar desalination technologies that are proposed to be colocated with electric power plants are eligible to receive cooperative funding assistance from water management districts created under chapter 373 for those that have cooperative-funding assistance programs for activities designed to promote alternative water supplies.

(3) Notwithstanding other permitting requirements imposed by law, construction permit applications for a new electric plant unrelated to an existing electric power plant site located anywhere within the interior counties immediately contiguous to the most impacted area within the Eastern Tampa Bay water caution area must demonstrate that the sole source of its cooling water will be provided by the reuse of reclaimed wastewater or another nonpotable water source in order to assure protection of groundwater and surface water resources.

And the title is amended as follows:

On page 1, lines 14-19, delete those lines and insert: 373.2505, F.S.; prescribing permitting requirements for alternative water facilities and electric power plants; amending s. 403.813, F.S.;

Amendment 5 (664482)—On page 14, lines 7-9, delete those lines and insert:

1. A 20-year consumptive use permit, if it otherwise meets the permit requirements under s. 373.223 and s. 373.236 and rules adopted thereunder;

Senator Dyer moved the following amendment which failed:

Amendment 6 (522138)(with title amendment)—On page 14, between lines 12 and 13, insert:

Section 11. *It is the intent of the Legislature that a rapid and coordinated response to waterborne diseases be available to protect the health and ecosystems of Florida. The Department of Health, in collaboration with local health officials, shall maintain the capacity to detect and respond effectively to waterborne disease clusters, emerging threats, emergencies, and environmental outbreaks. This capacity shall build on existing functions performed by the Department of Health which involve the collection of data by county concerning the prevalence and incidence of waterborne diseases. To augment the existing efforts, the Department of Health shall facilitate the collection of additional data through biomonitoring and other methods concerning the existence of relevant environmental factors and exposures related to waterborne diseases. This data shall be used to identify populations at high risk, to examine health concerns, to recognize related environmental factors, to assess the efficacy of medical and intervention efforts, and to establish prevention strategies.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: expressing legislative intent relating to the tracking of waterborne diseases;

The vote was:

Yeas—6

Burt	Dyer	Smith
Campbell	Mitchell	Wasserman Schultz

Nays—25

Brown-Waite	King	Pruitt
Constantine	Latvala	Sanderson
Cowin	Laurent	Sebesta
Crist	Lawson	Sullivan
Diaz de la Portilla	Lee	Villalobos
Futch	Meek	Webster
Garcia	Miller	Wise
Geller	Peaden	
Holzendorf	Posey	

Vote after roll call:

Yea—Rossin

Nay to Yea—Webster

Senator Mitchell moved the following amendment which was adopted:

Amendment 7 (243132)(with title amendment)—On page 14, between lines 14 and 15, insert:

Section 12. Section 215.981, Florida Statutes, is amended to read:

215.981 Audits of state agency direct-support organizations and citizen support organizations.—Each direct-support organization and each citizen support organization, created or authorized pursuant to law, and created, approved, or administered by a state agency, other than a university, district board of trustees of a community college, or district school board, shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the state agency that created, approved, or administers the direct-support organization or citizen support organization*, whenever the organization's annual expenses exceed $100,000*. The audit report shall be submitted within 9 months after the end of the fiscal year to the Auditor General and to the state agency responsible for creation, administration, or approval of the direct-support organization or citizen support organization. Such state agency, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from the independent auditor any records relative to the operation of the organization.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 29, after the semicolon (;) insert: amending s. 215.981, F.S.; revising provisions relating to annual audits;

Senator King moved the following amendment:

Amendment 8 (973448)(with title amendment)—On page 14, between lines 14 and 15, insert:

Section 12. Subsection (1) of section 373.114, Florida Statutes, is amended to read:

373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.—

(1) Except as provided in subsection (2), the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, have the exclusive authority to review any order or rule of a water management district, other than a rule relating to an internal procedure of the district *or a final order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57 or a rule that has been adopted after issuance of a final order resulting from an evidentiary hearing held under s. 120.56*, to ensure consistency with the provisions and purposes of this chapter.

Subsequent to the legislative ratification of the delineation methodology pursuant to s. 373.421(1), this subsection also shall apply to an order of the department, or a local government exercising delegated authority, pursuant to ss. 373.403-373.443, except an order pertaining to activities or operations subject to conceptual plan approval pursuant to chapter 378 *or a final order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57*.

(a) Such review may be initiated by the department or by a party to the proceeding below by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the department and on any person named in the rule or order within 20 days after adoption of the rule or the rendering of the order. For the purposes of this section, the term "party" means any affected person who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the rule or order that are cognizable within the scope of the provisions and purposes of this chapter~~, or any person who participated as a party in a proceeding instituted pursuant to chapter 120~~. In order for the commission to accept a request for review initiated by a party below, with regard to a specific order, *three* ~~four~~ members of the commission must determine on the basis of the record below that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. Review of an order may also be accepted if *three* ~~four~~ members of the commission determine that the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from the standpoint of agency precedent. The party requesting the commission to review an order must allege with particularity, and the commission must find, that:

1. The order is in conflict with statutory requirements; or

2. The order is in conflict with the requirements of a duly adopted rule.

(b) Review by the Land and Water Adjudicatory Commission is appellate in nature and shall be based solely on the record below *unless the commission determines that a remand for a formal evidentiary proceeding is necessary to develop additional findings of fact*. If there *is* ~~was~~ no evidentiary administrative proceeding *resulting from a remand or referral for findings of fact by the commission, then* ~~below~~, the facts contained in the proposed agency action *or proposed water management district action*, including any technical staff report, shall be deemed undisputed. The matter shall be heard by the commission not more than 60 days after receipt of the request for review, unless waived by the parties*; provided, however, such time limit shall be tolled by a referral or remand pursuant to this paragraph. The commission may refer a request for review to the Division of Administrative Hearings for the production of findings of fact, limited to those needed to render the decision requested, to supplement the record, if a majority of the commission determines that supplementary findings of fact are essential to determine the consistency of a rule or order with the provisions and purposes of this chapter. Alternatively, the commission may remand the matter to the agency below for additional findings of fact, limited to those needed to render the decision requested, to supplement the record, if a majority of the commission determines that supplementary findings of fact are essential to determine the consistency of a rule or order with the provisions and purposes of this chapter. Such proceedings must be conducted and the findings transmitted to the commission within 90 days of the remand or referral.*

(c) If the Land and Water Adjudicatory Commission determines that a rule of a water management district is not consistent with the provisions and purposes of this chapter, it may require the water management district to initiate rulemaking proceedings to amend or repeal the rule. If the commission determines that an order is not consistent with the provisions and purposes of this chapter, the commission may rescind or modify the order or remand the proceeding for further action consistent with the order of the Land and Water Adjudicatory Commission only if the commission determines that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. In the case of an order which does not itself substantially affect natural resources of statewide or regional significance, but which raises issues of policy that have regional or statewide significance from the standpoint of agency precedent, the commission may direct the district to initiate rulemaking to amend its rules to assure that future actions are consistent with the provisions and purposes of this chapter without modifying the order.

(d) In a review under this section of a construction permit issued pursuant to a conceptual permit under part IV, which conceptual permit is issued after July 1, 1993, a party to the review may not raise an issue which was or could have been raised in a review of the conceptual permit under this section.

(e) A request for review under this section shall not be a precondition to the seeking of judicial review pursuant to s. 120.68 or the seeking of an administrative determination of rule validity pursuant to s. 120.56.

(f) The Florida Land and Water Adjudicatory Commission may adopt rules to set forth its procedures for reviewing an order or rule of a water management district consistent with the provisions of this section.

(g) For the purpose of this section, it shall be presumed that activity authorized by an order will not affect resources of statewide or regional significance if the proposed activity:

1. Occupies an area less than 10 acres in size, and

2. Does not create impervious surfaces greater than 2 acres in size, and

3. Is not located within 550 feet of the shoreline of a named body of water designated as Outstanding Florida Waters, and

4. Does not adversely affect threatened or endangered species.

This paragraph shall not operate to hold that any activity that exceeds these limits is presumed to affect resources of statewide or regional significance. The determination of whether an activity will substantially affect resources of statewide or regional significance shall be made on a case-by-case basis, based upon facts contained in the record below.

Section 13. Subsection (5) of section 403.412, Florida Statutes, is amended, present subsection (6) is renumbered as subsection (8), and new subsections (6) and (7) are added to said section to read:

403.412 Environmental Protection Act.—

(5) In any administrative, licensing, or other proceedings authorized by law for the protection of the air, water, or other natural resources of the state from pollution, impairment, or destruction, the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state shall have standing to intervene as a party on the filing of a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state. *As used in this section and as it relates to citizens, the term "intervene" means to join an ongoing s. 120.569 or s. 120.57 proceeding; this section does not authorize a citizen to institute, initiate, petition for, or request a proceeding under s. 120.569 or s. 120.57. Nothing herein limits or prohibits a citizen whose substantial interests will be determined or affected by a proposed agency action from initiating a formal administrative proceeding under s. 120.569 or s. 120.57. A citizen's substantial interests will be considered to be determined or affected if the party demonstrates it may suffer an injury in fact which is of sufficient immediacy and is of the type and nature intended to be protected by this chapter. No demonstration of special injury different in kind from the general public at large is required. A sufficient demonstration of a substantial interest may be made by a petitioner who establishes that the proposed activity, conduct, or product to be licensed or permitted affects the petitioner's use or enjoyment of air, water, or natural resources protected by this chapter.*

(6) Any Florida corporation not for profit which has at least 25 current members residing within the county where the activity is proposed, and which was formed for the purpose of the protection of the environment, fish and wildlife resources, and protection of air and water quality, may initiate a hearing pursuant to s. 120.569 or s. 120.57, provided that the Florida corporation not for profit was formed at least one year prior to the date of the filing of the application for a permit, license, or authorization that is the subject of the notice of proposed agency action.

(7) In a matter pertaining to a federally delegated or approved program, a citizen of the state may initiate an administrative proceeding under this subsection if the citizen meets the standing requirements for judicial review of a case or controversy pursuant to Article III of the United States Constitution.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 29, after the semicolon (;) insert: amending s. 373.114, F.S.; providing that certain water management district orders and rules are not subject to specified review; amending s. 403.412, F.S., the "Environmental Protection Act of 1971"; revising requirements for initiating specified proceedings under that act;

Senator Wasserman Schultz moved the following amendment to **Amendment 8** which was adopted:

Amendment 8A (485314)—On page 7, lines 1 and 7, delete "*Florida*"

Amendment 8 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 2122** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1350** and **CS for CS for SB 2224** was deferred.

SENATOR LEE PRESIDING

CS for SB 2210—A bill to be entitled An act relating to guide dogs and service animals; providing a short title; prohibiting persons from interfering with, injuring, or killing guide dogs or service animals; providing penalties; defining the terms "guide dog" and "service animal" for purposes of the act; amending s. 413.08, F.S.; extending to people who have seizure disorders the right to be accompanied by a trained service dog in specified circumstances; providing penalties for violations of this section; conforming a provision relating to trainers of service dogs; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2210** to **CS for HB 1819**.

Pending further consideration of **CS for SB 2210** as amended, on motion by Senator Saunders, by two-thirds vote **CS for HB 1819** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

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

CS for HB 1819—A bill to be entitled An act relating to guide dogs and service animals; providing a short title; prohibiting persons from interfering with, injuring, or killing guide dogs or service animals; providing penalties; defining the terms "guide dog" and "service animal" for purposes of the act; amending s. 413.08, F.S.; extending to people who have seizure disorders the right to be accompanied by a trained service dog in specified circumstances; providing penalties for violations of this section; conforming a provision relating to trainers of service dogs; providing an effective date.

—a companion measure, was substituted for **CS for SB 2210** as amended and by two-thirds vote read the second time by title. On motion by Senator Saunders, by two-thirds vote **CS for HB 1819** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 1285** was withdrawn from the Committees on Natural Resources; and Comprehensive Planning, Local and Military Affairs.

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

CS for HB 1285—A bill to be entitled An act relating to environmental protection; amending s. 373.414, F.S.; requiring that the Department of Environmental Protection adopt a uniform mitigation assessment method by rule by July 31, 2002; amending s. 373.406, F.S.; authorizing the district or department to adopt rules to exempt regulation for mining or mining related activities under certain circumstances; amending s. 403.08725, F.S.; extending the time by which the United States Environmental Protection Agency may approve the state's implementation plan for controlling air pollution from citrus juice processing facilities; amending s. 403.813, F.S.; clarifying the maintenance dredging permit exemption to allow for the discharge of return water from spoil material; providing an exemption from permitting requirements for certain floating vessel platforms or floating boat lifts of limited size that are not used for commercial purposes; authorizing the Department of Environmental Protection to adopt by rule a general permit for certain nonexempt floating vessel platforms or floating boat lifts; providing for use of certain state lands under such general permits; providing an exemption from local regulation; providing an exemption for certain county road repair; providing an effective date.

—a companion measure, was substituted for **CS for SB 510** and by two-thirds vote read the second time by title.

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

Amendment 1 (074968)—On page 17, between lines 8 and 9, insert: *The department shall submit a report to the Governor and the Legislature by March 1, 2004, to evaluate the effects of this exemption and make recommendations for the exemption to apply statewide.*

On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 1285** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Rossin

SB 2058—A bill to be entitled An act relating to federally qualified health centers; creating the "Federally Qualified Health Center Access Program Act"; providing legislative findings and intent; providing for expansion of federally qualified health centers to provide comprehensive primary and preventive health care services; providing for financial assistance to centers that meet specified criteria; specifying that funds must be used for certain operating costs or capital improvement projects; providing for appointment of a panel to review applications for financial assistance; providing responsibilities of the Department of Health and

the Florida Association of Community Health Centers, Inc.; providing for administration of the program and technical assistance to centers selected to receive financial assistance; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2058** to **HB 615**.

Pending further consideration of **SB 2058** as amended, on motion by Senator Silver, by two-thirds vote **HB 615** was withdrawn from the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Silver—

HB 615—A bill to be entitled An act relating to federally qualified health centers; creating the "Federally Qualified Health Center Access Program Act"; providing legislative findings and intent; providing for expansion of federally qualified health centers to provide comprehensive primary and preventive health care services; providing for financial assistance to centers that meet specified criteria; specifying that funds must be used for certain operating costs or capital improvement projects; providing contract requirements; providing for appointment of a panel to review applications for financial assistance; providing responsibilities of the Department of Health and the Florida Association of Community Health Centers, Inc.; providing for administration of the program and technical assistance to centers selected to receive financial assistance; providing an effective date.

—a companion measure, was substituted for **SB 2058** as amended and read the second time by title. On motion by Senator Silver, by two-thirds vote **HB 615** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Brown-Waite, Rossin

Consideration of **CS for SB 1142** was deferred.

On motion by Senator Klein, by two-thirds vote **HB 1675** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Klein, by unanimous consent—

HB 1675—A bill to be entitled An act relating to a public records exemption for bank account numbers and debit, charge, and credit card numbers; amending s. 119.07, F.S.; creating an exemption from public records requirements for bank account numbers and debit, charge, and credit card numbers held by an agency; providing retroactive application of the exemption; providing for future review and repeal; providing a finding of public necessity; repealing s. 119.07(3)(z), F.S., relating to bank account numbers and debit, charge, and credit card numbers given to an agency for the purpose of payment of a fee or debt owed to the agency; providing an effective date.

—a companion measure, was taken up out of order and substituted for **SB 1230** and read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 1675** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 532—A bill to be entitled An act relating to firesafety standards for educational and ancillary plants and educational facilities; amending s. 235.06, F.S.; requiring the State Fire Marshal to adopt uniform standards as provided in s. 633.022(1)(b), F.S.; providing for enforcement and administration of such standards by local fire officials; prescribing conditions for conducting firesafety inspections; prescribing duties of local fire officials in providing a plan of action and a schedule for correction of deficiencies; requiring the State Fire Marshal to adopt and administer rules prescribing specified standards for the safety and health of occupants of educational and ancillary plants; amending s. 633.01, F.S.; requiring the State Fire Marshal to adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary facilities as specified; requiring that the State Fire Marshal assume certain specified duties of the local fire official in counties that do not employ or appoint a local fire official; amending s. 633.022, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 532** to **CS for HB 443**.

Pending further consideration of **CS for SB 532** as amended, on motion by Senator Silver, by two-thirds vote **CS for HB 443** was withdrawn from the Committees on Banking and Insurance; Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Silver, the rules were waived and—

CS for HB 443—A bill to be entitled An act relating to firesafety prevention and control; amending s. 235.06, F.S.; requiring the State Fire Marshal to adopt certain uniform firesafety standards for certain plants and facilities and a firesafety evaluation system as an alternate inspection standard for certain plants and facilities; providing for enforcement and administration of such standards and system by local fire officials; prescribing conditions for conducting firesafety inspections; prescribing duties of local fire officials in providing a plan of action and a schedule for correction of deficiencies; requiring the State Fire Marshal to adopt and administer rules prescribing specified standards for the safety and health of occupants of educational and ancillary plants; requiring the Fire Marshal to publish an annual report regarding each education board's firesafety program; amending s. 633.01, F.S.; requiring the State Fire Marshal to adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary facilities as specified; requiring the State Fire Marshal to assume certain duties of the local fire official in certain counties; amending s. 633.022, F.S.; conforming provisions; providing an appropriation; amending s. 633.061, F.S., relating to licenses or permits required of organizations and individuals servicing, recharging, repairing, testing, marking, inspecting, installing, or hydrotesting fire extinguishers and preengineered systems; clarifying that a licensee who receives appropriate training shall not be prohibited from servicing any particular brand of fire extinguisher or preengineered system; reducing the number of permits required under the act; providing for a portable permit and a

preengineered permit; providing definitions; clarifying that a person who is both a licensee and a permittee is required to complete 32 hours of continuing education every four years; requiring that each licensee shall ensure that all permittees in his or her employment meet their continuing education requirements; providing authority of the State Fire Marshal to audit a fire equipment dealer to determine compliance with continuing education requirements; clarifying that an examination shall be developed and administered by the State Fire Marshal in accordance with policies and procedures of the State Fire Marshal; eliminating a requirement and fee for a temporary trainee permit; requiring that any person who is being trained and who performs work requiring a permit must perform such work in the physical presence of an individual possessing a valid and current fire equipment permit for the type of work performed; providing an effective date.

—a companion measure, was substituted for **CS for SB 532** as amended and read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for HB 443** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Carlton

CS for SB 1142—A bill to be entitled An act relating to environmental cost recovery for electric utilities; amending s. 366.8255, F.S.; redefining the term "environmental compliance costs" to include certain costs relating to air quality; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for SB 1142** to **HB 1601**.

Pending further consideration of **CS for SB 1142** as amended, on motion by Senator Clary, by two-thirds vote **HB 1601** was withdrawn from the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1601—A bill to be entitled An act relating to environmental cost recovery for electric utilities; amending s. 366.8255, F.S.; redefining the term "environmental compliance costs" to include certain costs relating to air quality; providing an effective date.

—a companion measure, was substituted for **CS for SB 1142** as amended and by two-thirds vote read the second time by title.

Senators Lee and Clary offered the following amendments which were moved by Senator Clary and adopted:

Amendment 1 (225028)—On page 2, lines 10 and 11, delete those lines and insert: *utility pursuant to an agreement entered into on or after the effective date of this act and prior to October 1, 2002, between the electric utility and the Florida*

Amendment 2 (105674)—On page 2, line 13, before "*purpose*", and insert: *exclusive*

Amendment 3 (811826)(with title amendment)—On page 3, between lines 20 and 21, insert:

Section 2. *(1) The Florida Public Service Commission in consultation with the Florida Department of Environmental Protection is directed to perform a study for the purpose of defining public policy with respect to the use of renewable resources in Florida. At a minimum, the study shall assess cost, feasibility, deployment schedules, and impacts on the environment of increased use of renewables. In addition, the study shall describe options and mechanisms to encourage the increased deployment of renewables within our state. The results of this study shall be submitted to the President of the Senate and the Speaker of the House by February 1, 2003.*

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

(a) "Biomass" means a power source that is comprised of, but not limited to, combustible residues or gasses from forest products manufacturing, agricultural and orchard crops, waste products from livestock and poultry operations and food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

(b) "Green energy" means renewable energy.

(c) "Renewable energy" means electricity generated from any method or process that uses one or more of the following sources of energy, but not limited to: biomass; municipal solid waste; geothermal energy; solar energy; wind energy; wood waste; ocean thermal gradient power; hydroelectric power; landfill gas; and agricultural products and by-products.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 1-7, delete those lines and insert: A bill to be entitled An act relating to electricity; amending s. 366.8255, F.S.; redefining the term "environmental compliance costs" to include certain costs relating to air quality; requiring the Florida Public Service Commission to perform a study concerning renewable resources; providing definitions; providing an effective date.

On motion by Senator Clary, by two-thirds vote **HB 1601** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Wise

Consideration of **CS for SB 2380** was deferred.

CS for CS for SB 556—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; revising violations and penalties relating to saltwater fisheries; revising grounds and penalties for violation of restrictions imposed upon a saltwater products licensee during the period of license suspension or revocation; creating penalties for the purchase or sale of illegally harvested saltwater products taken in violation of s. 16, Article X of the State

Constitution; clarifying that licenses or permits under which a violation is committed may be subject to suspension or revocation; clarifying that persons, firms, or corporations cited for violations are subject to monetary penalties assessed by the commission; amending s. 370.06, F.S.; revising and clarifying requirements for saltwater products licenses and endorsements; clarifying the saltwater products license income exemption for disabled persons; limiting the restricted species endorsement available to such persons; providing that saltwater products received by a wholesale dealer are presumed to have been purchased; amending s. 370.061, F.S.; revising and clarifying requirements and procedures for confiscation and forfeiture of property used in a saltwater products violation; requiring notice of seizure to the registered owner of the property prior to issuance of a forfeiture order; authorizing the courts to order property forfeited to the commission for second or subsequent convictions; revising procedure for return of property to an innocent owner; amending s. 370.07, F.S.; prohibiting purchase or sale of illegally taken saltwater products; providing a penalty; providing that saltwater products received by a retail dealer or restaurant are presumed to have been purchased; reenacting ss. 370.092(3) and (4), 370.093(5), F.S., to incorporate the amendment to s. 370.021, F.S., in references; amending s. 370.142, F.S.; correcting cross-references; amending s. 372.70, F.S.; providing that the state attorney shall represent the state in prosecutions of violations of hunting and fishing laws; amending s. 372.9901, F.S.; revising procedures for seizure and forfeiture of property used in the illegal taking of deer or wild turkey; requiring notice of seizure to the registered owner of the property prior to issuance of a forfeiture order; authorizing the courts to order property forfeited to the commission for second or subsequent convictions; revising procedure for return of property to an innocent owner; transferring, renumbering, and amending s. 372.31, F.S.; providing for exercise of the police power of the state in cases relating to illegal fishing; creating s. 372.99022, F.S.; providing penalties for molestation of or theft from certain freshwater fishing gear; prohibiting transfer of endorsements under certain circumstances; amending s. 372.9904, F.S.; correcting a cross-reference; amending s. 372.9905, F.S.; combining and conforming provisions relating to applicability of seizure and forfeiture requirements; amending s. 323.001, F.S.; correcting a cross-reference; repealing ss. 372.311, 372.312, 372.313, 372.314, 372.315, 372.316, 372.317, 372.318, 372.319, 372.321, 372.9902, F.S., relating to forfeiture proceedings, delivery of property to a claimant, proceedings when no claim is filed or a claim is filed, representation of the state by the state attorney, judgments of forfeiture, service charges, disposition of proceeds of forfeiture, exercise of police power, and applicability of certain seizure and forfeiture requirements; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 556** to **CS for HB 1243**.

Pending further consideration of **CS for CS for SB 556** as amended, on motion by Senator Smith, by two-thirds vote **CS for HB 1243** was withdrawn from the Committees on Natural Resources; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

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

CS for HB 1243—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; revising violations and penalties relating to saltwater fisheries; revising grounds and penalties for violation of restrictions imposed upon a saltwater products licensee during the period of license suspension or revocation; creating penalties for purchase or sale of illegally harvested saltwater products taken in violation of s. 16, Art. X of the State Constitution; clarifying that licenses or permits under which a violation is committed may be subject to suspension or revocation; clarifying that persons, firms, or corporations cited for violations are subject to monetary penalties assessed by the commission; amending s. 370.06, F.S.; revising and clarifying requirements for saltwater products licenses and endorsements; clarifying the saltwater products license income exemption for disabled persons; limiting the restricted species endorsement available to such persons; providing that saltwater products received by a wholesale dealer; are presumed to have been purchased; amending s. 370.061, F.S.; revising and clarifying requirements and procedures for confiscation and forfeiture of property used in a saltwater products violation; requiring notice of seizure to the registered owner of the property prior to issuance of a forfeiture order; authorizing the courts to order property forfeited to the commission for second or subsequent convictions; revising procedure for return of property to an innocent owner; amending s. 370.07, F.S.; prohibiting purchase or sale of illegally taken saltwater products; providing a penalty; providing that saltwater products received by a retail dealer or restaurant are presumed to have been purchased; correcting a cross reference; reenacting ss. 370.07(5), 370.092(3) and (4), and 370.093(5), F.S., to incorporate the amendment to s. 370.021, F.S., in references; amending s. 370.142, F.S.; correcting cross references; amending s. 372.70, F.S.; providing that the state attorney shall represent the state in prosecutions of violations of hunting and fishing laws; amending s. 372.9901, F.S.; revising procedures for seizure and forfeiture of property used in the illegal taking of deer or wild turkey; requiring notice of seizure to the registered owner of the property prior to issuance of a forfeiture order; authorizing the courts to order property forfeited to the commission for second or subsequent convictions; revising procedure for return of property to an innocent owner; amending and renumbering s. 372.31, F.S.; providing for exercise of the police power of the state in cases relating to illegal fishing; creating s. 372.99022, F.S.; providing penalties for molestation of or theft from certain freshwater fishing gear; prohibiting transfer of endorsements under certain circumstances; amending s. 372.9904, F.S.; correcting a cross reference; amending s. 372.9905, F.S.; combining and conforming provisions relating to applicability of seizure and forfeiture requirements; amending s. 323.001, F.S.; correcting a cross reference; repealing ss. 372.311, 372.312, 372.313, 372.314, 372.315, 372.316, 372.317, 372.318, 372.319, 372.321, and 372.9902, F.S., relating to forfeiture proceedings, delivery of property to a claimant, proceedings when no claim is filed or a claim is filed, representation of the state by the state attorney, judgments of forfeiture, service charges, disposition of proceeds of forfeiture, exercise of police power, and applicability of certain seizure and forfeiture requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 556** as amended and by two-thirds vote read the second time by title.

Senators Posey and Smith offered the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (243252)(with title amendment)—On page 49, between lines 14 and 15, insert:

Section 16. Subsection (2) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.—

(2) PROTECTION OF MANATEES OR SEA COWS.—

(a) This subsection shall be known and may be cited as the "Florida Manatee Sanctuary Act."

(b) The State of Florida is hereby declared to be a refuge and sanctuary for the manatee, the "Florida state marine mammal." *The protections extended to and authorized on behalf of the manatee by this act are independent of, and therefore are not contingent upon, its status as a state or federal listed species.*

(c) Whenever the Fish and Wildlife Conservation Commission is satisfied that the interest of science will be subserved, and that the application for a permit to possess a manatee or sea cow (Trichechus manatus) is for a scientific or propagational purpose and should be granted, and after concurrence by the United States Department of the Interior, the commission may grant to any person making such application a special permit to possess a manatee or sea cow, which permit shall specify the exact number which shall be maintained in captivity.

(d) Except as may be authorized by the terms of a valid state permit issued pursuant to paragraph (c) or by the terms of a valid federal permit, it is unlawful for any person at any time, by any means, or in any manner intentionally or negligently to annoy, molest, harass, or disturb or attempt to molest, harass, or disturb any manatee; injure or harm or attempt to injure or harm any manatee; capture or collect or attempt to capture or collect any manatee; pursue, hunt, wound, or kill or attempt to pursue, hunt, wound, or kill any manatee; or possess, literally or constructively, any manatee or any part of any manatee.

(e) Any gun, net, trap, spear, harpoon, boat of any kind, aircraft, automobile of any kind, other motorized vehicle, chemical, explosive,

electrical equipment, scuba or other subaquatic gear, or other instrument, device, or apparatus of any kind or description used in violation of any provision of paragraph (d) may be forfeited upon conviction. The foregoing provisions relating to seizure and forfeiture of vehicles, vessels, equipment, or supplies do not apply when such vehicles, vessels, equipment, or supplies are owned by, or titled in the name of, innocent parties; and such provisions shall not vitiate any valid lien, retain title contract, or chattel mortgage on such vehicles, vessels, equipment, or supplies if such lien, retain title contract, or chattel mortgage is property of public record at the time of the seizure.

(f)1. Except for emergency rules adopted under s. 120.54, all proposed rules of the commission for which a notice of intended agency action is filed proposing to govern the speed and operation of motorboats for purposes of manatee protection shall be submitted to the counties in which the proposed rules will take effect for review by local rule review committees.

2. No less than 60 days prior to filing a notice of rule development in the Florida Administrative Weekly, as provided in s. 120.54(3)(a), the commission shall notify the counties for which a rule to regulate the speed and operation of motorboats for the protection of manatees is proposed. A county so notified shall establish a rule review committee or several counties may combine rule review committees.

3. The county commission of each county in which a rule to regulate the speed and operation of motorboats for the protection of manatees is proposed shall designate a rule review committee. The designated voting membership of the rule review committee must be comprised of waterway users, such as fishers, boaters, water skiers, other waterway users, as compared to the number of manatee and other environmental advocates. A county commission may designate an existing advisory group as the rule review committee. With regard to each committee, fifty percent of the voting members shall be manatee advocates and other environmental advocates, and fifty percent of the voting members shall be waterway users.

4. The county shall invite other state, federal, county, municipal, or local agency representatives to participate as nonvoting members of the local rule review committee.

5. The county shall provide logistical and administrative staff support to the local rule review committee and may request technical assistance from commission staff.

6. Each local rule review committee shall elect a chair and recording secretary from among its voting members.

7. Commission staff shall submit the proposed rule and supporting data used to develop the rule to the local rule review committees.

8. The local rule review committees shall have 60 days from the date of receipt of the proposed rule to submit a written report to commission members and staff. The local rule review committees may use supporting data supplied by the commission, as well as public testimony which may be collected by the committee, to develop the written report. The report may contain recommended changes to proposed manatee protection zones or speed zones, including a recommendation that no rule be adopted, if that is the decision of the committee.

9. Prior to filing a notice of proposed rulemaking in the Florida Administrative Weekly as provided in s. 120.54(3)(a), the commission staff shall provide a written response to the local rule review committee reports to the appropriate counties, to the commission members, and to the public upon request.

10. In conducting a review of the proposed manatee protection rule, the local rule review committees may address such factors as whether the best available scientific information supports the proposed rule, whether seasonal zones are warranted, and such other factors as may be necessary to balance manatee protection and public access to and use of the waters being regulated under the proposed rule.

11. The written reports submitted by the local rule review committees shall contain a majority opinion. If the majority opinion is not unanimous, a minority opinion shall also be included.

12. The members of the commission shall fully consider any timely submitted written report submitted by a local rule review committee prior to authorizing commission staff to move forward with proposed rulemaking and shall fully consider any timely submitted subsequent reports of the committee prior to adoption of a final rule. The written reports of the local rule review committees and the written responses of the commission staff shall be part of the rulemaking record and may be submitted as evidence regarding the committee's recommendations in any proceeding relating to a rule proposed or adopted pursuant to this subsection.

13. The commission is relieved of any obligations regarding the local rule review committee process created in this paragraph if a timely noticed county commission fails to timely designate the required rule review committee.

(g)~~(f)~~ In order to protect manatees or sea cows from harmful collisions with motorboats or from harassment, the Fish and Wildlife Conservation Commission *is authorized, in addition to all other authority, to provide a permitting agency with comments* ~~shall adopt rules under chapter 120~~ regarding the expansion of existing, or the construction of new, marine facilities and mooring or docking slips, by the addition or construction of five or more powerboat slips. *The commission shall adopt rules under chapter 120*~~, and~~ regulating the operation and speed of motorboat traffic~~,~~ only where manatee sightings are frequent and *the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusions that manatees* ~~it can be generally assumed, based on available scientific information, that they~~ inhabit these areas on a regular ~~or continuous~~ basis:

1. In Lee County: the entire Orange River, including the Tice Florida Power and Light Corporation discharge canal and adjoining waters of the Caloosahatchee River within 1 mile of the confluence of the Orange and Caloosahatchee Rivers.

2. In Brevard County: those portions of the Indian River within three-fourths of a mile of the Orlando Utilities Commission Delespine power plant effluent and the Florida Power and Light Frontenac power plant effluents.

3. In Indian River County: the discharge canals of the Vero Beach Municipal Power Plant and connecting waters within 1¼ miles thereof.

4. In St. Lucie County: the discharge of the Henry D. King Municipal Electric Station and connecting waters within 1 mile thereof.

5. In Palm Beach County: the discharges of the Florida Power and Light Riviera Beach power plant and connecting waters within 1½ miles thereof.

6. In Broward County: the discharge canal of the Florida Power and Light Port Everglades power plant and connecting waters within 1½ miles thereof and the discharge canal of the Florida Power and Light Fort Lauderdale power plant and connecting waters within 2 miles thereof. For purposes of ensuring the physical safety of boaters in a sometimes turbulent area, the area from the easternmost edge of the authorized navigation project of the intracoastal waterway east through the Port Everglades Inlet is excluded from this regulatory zone.

7. In Citrus County: headwaters of the Crystal River, commonly referred to as King's Bay, and the Homosassa River.

8. In Volusia County: Blue Springs Run and connecting waters of the St. Johns River within 1 mile of the confluence of Blue Springs and the St. Johns River; and Thompson Creek, Strickland Creek, Dodson Creek, and the Tomoka River.

9. In Hillsborough County: that portion of the Alafia River from the main shipping channel in Tampa Bay to U.S. Highway 41.

10. In Sarasota County: the Venice Inlet and connecting waters within 1 mile thereof, including Lyons Bay, Donna Bay, Roberts Bay, and Hatchett Creek, excluding the waters of the intracoastal waterway and the right-of-way bordering the centerline of the intracoastal waterway.

11. In Collier County: within the Port of Islands, within section 9, township 52 south, range 28 east, and certain unsurveyed lands, all east-west canals and the north-south canals to the southerly extent of the intersecting east-west canals which lie southerly of the centerline of U.S. Highway 41.

12. In Manatee County: that portion of the Manatee River east of the west line of section 17, range 19 east, township 34 south; the Braden River south of the north line and east of the west line of section 29, range 18 east, township 34 south; Terra Ceia Bay and River, east of the west line of sections 26 and 35 of range 17 east, township 33 south, and east of the west line of section 2, range 17 east, township 34 south; and Bishop Harbor east of the west line of section 13, range 17 east, township 33 south.

13. In *Miami*-Dade County: those portions of Black Creek lying south and east of the water control dam, including all boat basins and connecting canals within 1 mile of the dam.

(h)~~(g)~~ The Fish and Wildlife Conservation Commission shall adopt rules pursuant to chapter 120 regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and *the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusion that manatees* ~~it can be generally assumed that they~~ inhabit these areas on a regular ~~or continuous~~ basis within that portion of the Indian River between the St. Lucie Inlet in Martin County and the Jupiter Inlet in Palm Beach County *and*~~. In addition, the commission shall adopt rules pursuant to chapter 120 regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis~~ within the Loxahatchee River in Palm Beach and Martin Counties, including the north and southwest forks thereof. ~~A limited lane or corridor providing for reasonable motorboat speeds may be identified and designated within this area.~~

(i)~~(h)~~ The commission shall adopt rules pursuant to chapter 120 regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and *the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusion that manatees* ~~it can be generally assumed that they~~ inhabit these areas on a regular ~~or continuous~~ basis within the Withlacoochee River and its tributaries in Citrus and Levy Counties. The specific areas to be regulated include the Withlacoochee River and the U.S. 19 bridge westward to a line between U.S. Coast Guard markers number 33 and number 34 at the mouth of the river, including all side channels and coves along that portion of the river; Bennets' Creek from its beginning to its confluence with the Withlacoochee River; Bird's Creek from its beginning to its confluence with the Withlacoochee River; and the two dredged canal systems on the north side of the Withlacoochee River southwest of Yankeetown. ~~A limited lane or corridor providing for reasonable motorboat speeds may be identified and designated within this area.~~

(j)~~(i)~~ If any new power plant is constructed or other source of warm water discharge is discovered within the state which attracts a concentration of manatees or sea cows, the ~~Fish and Wildlife Conservation~~ commission is directed to adopt rules pursuant to chapter 120 regulating the operation and speed of motorboat traffic within the area of such discharge. Such rules shall designate a zone which is sufficient in size, and which shall remain in effect for a sufficient period of time, to protect the manatees or sea cows.

(k)~~(j)~~ It is the intent of the Legislature ~~through adoption of this paragraph~~ to allow the Fish and Wildlife Conservation Commission to post and regulate boat speeds only where *the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depth, supports the conclusion that manatees* ~~manatee sightings are frequent and it can be generally assumed that they~~ inhabit these areas on a *periodic* ~~regular or continuous~~ basis. It is not the intent of the Legislature to permit the commission to post and regulate boat speeds generally *throughout the waters of the state* ~~in the above-described inlets, bays, rivers, creeks~~, thereby unduly interfering with the rights of fishers, boaters, and water skiers using the areas for recreational and commercial purposes. *The Legislature further intends that the commission may identify and designate* limited lanes or corridors providing for reasonable motorboat speeds *within waters of the state whenever such lanes and corridors are consistent with manatee protection* ~~may be identified and designated within these areas~~.

(l)~~(k)~~ The commission shall adopt rules pursuant to chapter 120 regulating the operation and speed of motorboat traffic all year around within Turkey Creek and its tributaries and within Manatee Cove in Brevard County. The specific areas to be regulated consist of:

1. A body of water which starts at Melbourne-Tillman Drainage District structure MS-1, section 35, township 28 south, range 37 east, running east to include all natural waters and tributaries of Turkey Creek, section 26, township 28 south, range 37 east, to the confluence of Turkey Creek and the Indian River, section 24, township 28 south, range 37 east, including all lagoon waters of the Indian River bordered on the west by Palm Bay Point, the north by Castaway Point, the east by the four immediate spoil islands, and the south by Cape Malabar, thence northward along the shoreline of the Indian River to Palm Bay Point.

2. A triangle-shaped body of water forming a cove (commonly referred to as Manatee Cove) on the east side of the Banana River, with northern boundaries beginning and running parallel to the east-west cement bulkhead located 870 feet south of SR 520 Relief Bridge in Cocoa Beach and with western boundaries running in line with the City of Cocoa Beach channel markers 121 and 127 and all waters east of these boundaries in section 34, township 24 south, range 37 east; the center coordinates of this cove are 28°20′14″ north, 80°35′17″ west.

(m)~~(l)~~ The commission shall promulgate regulations pursuant to chapter 120 relating to the operation and speed of motor boat traffic in port waters with due regard to the safety requirements of such traffic and the navigational hazards related to the movement of commercial vessels.

(n)~~(m)~~ The commission may designate by rule adopted pursuant to chapter 120 other portions of state waters where manatees are frequently sighted and *the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusion that* ~~it can be assumed that~~ manatees inhabit such waters periodically ~~or continuously~~. Upon designation of such waters, the commission shall adopt rules pursuant to chapter 120 to regulate motorboat speed and operation which are necessary to protect manatees from harmful collisions with motorboats and from harassment. The commission may adopt rules pursuant to chapter 120 to protect manatee habitat, such as seagrass beds, within such waters from destruction by boats or other human activity. Such rules shall not protect noxious aquatic plants subject to control under s. 369.20.

(o)~~(n)~~ The commission may designate, by rule adopted pursuant to chapter 120, limited areas as a safe haven for manatees to rest, feed, reproduce, give birth, or nurse undisturbed by human activity. Access by motor boat to private residences, boat houses, and boat docks through these areas by residents, and their authorized guests, who must cross one of these areas to have water access to their property is permitted when the motorboat is operated at idle speed, no wake.

(p)~~(o)~~ Except in the marked navigation channel of the Florida Intracoastal Waterway as defined in s. 327.02 and the area within 100 feet of such channel, a local government may regulate, by ordinance, motorboat speed and operation on waters within its jurisdiction *where the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusion that manatees inhabit these areas on a regular basis* ~~where manatees are frequently sighted and can be generally assumed to inhabit periodically or continuously~~. However, such an ordinance may not take effect until it has been reviewed and approved by the commission. If the commission and a local government disagree on the provisions of an ordinance, a local manatee protection committee must be formed to review the technical data of the commission and the United States Fish and Wildlife Service, and to resolve conflicts regarding the ordinance. The manatee protection committee must be comprised of:

1. A representative of the commission;

2. A representative of the county;

3. A representative of the United States Fish and Wildlife Service;

4. A representative of a local marine-related business;

5. A representative of the Save the Manatee Club;

6. A local fisher;

7. An affected property owner; and

8. A representative of the Florida Marine Patrol.

If local and state regulations are established for the same area, the more restrictive regulation shall prevail.

(q)~~(p)~~ The commission shall evaluate the need for use of fenders to prevent crushing of manatees between vessels (100′ or larger) and bulkheads or wharves in counties where manatees have been crushed by such vessels. For areas in counties where evidence indicates that manatees have been crushed between vessels and bulkheads or wharves, the commission shall:

1. Adopt rules pursuant to chapter 120 requiring use of fenders for construction of future bulkheads or wharves; and

2. Implement a plan and time schedule to require retrofitting of existing bulkheads or wharves consistent with port bulkhead or wharf repair or replacement schedules.

The fenders shall provide sufficient standoff from the bulkhead or wharf under maximum operational compression to ensure that manatees cannot be crushed between the vessel and the bulkhead or wharf.

(r)~~(q)~~ Any violation of a restricted area established by this subsection, or established by rule pursuant to chapter 120 or ordinance pursuant to this subsection, shall be considered a violation of the boating laws of this state and shall be charged on a uniform boating citation as provided in s. 327.74, except as otherwise provided in paragraph (s). Any person who refuses to post a bond or accept and sign a uniform boating citation shall, as provided in s. 327.73(3), be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(s)~~(r)~~ Except as otherwise provided in this paragraph, any person violating the provisions of this subsection or any rule or ordinance adopted pursuant to this subsection shall be guilty of a misdemeanor, punishable as provided in s. 370.021(1)(a) or (b).

1. Any person operating a vessel in excess of a posted speed limit shall be guilty of a civil infraction, punishable as provided in s. 327.73, except as provided in subparagraph 2.

2. This paragraph does not apply to persons violating restrictions governing "No Entry" zones or "Motorboat Prohibited" zones, who, if convicted, shall be guilty of a misdemeanor, punishable as provided in s. 370.021(1)(a) or (b), or, if such violation demonstrates blatant or willful action, may be found guilty of harassment as described in paragraph (d).

(t)1. In order to protect manatees and manatee habitat, the counties identified in the Governor and Cabinet's October 1989 Policy Directive shall develop manatee protection plans consistent with commission criteria based upon "Schedule K" of the directive, and shall submit such protection plans for review and approval by the commission. Any manatee protection plans not submitted by July 1, 2004 and any plans not subsequently approved by the commission shall be addressed pursuant to subparagraph 2.

2. No later than January 1, 2005, the Fish and Wildlife Conservation Commission shall designate any county it has identified as a substantial risk county for manatee mortality as a county that must complete a manatee protection plan by July 1, 2006. The commission is authorized to adopt rules pursuant to s. 120.54 for identifying substantial risk counties and establishing criteria for approval of manatee protection plans for counties so identified. Manatee protection plans shall include the following elements at a minimum: education about manatees and manatee habitat; boater education; an assessment of the need for new or revised manatee protection speed zones; local law enforcement; and a boat facility siting plan to address expansion of existing and the development of new marinas, boat ramps, and other multislip boating facilities.

3. Counties required to adopt manatee protection plans under this paragraph shall incorporate the boating facility siting element of those protection plans within their respective comprehensive plans.

4. Counties that have already adopted approved manatee protection plans, or that adopt subsequently approved manatee protection plans by the effective date of this act, are in compliance with the provisions of this paragraph so long as they incorporate their approved Boat Facility Siting Plan into the appropriate element of their local Comprehensive Plan no later than July 1, 2003.

Section 17. Subsection (6) is added to section 372.072, Florida Statutes, to read:

372.072 Endangered and Threatened Species Act.—

(6) MEASURABLE BIOLOGICAL GOALS.—No later than February 15, 2003, the commission, working in conjunction with the United States Fish and Wildlife Service, shall develop measurable biological goals that define manatee recovery. These measurable biological goals shall be used by the commission in its development of management plans or work plans. In addition to other criteria, these measurable biological goals shall be used by the commission when evaluating existing and proposed protection rules, and in determining progress in achieving manatee recovery.

Section 18. Subsection (2) of section 327.41, Florida Statutes, is amended to read:

327.41 Uniform waterway regulatory markers.—

(2) Any county or municipality which has been granted a restricted area designation, pursuant to s. 327.46, for a portion of the Florida Intracoastal Waterway within its jurisdiction or which has adopted a restricted area by ordinance pursuant to s. 327.22, s. 327.60, or *s. 370.12(2)(p)* ~~s. 370.12(2)(o)~~, or any other governmental entity which has legally established a restricted area, may apply to the commission for permission to place regulatory markers within the restricted area.

Section 19. *It is the intent of the Legislature that the commission request the necessary funding and staffing through a general revenue budget request to ensure that manatees receive the maximum protection possible. The Legislature recognizes that strong manatee protection depends upon consistently achieving a high degree of compliance with existing and future rules. The commission shall conduct standardized studies to determine levels of public compliance with manatee protection rules, and shall use the results of the studies, together with other relevant information, to develop and implement strategic law enforcement initiatives and boater education plans. Drawing upon information obtained from the compliance studies and the implementation of enforcement initiatives together with boater education plans, the commission shall identify any impediments in consistently achieving high levels of compliance, and adjust their enforcement and boater education efforts accordingly.*

Section 20. *The Legislature intends that the provisions of this act may not be retroactively applied to manatee protection rules existing or in the process of being adopted on the effective date of this act unless the Fish and Wildlife Conservation Commission proposes to amend or revise such rules after this act takes effect. Proposed rules that are currently subject to an administrative challenge pending as of February 12, 2002, are not subject to the provisions of this act unless a court or administrative hearing officer finds such proposed rule to be invalid and all appeals have been exhausted. Once such rules become final, any revisions or amendments of such rules shall be conducted pursuant to the provisions of this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 20, after the semicolon (;) insert: amending s. 370.12, F.S.; requiring notice to counties where manatee protection zones or manatee speed zones may be imposed by the Fish and Wildlife Conservation Commission; providing for establishment of local rule review committees; providing duties and responsibilities of the counties, committees, and commission; providing for committee reports and recommendations; providing that written reports submitted to the commission by the committees and Fish and Wildlife Conservation Commission staff responses shall be part of the rulemaking record; clarifying the Fish and Wildlife Conservation Commission's authority to provide comments to permitting agencies relating to the protection of manatees; revising the circumstances under which the commission may post and regulate motorboat speeds to protect manatees; requiring specified counties to develop manatee protection plans that are consistent with specified policy

directive; providing the commission with rulemaking authority; amending s. 372.072, F.S.; requiring that the commission develop a measurable biological goal to define manatee recovery; requiring the commission to use the goal in developing management plans and work plans and for determining the progress of manatee recovery; amending s. 327.41, F.S.; conforming a cross-reference; providing legislative intent regarding manatee protection; providing for compliance studies, enforcement initiatives, and boater education plans; requiring the commission to identify impediments to high rates of compliance; providing legislative intent that the provisions of the act not be retroactively applied except as otherwise provided; providing an exemption;

On motion by Senator Smith, by two-thirds vote **CS for HB 1243** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Clary, Futch, Lee, Sebesta

SJR 1084—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution, relating to local government, to provide for the nonpartisan election of supervisors of elections.

—was read the second time by title.

The Committee on Ethics and Elections recommended the following amendment which was moved by Senator Meek and adopted:

Amendment 1 (042934)—On page 4, line 2, delete "Section 6" and insert: Section 1

THE PRESIDENT PRESIDING

On motion by Senator Meek, by two-thirds vote **SJR 1084** as amended was read the third time in full as follows:

SJR 1084—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution, relating to local government, to provide for the nonpartisan election of supervisors of elections.

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

That the following amendment to Section 1 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VIII
LOCAL GOVERNMENT

SECTION 1. Counties.—

(a) POLITICAL SUBDIVISIONS. The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer*, other than the supervisor of elections,* may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. *The supervisor of elections in each county, including counties referred to in section 6 of this article, shall be elected in a nonpartisan election.* When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) TAXES; LIMITATION. Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) COUNTY ORDINANCES. Each county ordinance shall be filed with the custodian of state records and shall become effective at such time thereafter as is provided by general law.

(j) VIOLATION OF ORDINANCES. Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) COUNTY SEAT. In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded until filed at the county seat, or a branch office designated by the governing body of the county for the recording of instruments, according to law.

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

CONSTITUTIONAL AMENDMENT
ARTICLE VIII, SECTION 1

SUPERVISORS OF ELECTIONS; NONPARTISAN ELECTION.—Proposing an amendment to the State Constitution under which the supervisors of elections in all counties of the state, including charter counties, would be elected on a nonpartisan basis.

—and **SJR 1084** as amended passed by the required constitutional three-fifths vote of the membership, and was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Geller	Posey
Brown-Waite	Holzendorf	Pruitt
Burt	Jones	Rossin
Campbell	King	Sanderson
Clary	Latvala	Saunders
Constantine	Laurent	Silver
Cowin	Lee	Villalobos
Crist	Meek	Wasserman Schultz
Diaz de la Portilla	Miller	Webster
Dyer	Mitchell	Wise
Garcia	Peaden	

Nays—None

Vote after roll call:

Yea—Carlton, Futch, Sullivan

CS for SJR's 1666 and 1118—A joint resolution proposing amendments to Section 5 of Article IV and Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution, relating to suffrage and elections; revising limitations on the number of consecutive years during which certain elected constitutional officers may hold office.

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

That the following amendments to Section 5 of Article IV and Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or an earlier special election specifically authorized by law for that purpose:

ARTICLE IV
EXECUTIVE

SECTION 5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.—

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In primary elections, candidates for the office of governor may choose to run without a lieutenant governor candidate. In the general election, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

(b) When elected, the governor, lieutenant governor and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida for the preceding five years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term. *No person may appear on the ballot for reelection to the office of Lieutenant Governor if, by the end of the current term of office, the person will have served, or but for resignation would have served, in that office for eight consecutive years.*

ARTICLE VI
SUFFRAGE AND ELECTIONS

SECTION 4. Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

(b) No person may appear on the ballot for re-election to any of the following offices:

(1) Florida representative,

(2) Florida senator, *or*

~~(3) Florida Lieutenant governor,~~

(3)~~(4)~~ any office of the Florida cabinet,

~~(5) U.S. Representative from Florida, or~~

~~(6) U.S. Senator from Florida~~

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for *twelve* ~~eight~~ consecutive years.

ARTICLE XII
SCHEDULE

SECTION 26. Term limits.—The amendment to Section 4 of Article VI denying ballot access for reelection to any cabinet officer or state legislator who will have served, or but for resignation would have served, in that office for 12 consecutive years, rather than 8 consecutive years, shall take effect upon approval by the voters and shall apply only to those officers whose consecutive years in office begin in November 2002 or thereafter.

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

CONSTITUTIONAL AMENDMENT
ARTICLE IV, SECTION 5
ARTICLE VI, SECTION 4
ARTICLE XII, SECTION 26

TERM LIMITS.—Proposing amendments to the State Constitution to increase, from 8 consecutive years to 12 consecutive years, the limitation on holding office as a Florida Representative, Florida Senator, or member of the Florida Cabinet, to apply such limitation to such officers whose consecutive years in office begin in November 2002 or thereafter, and to remove provisions that apply term limits by means of ballot access to members of Congress, which the United States Supreme Court has determined violate the U.S. Constitution.

—was read the second time in full. On motion by Senator Rossin, by two-thirds vote **CS for SJR's 1666 and 1118** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Garcia	Peaden
Brown-Waite	Holzendorf	Pruitt
Burt	Jones	Rossin
Campbell	King	Sanderson
Clary	Latvala	Saunders
Constantine	Lawson	Silver
Cowin	Lee	Smith
Crist	Meek	Villalobos
Diaz de la Portilla	Miller	Webster
Dyer	Mitchell	Wise

Nays—1

Posey

Vote after roll call:

Yea—Carlton, Futch, Laurent, Sebesta, Sullivan, Wasserman Schultz

Yea to Nay—Cowin

MOTION

On motion by Senator Lee, by two-thirds vote **HB 1993** was returned to second reading.

Consideration of **CS for CS for SB 1490** was deferred.

CS for SB 1822—A bill to be entitled An act relating to insurance guaranty associations; amending s. 631.904, F.S.; redefining the term "covered claim"; defining the term "net direct written premiums"; amending s. 631.913, F.S.; revising powers and duties of the corporation with respect to payments to a claimant; amending s. 631.929, F.S.; providing certain limitations with respect to the election of remedies; providing an effective date.

—was read the second time by title.

Senator Holzendorf moved the following amendment:

Amendment 1 (145300)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (2) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

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

(c) "Covered policy" means any insurance policy covering residential property in this state, including, but not limited to, any homeowner's, mobile home owner's, farm owner's, condominium association, condominium unit owner's, tenant's, or apartment building policy, or any other policy covering a residential structure or its contents issued by any authorized insurer, including any joint underwriting association or similar entity created pursuant to law. *The term "covered policy" includes any collateral protection insurance policy covering personal residences which protects both the borrower's and the lender's financial interests, in an amount at least equal to the coverage for the dwelling in place under the lapsed homeowner's policy, if such policy can be accurately reported as required in subsection (5).* Additionally, covered policies include policies covering the peril of wind removed from the Florida Residential Property and Casualty Joint Underwriting Association, created pursuant to s. 627.351(6), or from the Florida Windstorm Underwriting Association, created pursuant to s. 627.351(2), by an authorized insurer under the terms and conditions of an executed assumption agreement between the authorized insurer and either such association. Each assumption agreement between either association and such authorized insurer must be approved by the Florida Department of Insurance prior to the effective date of the assumption, and the Department of Insurance must provide written notification to the board within 15 working days after such approval. "Covered policy" does not include any policy that excludes wind coverage or hurricane coverage or any reinsurance agreement and does not include any policy otherwise meeting this definition which is issued by a surplus lines insurer or a reinsurer.

Section 2. Subsection (2) of section 631.904, Florida Statutes, is amended to read:

631.904 Definitions.—As used in this part, the term:

(2) "Covered claim" means an unpaid claim, including a claim for return of unearned premiums, which arises out of, is within the coverage of, and is not in excess of the applicable limits of, an insurance policy to which this part applies, which policy was issued by an insurer and which claim is made on behalf of a claimant or insured who was a resident of this state at the time of the injury. The term *"covered claim"* does not include *any amount sought as a return of premium under any retrospective rating plan;* any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise*; or any return of premium resulting from a policy that was not in force on the date of the final order of liquidation*. Member insurers have no right of subrogation against the insured of any insolvent insurer. This provision shall be applied retroactively to cover claims of an insolvent self-insurance fund resulting from accidents or losses incurred prior to January 1, 1994, regardless of the date the Department of Insurance filed a petition in circuit court alleging insolvency and the date the court entered an order appointing a receiver.

Section 3. Effective upon becoming a law and operating retroactively to January 1, 2002, subsection (5) is added to section 625.041, Florida Statutes, to read:

625.041 Liabilities, in general.—In any determination of the financial condition of an insurer, liabilities to be charged against its assets shall include:

(5) Any insurer in this state which writes workers' compensation insurance shall accrue a liability on its financial statements for all Special Disability Trust Fund assessments that are due within the current calendar year. In addition, such insurers shall also disclose in the notes to the financial statements required to be filed pursuant to s. 624.424 an estimate of future Special Disability Trust Fund assessments, if such assessments are likely to occur and can be estimated with reasonable certainty.

Section 4. Subsection (15) of section 641.35, Florida Statutes, is amended to read:

641.35 Assets, liabilities, and investments.—

(15) ~~SPECIAL CONSENT~~ INVESTMENT *OF EXCESS FUNDS*.—

(a) After satisfying the requirements of this part, any funds of a health maintenance organization in excess of its statutorily required reserves and surplus may be invested:

1. Without limitation in any investments otherwise authorized by this part; or

2. In such other investments not specifically authorized by this part provided such investments do not exceed the lesser 5 percent of the health maintenance organization's admitted assets or 25 percent of the amount by which a health maintenance organization's surplus exceeds its statutorily required minimum surplus. A health maintenance organization may exceed the limitations of this subparagraph only with the prior written approval of the department.

(b) Nothing in this subsection authorizes a health maintenance organization to:

1. Invest any funds in excess of the amount by which its actual surplus exceeds its statutorily required minimum surplus; or

2. Make any investment prohibited by this code ~~Any investment of the health maintenance organization's funds not enumerated in this part requires the prior approval of the department.~~

Section 5. Section 624.4072, Florida Statutes, is amended to read:

624.4072 Minority-owned property and casualty insurers; limited exemption for taxation and assessments.—

(1) A minority business that is at least 51 percent owned by minority persons, as defined in s. 288.703(3), initially issued a certificate of authority in this state as an authorized insurer after May 1, 1998, *and before January 1, 2002,* to write property and casualty insurance shall be exempt, for a period not to exceed *10* ~~5~~ years from the date of receiving its certificate of authority, from the following taxes and assessments:

(a) Taxes imposed under ss. 175.101, 185.08, and 624.509;

(b) Assessments by the Florida Residential Property and Casualty Joint Underwriting Association or by the Florida Windstorm Underwriting Association, as provided under s. 627.351, except for emergency assessments collected from policyholders pursuant to s. 627.351(2)(b)2.d.(III) and (6)(b)3.d. Any such insurer shall be a member insurer of the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association. The premiums of such insurer shall be included in determining, for the Florida Windstorm Underwriting Association, the aggregate statewide direct written premium for property insurance and in determining, for the Florida Residential Property and Casualty Joint Underwriting Association, the aggregate statewide direct written premium for the subject lines of business for all member insurers.

(2) Subsection (1) applies only to personal lines and commercial lines residential property insurance policies as defined in s. 627.4025, and applies only to an insurer that has employees in this state and has a home office or a regional office in this state. With respect to any tax year or assessment year, the exemptions provided by subsection (1) apply only if during the year an average of at least 10 percent of the insurer's Florida residential property policies in force covered properties located in enterprise zones designated pursuant to s. 290.0065.

(3) The provision of the definition of "minority person" in s. 288.703(3) that requires residency in Florida shall not apply to the term "minority person" as used in this section or s. 627.3511.

(4) This section is repealed effective *December 31, 2010* ~~July 1, 2003~~, and the tax and assessment exemptions authorized by this section shall terminate on such date.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; redefining the term "covered policy"; amending s. 631.904, F.S.; redefining the term "covered claim"; amending s. 625.041, F.S.; revising the liabilities that a workers' compensation insurer must include on its financial statements; providing retroactive application; amending s. 641.35, F.S.; authorizing investment of funds of a health maintenance organization in excess of certain reserves and surplus under certain circumstances; providing a limitation; amending s. 624.4072, F.S.; extending the term of the exemption from taxes and assessments on minority-owned property and casualty insurers; postponing the scheduled repeal of the law; providing effective dates.

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

Amendment 1A (234370)(with title amendment)—On page 6, between lines 6 and 7, insert:

Section 6. Effective July 1, 2002, and contingent upon SB 1418 becoming a law, paragraph (k) of subsection (6) of section 627.351, Florida Statutes, is amended and paragraph (p) is added to that subsection, to read:

(6) *CITIZENS* ~~RESIDENTIAL~~ PROPERTY *INSURANCE CORPORATION* ~~AND CASUALTY JOINT UNDERWRITING ASSOCIATION~~.—

(k) Upon a determination by the *department* ~~board of governors~~ that the conditions giving rise to the establishment and activation of the *corporation* ~~association~~ no longer exist, ~~and upon the consent thereto by order of the department,~~ the *corporation* ~~association~~ is dissolved. Upon dissolution, the assets of the association shall be applied first to pay all debts, liabilities, and obligations of the *corporation* ~~association~~, including the establishment of reasonable reserves for any contingent liabilities or obligations, and all remaining assets of the *corporation* ~~association~~ shall become property of the state and deposited in the Florida Hurricane Catastrophe Fund. *However, no dissolution shall take effect as long as the corporation has bonds or other financial obligations outstanding unless adequate provision has been made for the payment of the bonds or other financial obligations pursuant to the documents authorizing the issuance of the bonds or other financial obligations.*

(p) In enacting the provisions of this section, the Legislature recognizes that both the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association have entered into financing arrangements that obligate each entity to service its debts and maintain the capacity to repay funds secured under these financing arrangements. It is the intent of the Legislature that nothing in this section be construed to compromise, diminish, or interfere with the rights of creditors under such financing arrangements. It is further the intent of the Legislature to preserve the obligations of the Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting Association with regard to outstanding financing arrangements, with such obligations passing entirely and unchanged to the corporation and, specifically, to the applicable account of the corporation. So long as any bonds, notes, indebtedness, or other financing obligations of the Florida Windstorm Underwriting Association or the Residential Property and Casualty Joint Underwriting Association are outstanding, under the terms of the financing documents pertaining to them, the governing board of the corporation shall have and shall exercise the authority to levy, charge, collect, and receive all premiums, assessments, surcharges, charges, revenues and receipts that the associations had authority to levy, charge, collect, or receive under the provisions of subsection (2) and subsection (6), respectively, as they existed on January 1, 2002, to provide moneys, without exercise of the authority provided by this subsection, in at least the amounts, and by the times, as would be provided under those former provisions of subsection (2) or subsection (6), respectively, so that the value, amount, and collectability of any assets, revenues, or revenue source pledged or committed to, or any lien thereon securing such outstanding bonds, notes, indebtedness, or other financing obligations will not be diminished, impaired, or adversely affected by the amendments made by this act and to permit compliance with all provisions of financing documents pertaining to such bonds, notes, indebtedness, or other financing obligations, or the security or credit enhancement for them, and any reference in this subsection to bonds, notes, indebtedness, financing obligations, or similar obligations, of the corporation shall include like instruments or contracts of the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association to the extent not inconsistent with the provisions of the financing documents pertaining to them.

Section 7. *The amendments to section 627.351, Florida Statutes, in this act prevail over any conflicting amendments to that section contained in SB 1418.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 1, after the semicolon (;) insert: amending s. 627.351, F.S.; revising provisions governing financing arrangements and dissolutions; providing legislative intent;

Amendment 1 as amended was adopted.

On motion by Senator Holzendorf, by two-thirds vote **CS for SB 1822** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Sanderson, Sullivan

CS for SB 2042—A bill to be entitled An act relating to the Board of Architecture and Interior Design; amending s. 481.205, F.S.; delegating to the board the duties and authority of the Department of Business and Professional Regulation to investigate and prosecute the practice and unlicensed practice of architecture and interior design; requiring the board to contract with a corporation or other business entity to provide legal, investigative, prosecutorial, and other services; authorizing the board to use funds from the unlicensed activity account to perform certain duties; requiring that the board submit an annual budget to the Legislature; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2042** to **CS for HB 1301**.

Pending further consideration of **CS for SB 2042** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 1301** was withdrawn from the Committees on Regulated Industries; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

SENATOR SULLIVAN PRESIDING

On motion by Senator Clary—

CS for HB 1301—A bill to be entitled An act relating to the Board of Architecture and Interior Design; amending s. 481.205, F.S.; delegating

to the board the duties and authority of the Department of Business and Professional Regulation to investigate and prosecute the practice and unlicensed practice of architecture and interior design; requiring the board to contract with a corporation or other business entity to provide legal, investigative, prosecutorial, and other services; providing requirements with respect to records; authorizing the board to use funds from the unlicensed activity account to perform certain duties; requiring the board to submit an annual budget request to the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 2042** as amended and read the second time by title. On motion by Senator Miller, by two-thirds vote **CS for HB 1301** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Carlton, Futch, Sullivan

On motion by Senator Saunders, by two-thirds vote **HB 277** was withdrawn from the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Saunders—

HB 277—A bill to be entitled An act relating to a public records exemption for certain information obtained in connection with practitioner profiles; amending s. 456.046, F.S., which provides an exemption from public records requirements for information obtained by the Department of Health for the purpose of compiling such profiles; reenacting such exemption and removing the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; clarifying language; providing an effective date.

—a companion measure, was substituted for **SB 250** and read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 277** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Rossin

Vote after roll call:

Yea—Futch, Sullivan

CS for CS for SB 360—A bill to be entitled An act relating to the care of children; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; revising eligibility guidelines; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; exempting from the payment of specified fees otherwise eligible students for whom the state is paying a relative caregiver payment; amending s. 240.35, F.S.; exempting certain children who are in the custody of a relative at the time of reaching age 18 from payment of all undergraduate student fees; amending s. 411.01, F.S.; revising eligibility criteria for participation in the school readiness program; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 360** to **HB 161**.

Pending further consideration of **CS for CS for SB 360** as amended, on motion by Senator Holzendorf, by two-thirds vote **HB 161** was withdrawn from the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Holzendorf—

HB 161—A bill to be entitled An act relating to the care of children; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; revising eligibility guidelines; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; exempting from the payment of specified fees otherwise eligible students for whom the state is paying a relative caregiver payment; revising eligibility requirements for such students and for certain other students who are eligible to receive this exemption; amending s. 240.35, F.S.; exempting certain children in the custody of a relative at the time of reaching age 18 from payment of all undergraduate student fees; amending s. 411.01, F.S.; providing eligibility under the school readiness program for certain children for whom the state is paying a relative caregiver payment; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 360** as amended and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 161** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Futch, Sullivan

CS for CS for SB 576—A bill to be entitled An act relating to persons with disabilities; creating s. 413.402, F.S.; directing the Florida Association of Centers for Independent Living to develop a personal care attendant pilot program to serve persons with spinal cord injuries; providing for memorandums of understanding with specified entities; providing eligibility for pilot program participation; providing for selection and training of participants and personal care attendants; providing for assessment of participants for work-related training programs; providing for development of a plan for program implementation; requiring a report to the Legislature; providing for implementation on a specified date; directing the Department of Revenue to develop and implement a tax collection enforcement diversion program; providing for coordination with the Florida Association of Centers for Independent Living, the

Florida Prosecuting Attorneys Association, and the state attorneys' offices; providing for deposit and use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; providing an appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **CS for CS for SB 576** to **CS for CS for HB 295**.

Pending further consideration of **CS for CS for SB 576** as amended, on motion by Senator Wise, by two-thirds vote **CS for CS for HB 295** was withdrawn from the Committees on Children and Families; Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Wise—

CS for CS for HB 295—A bill to be entitled An act relating to persons with disabilities; creating s. 413.402, F.S.; directing the Florida Association of Centers for Independent Living to develop a personal care attendant pilot program to serve persons with spinal cord injuries; providing for memorandums of understanding with specified entities; providing eligibility for pilot program participation; providing for selection and training of participants and personal care attendants; providing for use of a licensed nurse registry to recruit and screen participants and act as a fiscal intermediary; providing for assessment of participants for work-related training programs; providing for development of a plan for program implementation; requiring a report to the Legislature; providing for implementation on a specified date; directing the Department of Revenue to develop and implement a tax collection enforcement diversion program; providing for coordination with the Florida Association of Centers for Independent Living, the Florida Prosecuting Attorneys Association, and the state attorneys' offices; providing for deposit and use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 576** as amended and read the second time by title. On motion by Senator Wise, by two-thirds vote **CS for CS for HB 295** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Futch, Sullivan

SB 1030—A bill to be entitled An act relating to vehicle crash reports; amending s. 316.066, F.S.; including local agencies and agents and employees of local, state, and federal agencies under provisions granting access to vehicle crash reports for certain purposes under certain circumstances; requiring local, state, and federal agencies, agents, and employees to maintain the confidential and exempt status of such reports; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **SB 1030** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Sebesta, Sullivan

Consideration of **CS for CS for SB 1300** was deferred.

CS for CS for SB 1314—A bill to be entitled An act relating to summer food service for children; creating the "Children's Summer Nutrition Act"; requiring school district superintendents to report to the Department of Education activities or initiatives that provide access to summer food service programs to certain children; requiring a report to the Legislature and the State Board of Education; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **CS for CS for SB 1314** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Sullivan

CS for CS for SB 1300—A bill to be entitled An act relating to voter registration; amending s. 97.052, F.S.; authorizing the voter registration application to be reproduced; modifying information requested on the voter registration application; amending s. 97.057, F.S.; requiring the Department of Highway Safety and Motor Vehicles to forward unsigned voter registration applications to the supervisors of elections; amending s. 97.058, F.S.; modifying a voter registration agency's duties with respect to incompleted voter registration applications; amending s. 97.071, F.S.; removing the requirement that the supervisor of election's name appear on voter identification cards; amending s. 97.1031, F.S.; providing for electors to change their address on the voter registration rolls by telephonic or electronic means; amending s. 98.0977, F.S.; providing for the removal from the registration rolls of the names of persons convicted of a felony or adjudicated mentally incompetent; providing for a hearing; reenacting ss. 97.057, 97.058, 98.015, and 98.461, F.S., to incorporate amendments to s. 97.052, F.S.; reenacting s. 97.0585, F.S., to incorporate an amendment to ss. 97.057 and 97.058, F.S.; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1300** to **HB 493**.

Pending further consideration of **CS for CS for SB 1300** as amended, on motion by Senator Sebesta, by two-thirds vote **HB 493** was withdrawn from the Committees on Ethics and Elections; and Appropriations.

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

HB 493—A bill to be entitled An act relating to voter registration; amending s. 97.052, F.S.; authorizing private individuals and groups to reproduce voter registration applications under certain conditions; amending s. 97.057, F.S.; requiring the Department of Highway Safety and Motor Vehicles to forward copies of unsigned voter registration applications within a specified period to the appropriate supervisors of elections; amending s. 97.058, F.S.; requiring voter registration agencies to forward copies of incompleted voter registration applications within a specified period to the appropriate supervisors of elections; amending s. 97.071, F.S.; requiring voter registration identification cards to have the name, rather than the signature, of the supervisor of elections; amending s. 97.1031, F.S.; revising notice requirements for change of residence within the same county; amending s. 98.0977, F.S.; revising duties of the supervisor of elections relating to maintenance of the voter registration rolls; providing for a hearing, as an alternative to notice, to determine the eligibility of voters convicted of a felony or adjudicated mentally incapacitated with respect to voting; requiring removal of a person's name from the registration books upon a determination of sufficient evidence; providing for appeal and for payment of the costs thereof; amending s. 97.052, F.S.; modifying information requested on the voter registration application; creating s. 98.077, F.S.; providing for update of voter signatures; providing for publication of notice of procedures for doing so at least once each general election year; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1300** as amended and by two-thirds vote read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 493** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Sullivan

CS for SB 1472—A bill to be entitled An act relating to placement of uniform warning and safety flags on public beaches; creating s. 380.276, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the display of uniform warning and safety flags and the placement of specified uniform notification signs; providing that the Department of Community Affairs shall direct and coordinate a program for the display and placement of such flags and signs; providing for the development of the program; providing program components and requirements; authorizing the department to coordinate the implementation of the program with specified entities; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1472** to **CS for HB 1591**.

Pending further consideration of **CS for SB 1472** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 1591** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 1591—A bill to be entitled An act relating to Florida's coasts and public beaches; amending s. 380.20, F.S.; revising those sections of Florida Statutes which comprise the Florida Coastal Management Act; amending s. 380.205, F.S.; providing definitions; transferring the state coastal management program functions from the Department of Community Affairs to the Department of Environmental Protection; amending s. 380.21, F.S.; clarifying legislative intent for the Coastal Zone Management Program; amending s. 380.22, F.S.; clarifying the duties and authority of the lead agency; amending s. 380.23, F.S.; clarifying procedures for the granting or denial of a state license for a federally licensed or permitted activity; amending s. 380.285, F.S.; authorizing the Department of Environmental Protection to assist in the study, preservation, and funding of lighthouses on the Florida coast; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Coastal Management Program from the Department of Community Affairs to the Department of Environmental Protection by type two transfer; amending s. 403.061, F.S.; allowing the Department of Environmental Protection to serve as the single point of contact for performing specified responsibilities, including administration and operation of the Florida State Clearinghouse; creating s. 380.276, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the display of uniform warning and safety flags and the placement of specified uniform notification signs; providing that the Department of Environmental Protection shall direct and coordinate a program for the display and placement of such flags and signs; providing for the development of the program; providing program components and requirements; authorizing the department to coordinate the implementation of the program with specified entities; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

—a companion measure, was substituted for **CS for SB 1472** as amended and by two-thirds vote read the second time by title. On motion by Senator Clary, by two-thirds vote **CS for HB 1591** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Sullivan

CS for SB 1580—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; requiring a person or minor who commits criminal mischief to pay additional fines and perform community service; providing for the parent or legal guardian of a minor to be

liable for payment of a fine; authorizing the court to decline to order payment of a fine if the court finds that the person subject to payment of the fine is indigent; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1580** to **CS for HB 1157**.

Pending further consideration of **CS for SB 1580** as amended, on motion by Senator Villalobos, by two-thirds vote **CS for HB 1157** was withdrawn from the Committees on Criminal Justice; and Children and Families.

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

CS for HB 1157—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; requiring a person who commits a criminal mischief offense related to the placement of graffiti to pay a minimum fine and perform community service; providing for the parent or legal guardian of a minor to be liable for payment of a fine; authorizing the court to decline to order payment of a fine if the court finds that the person subject to payment of the fine is unable to pay the fine under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1580** as amended and by two-thirds vote read the second time by title. On motion by Senator Villalobos, by two-thirds vote **CS for HB 1157** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Sullivan

CS for SB 1862—A bill to be entitled An act relating to direct-support organizations; creating s. 20.193, F.S.; providing for direct-support organizations for the benefit of the Department of Children and Family Services; providing a definition; providing for administration of funds; providing purposes and objectives; requiring funds be used for enhancement of department programs and projects; authorizing certain use of state property and facilities; requiring an annual audit; amending s. 20.19, F.S.; authorizing designation of employees to solicit funds; creating s. 430.065, F.S.; providing for direct-support organizations for the benefit of the Department of Elderly Affairs; providing a definition; providing purposes and objectives; requiring funds be used for enhancement of department programs and projects; authorizing certain use of state property and facilities; requiring an annual audit; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1862** to **HB 1177**.

Pending further consideration of **CS for SB 1862** as amended, on motion by Senator Wise, by two-thirds vote **HB 1177** was withdrawn from the Committees on Governmental Oversight and Productivity; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

HB 1177—A bill to be entitled An act relating to direct-support organizations; creating s. 20.193, F.S.; providing for direct-support organizations for the benefit of the Department of Children and Family Services; providing a definition; providing for administration of funds; providing purposes and objectives; requiring funds be used for enhancement of department programs and projects; authorizing certain use of state property and facilities; requiring annual audit; amending s. 20.19, F.S.; authorizing designation of employees to solicit funds; creating s. 430.065, F.S.; providing for direct-support organizations for the benefit of the Department of Elderly Affairs; providing a definition; providing purposes and objectives; requiring funds be used for enhancement of department programs and projects; authorizing certain use of state property and facilities; requiring annual audit; amending ss. 240.299 and 240.3315, F.S.; revising provisions relating to restricted activities of university direct-support organizations and community college direct-support organizations; providing an effective date.

—a companion measure, was substituted for **CS for SB 1862** as amended and by two-thirds vote read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 1177** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Clary, Sullivan

SB 1868—A bill to be entitled An act relating to unclaimed bodies; amending s. 245.06, F.S.; providing procedures for disposition of unclaimed bodies of veterans; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1868** to **HB 1633**.

Pending further consideration of **SB 1868** as amended, on motion by Senator Peaden, by two-thirds vote **HB 1633** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Criminal Justice.

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

HB 1633—A bill to be entitled An act relating to unclaimed bodies; amending s. 245.06, F.S.; providing procedures for disposition of unclaimed bodies of veterans; requiring that any contract for disposal of unclaimed remains by a local governmental entity provide for compliance with certain state and federal regulations; providing an effective date.

—a companion measure, was substituted for **SB 1868** as amended and by two-thirds vote read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1633** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Brown-Waite	Carlton	Cowin
Burt	Clary	Crist
Campbell	Constantine	Diaz de la Portilla

Dyer	Lawson	Saunders
Futch	Lee	Sebesta
Garcia	Meek	Silver
Geller	Miller	Smith
Holzendorf	Mitchell	Villalobos
Jones	Peaden	Wasserman Schultz
King	Posey	Webster
Klein	Pruitt	Wise
Latvala	Rossin	
Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Sullivan

CS for SB 2276—A bill to be entitled An act relating to agriculture education and promotion facilities; creating s. 288.1175, F.S.; providing that the Department of Agriculture and Consumer Services shall be the state agency for screening applicants for state funding and certification as an agriculture education and promotion facility; providing for rules; providing definitions; providing criteria for applicants; providing for evaluation by the department; providing criteria; prohibiting the expenditure of funds to develop or subsidize privately owned facilities; providing an exception; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2276** to **CS for HB 1611**.

Pending further consideration of **CS for SB 2276** as amended, on motion by Senator Lawson, by two-thirds vote **CS for HB 1611** was withdrawn from the Committees on Agriculture and Consumer Services; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 1611—A bill to be entitled An act relating to agriculture education and promotion facilities; creating s. 288.1175, F.S.; providing that the Department of Agriculture and Consumer Services shall be the state agency for screening applicants for state funding and certification as an agriculture education and promotion facility; providing for rules; providing definitions; providing criteria for applicants; providing for evaluation by the department; providing criteria; prohibiting the expenditure of funds to develop or subsidize privately owned facilities; providing an exception; providing an effective date.

—a companion measure, was substituted for **CS for SB 2276** as amended and by two-thirds vote read the second time by title. On motion by Senator Lawson, by two-thirds vote **CS for HB 1611** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Sullivan

THE PRESIDENT PRESIDING

On motion by Senator Saunders, by two-thirds vote **HB 279** was withdrawn from the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

On motion by Senator Saunders—

HB 279—A bill to be entitled An act relating to health care practitioners; repealing ss. 490.00515 and 491.0047, F.S., which provide for application of exemptions from public records and meeting requirements for certain information relating to disciplinary proceedings and to treatment programs for impaired practitioners, and for related probable cause panel proceedings, when the practitioner is a provisional licensee or intern; amending s. 456.001, F.S., revising the definitions of "license" and "licensee" to include provisional licenses for purposes of ch. 456, F.S., relating to regulation of health professions and occupations by the Department of Health; providing an effective date.

—a companion measure, was substituted for **SB 252** and read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 279** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Campbell

Vote after roll call:

Yea—Carlton, Crist, Sebesta, Sullivan, Wise

SB 308—A bill to be entitled An act relating to the testing of inmates for HIV; creating s. 945.355, F.S.; defining the term "HIV test"; requiring the Department of Corrections to perform an HIV test before an inmate is released if the inmate's HIV status is unknown; providing certain exceptions; requiring that the Department of Corrections notify the Department of Health and the county health department where the inmate plans to reside following release if the inmate is HIV positive; requiring the department to provide special transitional assistance to an inmate who is HIV positive; requiring the department to report to the Legislature; amending s. 945.10, F.S.; requiring that certain medical records be released to the Department of Health and the county health department where an inmate who is HIV positive plans to reside; reenacting s. 945.10(1)(a), F.S., relating to mental health, medical, or substance abuse records of an inmate; amending s. 381.004, F.S.; providing that informed consent is not required for an HIV test of an inmate prior to the inmate's release; amending s. 944.704, F.S.; providing additional duties for the department with respect to transition assistance for inmates who are HIV positive; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 308** to **HB 1289**.

Pending further consideration of **SB 308** as amended, on motion by Senator Miller, by two-thirds vote **HB 1289** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Miller—

HB 1289—A bill to be entitled An act relating to the testing of inmates for HIV; creating s. 945.355, F.S.; defining the term "HIV test"; requiring the Department of Corrections to perform an HIV test before an inmate is released if the inmate's HIV status is unknown; providing certain exceptions; requiring that the Department of Corrections notify the Department of Health and the county health department where the inmate plans to reside following release if the inmate is HIV positive; requiring the department to provide special transitional assistance to an inmate who is HIV positive; requiring the department to report to the Legislature; amending s. 945.10, F.S.; requiring that certain medical records be released to the Department of Health and the county health department where an inmate who is HIV positive plans to reside; reenacting s. 945.10(1)(a), F.S., relating to mental health, medical, or substance abuse records of an inmate; amending s. 381.004, F.S.; providing that informed consent is not required for an HIV test of an inmate prior to the inmate's release; amending s. 944.704, F.S.; providing additional duties for the department with respect to transition assistance for inmates who are HIV positive; limiting liability; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 308** as amended and read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1289** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Constantine, Garcia

SB 254—A bill to be entitled An act relating to public records and meetings of statewide or district managed care ombudsman committees; amending s. 641.67, F.S., which provides that patient records and certain identifying information held by statewide or district managed care ombudsman committees are confidential and exempt from public-records requirements; reenacting such exemption for the district managed care ombudsman committees and removing the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; repealing such exemption for the statewide managed care ombudsman committee; amending s. 641.68, F.S., which provides that any portion of a committee meeting conducted by statewide or district managed care ombudsman committees where patient records and certain identifying information are discussed is exempt from public-meetings requirements; reenacting such exemption for the district managed care ombudsman committees and removing the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; repealing such exemption for the statewide managed care ombudsman committee; eliminating the public-necessity statements; clarifying provisions; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **SB 254** to **HB 283**.

Pending further consideration of **SB 254**, on motion by Senator Saunders, by two-thirds vote **HB 283** was withdrawn from the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Saunders—

HB 283—A bill to be entitled An act relating to public records and meeting exemptions for statewide or district managed care ombudsman committees; amending s. 641.67, F.S., which provides an exemption from public records requirements for patient records and certain identifying information held by statewide or district managed care ombudsman committees; reenacting such exemption for the district managed care ombudsman committees and removing the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; repealing such exemption for the statewide managed care ombudsman committee; amending s. 641.68, F.S., which provides an exemption from public meeting requirements for any portion of a meeting conducted by statewide or district managed care ombudsman committees where patient records and certain identifying information are discussed; reenacting such exemption for the district managed care ombudsman committees and removing the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; repealing such exemption for the statewide managed care ombudsman committee; removing public necessity statements; providing an effective date.

—a companion measure, was substituted for **SB 254** and read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 283** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Campbell	Villalobos

Vote after roll call:

Yea—Futch

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

HB 1993—A bill to be entitled An act relating to the establishment of congressional districts; amending s. 8.0001, F.S., relating to the official census for congressional redistricting and applicable definitions; updating references; amending s. 8.0002, F.S.; dividing the state into congressional districts (plan H062C002); amending s. 8.0111, F.S., relating to the inclusion of unlisted territory in contiguous districts; revising references; amending s. 8.0112, F.S., relating to contiguity for areas specified for inclusion in one district which are entirely surrounded by other districts; revising references; reenacting s. 8.031, F.S., relating to the election of representatives to Congress; amending s. 8.0611, F.S.; providing severability; providing for nomination and election of candidates from congressional districts created in 2002; providing effective dates.

—which was previously considered and amended March 19.

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

Amendment 2 (253382)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 8.0001, Florida Statutes, is amended to read:

8.0001 Definitions.—In accordance with s. 8(a), Article X of the State Constitution, the United States Decennial Census of *2000* ~~1990~~ is the official census of the state for the purposes of congressional redistricting.

(1) The following delineation of areas to be included in each congressional district employs *counties,* ~~the official census county divisions,~~ tracts, ~~block numbering areas,~~ block groups, and blocks *in this state* used by the United States Department of Commerce, Bureau of the Census, in compiling the United States Decennial Census of *2000* ~~1990 in this state~~. The populations within these *areas* ~~census geographic units~~ are ~~the population figures in~~ the counts of the United States Decennial Census of *2000* ~~1990~~ provided to the state in accordance with Pub. L. No. 94-171.

(2) As used in this *chapter* ~~act~~, the term:

(a) "Block" means *a census block, which is* the smallest *area* ~~geographic unit~~ for which population was *reported* ~~ascertained~~ in ~~taking~~ the *2000* ~~1990~~ census.

(b) "Block group" means *a cluster* ~~the combination~~ of blocks within a ~~single~~ track *which have* ~~or block numbering area the numbers of which begin with~~ the same *first* digit *in their block identification number*.

(c) "Tract" means *a census tract, which is a cluster* ~~the combination~~ of blocks within a county which is delineated ~~as a tract~~ by local committee according to Census Bureau guidelines. *Tracts are identified uniquely within a county by a four-digit basic number and may have a two-digit numeric suffix.*

~~(d) "Block numbering area" or "BNA" means the combination of blocks within a county which are not included in a tract.~~

~~(e) "Census county division" means an administrative division of a county which contains tracks or block numbering areas.~~

Section 2. Section 8.0002, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 8.0002, F.S., for present text.)

8.0002 Division of state into congressional districts.—For the election of representatives to the United States House of Representatives, the state is divided into 25 consecutively numbered, single-member congressional districts of contiguous territory, to be designated by such numbers.

(1) District 1 is composed of:

(a) All of Escambia County.

(b) All of Holmes County.

(c) That part of Okaloosa County consisting of:

1. Tracts 201, 202, 203, 204, 205, 206, 207, 211.01, 212, 214, 215, 216, 217, 218.01, 218.02, 219, 220, 221, 223, 224, 225, 226, 227, 228, 229, 231, and 232.

2. That part of tract 208 made up of blocks 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9017, 9018, 9019, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038, 9039, 9040, 9041, 9042, 9043, 9044, 9045, 9046, 9047, 9048, 9049, 9050, 9051, 9052, 9053, 9986, 9987, 9988, 9991, 9992, 9993, 9994, and 9999.

3. That part of tract 209 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, and 2056.

4. That part of tract 211.02 made up of block groups 1, 2, and 4 and blocks 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, and 3048.

5. That part of tract 233.01 made up of block group 2 and blocks 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1114, 1120, 1121, 1122, 1993, 1994, 1995, 1996, 1997, and 1998.

6. That part of tract 233.02 made up of block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1997, 1998, and 1999.

(d) All of Santa Rosa County.

(e) That part of Walton County consisting of tracts 9501, 9502, 9503, 9504, and 9505.

(f) All of Washington County.

(2) District 2 is composed of:

(a) All of Bay County.

(b) All of Calhoun County.

(c) All of Dixie County.

(d) All of Franklin County.

(e) All of Gadsden County.

(f) All of Gulf County.

(g) All of Jackson County.

(h) That part of Jefferson County consisting of:

1. That part of tract 9801 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3018, 3030, 3031, 3032, 3044, 3045, 3046, 3047, 5000, 5001, 5002, 5003, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5051, 5052, 5053, 5057, 5058, 5059, 6012, 6016, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6039, 6040, 6041, 6042, 6043, 6044, 6045, 6046, 6047, 6048, 6049, 6999, and 7006.

2. That part of tract 9802 made up of block group 3 and blocks 2066, 2067, 2068, 2069, and 2070.

(i) All of Lafayette County.

(j) That part of Leon County consisting of:

1. Tracts 2, 3.01, 3.02, 3.03, 4, 5, 6, 7, 8, 9.01, 9.02, 10.01, 10.02, 11.01, 11.02, 12, 13, 14, 15, 16.01, 16.02, 17, 18.01, 18.02, 19, 20.01, 20.02, 21.01, 21.02, 22.01, 22.03, 22.04, 23.02, 23.03, 23.04, 24.03, 24.05, 24.07, 24.08, 24.09, 24.10, 25.05, 25.06, 26.02, and 27.

2. That part of tract 25.02 made up of block groups 1, 2, 3, 4, and 5.

3. That part of tract 26.01 made up of blocks 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1996, 1997, 1998, and 1999.

(k) All of Liberty County.

(l) That part of Okaloosa County consisting of:

1. Tract 210.

2. That part of tract 208 made up of blocks 9009, 9010, 9011, 9012, 9013, 9014, 9015, 9016, 9020, 9021, 9022, 9023, 9024, 9025, 9026, 9027, 9028, 9029, 9030, 9989, 9990, 9995, 9996, 9997, and 9998.

3. That part of tract 209 made up of block 2999.

4. That part of tract 211.02 made up of blocks 3000, 3002, 3024, 3998, and 3999.

5. That part of tract 233.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1108, 1109, 1110, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142,

1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, and 1999.

6. That part of tract 233.02 made up of blocks 1000 and 1001.

(m) All of Suwannee County.

(n) All of Taylor County.

(o) All of Wakulla County.

(p) That part of Walton County consisting of tract 9506.

(3) District 3 is composed of:

(a) That part of Alachua County consisting of:

1. Tracts 4, 5, 6, 7, 14, 19.02, and 20.

2. That part of tract 2 made up of block groups 1, 2, 3, 4, and 5 and blocks 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017, 7018, 7019, 7020, 7021, 7022, 7023, 7024, 7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032, 7033, 7034, 7035, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, and 7048.

3. That part of tract 3 made up of block groups 1, 5, 6, and 7.

4. That part of tract 10 made up of block groups 1, 2, 3, and 4.

5. That part of tract 12.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, and 1010.

6. That part of tract 12.03 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, and 1010.

7. That part of tract 18.03 made up of blocks 2000, 2001, 2002, 2003, 2004, 2027, 2028, 2029, and 2030.

8. That part of tract 21 made up of blocks 1000, 1001, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1027, 1028, 1029, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1994, 1995, 1997, 1998, and 1999.

(b) That part of Clay County consisting of:

1. That part of tract 303.02 made up of blocks 1003, 1004, 1005, 1006, and 1007.

2. That part of tract 305 made up of blocks 2000, 2001, 2002, 2003, and 2004.

3. That part of tract 306 made up of block groups 1, 2, and 5 and blocks 3000, 3001, 3002, 3009, 3010, 3011, 3012, 3999, 4000, 4001, 4002, and 4999.

4. That part of tract 307 made up of blocks 1000, 1037, 1042, 1043, 1044, 1049, 1050, 1051, 1052, 1055, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1991, and 1999.

5. That part of tract 313 made up of blocks 1018, 1019, 1020, 1021, 1022, 1024, 1025, 1026, 1027, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1990, 1991, 1992, 1993, 1994, and 1999.

6. That part of tract 314 made up of block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3076, 3077, 4000, 4001, 4030, 4031, and 4038.

7. That part of tract 315 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1069, 1071, 1072, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2992, 2993, 2994, 2995, 2996, 2997, 2998, and 2999.

(c) That part of Duval County consisting of:

1. Tracts 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 16, 17, 26, 27.01, 27.02, 28.01, 28.02, 29.01, 29.02, 103.03, 103.04, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 128, 133, 134.02, 148, and 153.

2. That part of tract 5 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, and 1999.

3. That part of tract 6 made up of block groups 2 and 3 and blocks 4000, 4001, 4002, 4003, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 5000, 5001, 5002, 5003, 5004, 5005, 5014, 5016, 5017, 5018, 5019, 5020, 5021, 5022, and 5023.

4. That part of tract 7 made up of blocks 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2020, 2021, and 2022.

5. That part of tract 18 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, and 2075.

6. That part of tract 19 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, and 2032.

7. That part of tract 20 made up of block groups 1 and 6 and blocks 5000, 5001, 5002, and 5003.

8. That part of tract 21 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1039, and 6005.

9. That part of tract 25 made up of block groups 1 and 7 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 3006, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5011, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030, and 6031.

10. That part of tract 103.01 made up of blocks 9049 and 9050.

11. That part of tract 104 made up of block groups 2, 3, and 4.

12. That part of tract 105 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, and 3999.

13. That part of tract 117 made up of block group 2 and blocks 1000, 1001, 1002, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, and 1032.

14. That part of tract 118 made up of block groups 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023, 2024, 2025, 2026, and 2027.

15. That part of tract 120 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, and 1034.

16. That part of tract 121 made up of block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, and 2056.

17. That part of tract 122 made up of block group 4 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 3000, 3001, 3002, and 3003.

18. That part of tract 123 made up of block 3020.

19. That part of tract 125 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, and 4014.

20. That part of tract 126.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1011, 1015, and 1016.

21. That part of tract 126.02 made up of block groups 2, 3, and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, and 1006.

22. That part of tract 127.01 made up of blocks 2000, 2048, 2049, 2050, 2051, 3000, 3001, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, and 3030.

23. That part of tract 127.02 made up of blocks 3011 and 3036.

24. That part of tract 131 made up of blocks 2011, 2012, 2025, 2026, 2027, 2028, 2040, 2041, 2042, and 2998.

25. That part of tract 132 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, and 1996.

26. That part of tract 134.01 made up of block group 2 and blocks 3032 and 3033.

27. That part of tract 135.03 made up of blocks 1000 and 1007.

28. That part of tract 135.21 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022.

29. That part of tract 135.22 made up of blocks 9000 and 9999.

30. That part of tract 147.01 made up of blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, and 1999.

31. That part of tract 147.02 made up of blocks 1031, 1033, 1034, and 1035.

32. That part of tract 149.01 made up of block group 4.

33. That part of tract 150.02 made up of block group 4 and blocks 3005, 3006, 3007, and 3010.

34. That part of tract 151 made up of blocks 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, and 3021.

35. That part of tract 152 made up of block group 3.

36. That part of tract 154 made up of block groups 2 and 3 and blocks 1006, 1007, 1008, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, and 1028.

37. That part of tract 155 made up of block group 3 and blocks 1003, 1004, 1005, 1006, 1007, 1013, 1014, 1015, 1016, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2017, 2018, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, and 2033.

38. That part of tract 156 made up of block groups 1 and 2.

39. That part of tract 157 made up of block groups 2 and 3 and blocks 1000 and 1001.

40. That part of tract 158.01 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 3034, 4000, 4013, and 4014.

41. That part of tract 158.02 made up of blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1998, and 1999.

42. That part of tract 159.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1007, 1008, 1009, 1010, and 1011.

43. That part of tract 161 made up of block group 4 and blocks 3003, 3004, and 3005.

44. That part of tract 162 made up of block group 1.

45. That part of tract 163 made up of block group 1.

46. That part of tract 164 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, and 2011.

47. That part of tract 168.01 made up of blocks 6998 and 6999.

48. That part of tract 168.03 made up of blocks 1999 and 2999.

49. That part of tract 168.04 made up of block 1999.

(d) That part of Lake County consisting of:

1. Tract 309.02.

2. That part of tract 301.02 made up of block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1063, 1064, 1065, 1066, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 4000, 4001, 4002, 4003, 4004, 4005, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4997, 4998, and 4999.

3. That part of tract 301.03 made up of block groups 2, 3, 4, and 5 and blocks 1000, 1021, 1022, 1023, 1024, 1032, 1033, 1034, 1035, 1036, 1037, and 1999.

4. That part of tract 309.11 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4000, 4004, 4005, 4006, 4007, 4008, 4009, 5000, 6024, 6025, 6026, 6027, 6028, 6030, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6039, 6040, 6041, 6042, 6043, 6044, 6045, 6046, 6047, and 6048.

(e) That part of Marion County consisting of:

1. Tract 5.

2. That part of tract 4 made up of block groups 1, 2, and 5 and blocks 4000, 4001, 4002, 4003, 4015, 4016, 4017, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, and 4070.

3. That part of tract 6.01 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2997, 2998, and 2999.

(f) That part of Orange County consisting of:

1. Tracts 104, 105, 106, 115, 116, 117.01, 117.02, 118, 119.01, 119.02, 120, 121, 122.01, 122.02, 123.03, 123.04, 123.05, 123.06, 123.07, 124.01, 124.02, 124.03, 145.01, 145.02, 146.01, 146.04, 146.05, 146.06, 149.03, 149.04, 155.02, 169.03, 169.04, and 169.05.

2. That part of tract 101 made up of blocks 1041, 1042, and 1058.

3. That part of tract 107.02 made up of block 1008.

4. That part of tract 147.01 made up of block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, and 2021.

5. That part of tract 148.05 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1022, and 1999.

6. That part of tract 148.07 made up of blocks 1000, 1001, 1002, and 1003.

7. That part of tract 149.06 made up of blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, and 1020.

8. That part of tract 151.04 made up of blocks 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, and 1041.

9. That part of tract 151.05 made up of blocks 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, and 1037.

10. That part of tract 151.06 made up of block group 1 and blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2024, 2025, 2026, 2027, and 2029.

11. That part of tract 152.01 made up of blocks 1010, 1011, 1012, 1013, 1015, 1016, 1995, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2996, 2997, 2998, and 2999.

12. That part of tract 152.02 made up of blocks 1000, 1001, 1002, 1023, 1024, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3025, 3026, 3027, 3028, 3029, 3032, 3033, 3034, and 3043.

13. That part of tract 154.01 made up of blocks 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 2000, 2001, 2002, 2007, 2008, 2009, 2017, 2018, and 2999.

14. That part of tract 155.01 made up of blocks 2017, 2018, 2019, 2020, 2021, 2022, 3005, 3006, 3027, and 3028.

15. That part of tract 158.01 made up of blocks 3014, 3015, and 3016.

16. That part of tract 159.01 made up of blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1021, 1022, 1023, 1024, 1025, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3030, and 3031.

17. That part of tract 169.02 made up of block groups 1, 3, and 4.

18. That part of tract 170.01 made up of block group 1 and blocks 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2085, 2086, 2091, 2092, 2093, 2094, 2095, and 2096.

19. That part of tract 175.01 made up of block group 1 and blocks 2009, 2010, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, and 3045.

20. That part of tract 175.04 made up of block groups 1 and 2 and blocks 3005, 3006, 3007, and 3010.

21. That part of tract 176 made up of block groups 1, 2, and 3 and blocks 4000, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, and 4032.

22. That part of tract 179.01 made up of blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2067, 2068, 2069, 2073, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2994, and 2995.

23. That part of tract 179.02 made up of block group 1 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4023, 4024, 4025, 4026, 4027, 4997, 4998, and 4999.

(g) That part of Putnam County consisting of:

1. Tracts 9501, 9502, 9503, 9504, 9508, and 9510.

2. That part of tract 9505 made up of block groups 3, 4, 5, and 6 and blocks 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2090, 2996, 2997, and 2998.

3. That part of tract 9506 made up of block group 1.

4. That part of tract 9507 made up of block groups 1, 2, and 3.

5. That part of tract 9511 made up of block 2000.

6. That part of tract 9513 made up of blocks 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3949, 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, 3976, 3977, and 3978.

7. That part of tract 9514 made up of blocks 4162, 4952, 4961, 4962, 4963, 4964, 4965, 7067, 7068, 7069, 7070, 7956, 7957, 7958, 7959, and 7960.

(h) That part of Seminole County consisting of:

1. Tracts 201.01, 201.02, 202.02, 203.01, 203.02, 204.01, 205, and 209.01.

2. That part of tract 202.01 made up of blocks 1022, 1023, 1027, 1028, 1029, 1030, 1031, 1033, 1034, 1035, 1036, 1037, 1999, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2999.

3. That part of tract 204.02 made up of block groups 1 and 3 and blocks 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, and 2036.

4. That part of tract 206 made up of blocks 2000, 2001, 2002, 2003, 2006, 2007, 2092, 2093, 2997, 2998, and 2999.

5. That part of tract 207.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1033, 2000, 2001, 2002, 2007, 2008, 2009, 2010, 2011, 2012, 2998, and 2999.

6. That part of tract 209.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2029, 2030, 2054, and 2055.

7. That part of tract 210 made up of blocks 1000 and 1001.

8. That part of tract 211 made up of block group 2 and blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, and 1029.

(i) That part of Volusia County consisting of:

1. Tract 901.02.

2. That part of tract 902.01 made up of blocks 4000, 4001, 4002, 4003, 4004, 4005, 4008, 4009, 4010, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4997, 4998, 4999, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5998, and 5999.

3. That part of tract 905 made up of block group 2 and blocks 3039, 3040, 3045, 3046, and 3047.

4. That part of tract 906 made up of block groups 2, 3, and 4 and blocks 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 5000, 5010, 5011, 5023, 5024, 5025, 5026, 5027, and 5028.

5. That part of tract 907.01 made up of block group 3 and blocks 1005, 1006, 1012, 1013, 1014, 1015, 2002, 2003, 2004, 2005, 2006, 2007, 2010, 2011, 2012, and 2013.

6. That part of tract 907.02 made up of block group 4 and blocks 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1043, 1044, 1045, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2049, 2050, 2051, 2052, 2053, 2062, 2063, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, and 3016.

7. That part of tract 908.01 made up of blocks 1011, 1090, 1091, 1999, 2026, 2116, 2117, 2118, 2149, 2150, 2998, 2999, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, and 3999.

8. That part of tract 909.01 made up of blocks 4013, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4996, 4997, 4998, and 4999.

9. That part of tract 909.02 made up of blocks 5000, 5044, and 5999.

10. That part of tract 910.14 made up of blocks 4021, 4022, and 4999.

(4) District 4 is composed of:

(a) All of Baker County.

(b) All of Columbia County.

(c) That part of Duval County consisting of:

1. Tracts 8, 22, 23, 24, 101.01, 101.02, 101.03, 102.01, 102.02, 124, 129, 130, 138, 139.01, 139.02, 139.03, 139.04, 140, 141.01, 141.02, 142.01, 142.02, 143.11, 143.12, 143.13, 143.22, 143.24, 143.25, 143.26, 143.27, 143.28, 144.01, 144.04, 144.05, 144.06, 144.07, 145, 146.01, 146.02, 149.02, 150.01, 159.21, 159.22, 160, 165, 166.01, 166.02, 167.11, 167.12, 167.21, 167.22, 167.23, 168.02, 168.05, and 168.06.

2. That part of tract 5 made up of blocks 1997 and 1998.

3. That part of tract 6 made up of block groups 1 and 6 and blocks 4004, 4005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, and 5015.

4. That part of tract 7 made up of block groups 1, 3, and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2016, 2017, 2018, and 2019.

5. That part of tract 18 made up of blocks 2996, 2997, 2998, and 2999.

6. That part of tract 19 made up of blocks 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1998, 1999, 2021, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, and 2999.

7. That part of tract 20 made up of block groups 2, 3, and 4 and blocks 5004, 5005, 5006, 5007, 5008, 5009, and 5010.

8. That part of tract 21 made up of block groups 2, 3, 4, and 5 and blocks 1020, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 6000, 6001, 6002, 6003, 6004, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, and 6026.

9. That part of tract 25 made up of block group 4 and blocks 2029, 2030, 3000, 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 5010, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 6032, 6033, and 6034.

10. That part of tract 103.01 made up of blocks 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9012, 9013, 9014, 9015, 9016, 9017, 9018, 9019, 9020, 9021, 9022, 9023, 9024, 9025, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038, 9039, 9040, 9041, 9042, 9043, 9044, 9045, 9046, 9047, 9048, 9051, 9052, 9053, 9054, 9055, 9056, 9057, 9058, 9059, 9060, 9998, and 9999.

11. That part of tract 104 made up of block group 1.

12. That part of tract 105 made up of block group 2 and blocks 3025, 9000, 9001, 9012, 9013, and 9014.

13. That part of tract 121 made up of blocks 2017, 2018, 2019, 2020, 2021, 2022, 2023, and 2024.

14. That part of tract 122 made up of blocks 1000, 1007, 1008, 1016, 1017, 2000, 2022, 2023, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, and 3015.

15. That part of tract 123 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, and 3031.

16. That part of tract 125 made up of block groups 2 and 3 and blocks 1007, 1008, 1999, 4012, 4013, 4015, 4016, and 4017.

17. That part of tract 131 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, and 2999.

18. That part of tract 132 made up of blocks 1000, 1001, 1997, 1998, and 1999.

19. That part of tract 134.01 made up of block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, and 3999.

20. That part of tract 147.01 made up of block 1001.

21. That part of tract 147.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1036, 1037, 1038, 1039, 1040, and 1999.

22. That part of tract 149.01 made up of block groups 2 and 3.

23. That part of tract 150.02 made up of block group 2 and blocks 3000, 3001, 3002, 3003, 3004, 3008, 3009, 3011, 3012, 3013, 3014, 3015, 3016, 3017, and 3018.

24. That part of tract 151 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, and 3011.

25. That part of tract 152 made up of block groups 1 and 2.

26. That part of tract 154 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1009, 1010, 1011, 1012, 1013, and 1014.

27. That part of tract 155 made up of blocks 1000, 1001, 1002, 1008, 1009, 1010, 1011, 1012, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1041, 1042, 2000, 2001, 2002, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2020, 2021, 2022, 2023, 2024, 2034, 2035, and 2036.

28. That part of tract 156 made up of block group 3.

29. That part of tract 157 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, and 1999.

30. That part of tract 158.01 made up of block group 1 and blocks 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3998, 3999, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, and 4999.

31. That part of tract 158.02 made up of blocks 1000, 1001, 1002, 1027, 1041, and 1042.

32. That part of tract 159.01 made up of block groups 2, 3, 4, and 9 and blocks 1005, 1006, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, and 1020.

33. That part of tract 161 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, and 3021.

34. That part of tract 162 made up of block group 2.

35. That part of tract 163 made up of block groups 2 and 3.

36. That part of tract 164 made up of block groups 1, 3, 4, and 5 and blocks 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, and 2034.

37. That part of tract 168.01 made up of block group 1 and blocks 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, and 6020.

38. That part of tract 168.03 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, and 2034.

39. That part of tract 168.04 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, and 1050.

(d) All of Hamilton County.

(e) That part of Jefferson County consisting of:

1. That part of tract 9801 made up of block group 4 and blocks 3013, 3014, 3015, 3016, 3017, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3048, 3049, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5054, 5055, 5056, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6013, 6014, 6015, 6017, 6018, 6019, 6020, 7000, 7001, 7002, 7003, 7004, 7005, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017, 7018, 7019, 7020, 7021, 7022, 7023, 7024, 7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050, 7051, 7052, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7060, and 7061.

2. That part of tract 9802 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2071, 2998, and 2999.

(f) That part of Leon County consisting of:

1. Tract 25.04.

2. That part of tract 25.02 made up of block group 6.

3. That part of tract 26.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1039, 1040, and 1041.

(g) All of Madison County.

(h) All of Nassau County.

(i) All of Union County.

(5) District 5 is composed of:

(a) All of Citrus County.

(b) All of Hernando County.

(c) That part of Lake County consisting of:

1. Tracts 303.02, 311, 312.01, 312.02, 313.03, 313.04, and 313.05.

2. That part of tract 303.03 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, and 4020.

3. That part of tract 305.01 made up of blocks 5038, 5039, 5040, 5041, 5056, 5984, and 5985.

4. That part of tract 305.02 made up of block group 4 and blocks 3020, 3023, 3024, 3025, 3030, and 3031.

5. That part of tract 306.01 made up of blocks 1000, 1001, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, and 1027.

6. That part of tract 306.02 made up of block 1000.

7. That part of tract 307.01 made up of blocks 1000, 1001, 1998, 2023, 2024, and 2025.

8. That part of tract 307.02 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1995, and 1996.

9. That part of tract 308.02 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041,

3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3998, and 3999.

10. That part of tract 313.01 made up of blocks 2006, 2016, 2993, 2994, and 2995.

(d) That part of Levy County consisting of:

1. Tracts 9702, 9703, 9704, and 9707.

2. That part of tract 9701 made up of block group 6 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1101, 1102, 1103, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2995, 2997, 2998, 3112, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, and 3160.

3. That part of tract 9705 made up of block groups 2 and 3 and blocks 1007, 1008, 1009, 1016, 1019, 1020, 1021, 1022, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, and 1243.

(e) That part of Marion County consisting of:

1. Tract 27.01.

2. That part of tract 26.01 made up of block group 2 and blocks 1020, 1021, and 1022.

3. That part of tract 27.02 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2995, 2996, 2997, 2998, and 2999.

(f) That part of Pasco County consisting of:

1. Tracts 312.02, 313, 316, 317.01, 317.03, 317.04, 318.02, 318.03, 319, 320.01, 320.02, 320.03, 320.04, 321.01, 321.02, 322, 323, 324, 325, 326, 327, 328, 329, 330.01, 330.02, 330.03, 330.04, and 331.

2. That part of tract 309.02 made up of block group 1 and block 2068.

3. That part of tract 310.08 made up of blocks 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, and 1051.

4. That part of tract 312.01 made up of blocks 2004, 2005, 2006, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018.

5. That part of tract 317.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1073, 1074, 1075, 1089, 1090, 1091, 1092, 1098, 1099, 1100, 1101, 1102, 1103, 1998, and 1999.

6. That part of tract 317.06 made up of blocks 1000, 1001, 1017, 1018, and 1019.

(g) That part of Polk County consisting of:

1. Tracts 121.11, 121.12, 121.13, 122.01, and 123.02.

2. That part of tract 116.01 made up of blocks 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1998, and 1999.

3. That part of tract 121.22 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2062, 2063, 2064, 2065, 2066, and 2067.

4. That part of tract 121.23 made up of blocks 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, and 3084.

5. That part of tract 122.02 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2998, and 2999.

6. That part of tract 123.01 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3049, 3050, 3051, 3054, 3057, 3062, and 3063.

(h) All of Sumter County.

(6) District 6 is composed of:

(a) That part of Alachua County consisting of:

1. Tracts 8, 9.01, 9.02, 11, 12.01, 15.01, 15.02, 15.03, 15.04, 15.05, 16, 17.01, 17.02, 18.01, 18.02, 18.04, 18.05, 18.06, 19.01, 22.01, 22.02, 22.03, 22.04, 22.05, 22.06, 22.07, 22.08, 22.09, and 22.10.

2. That part of tract 2 made up of block group 6 and blocks 7036 and 7037.

3. That part of tract 3 made up of block groups 2, 3, and 4.

4. That part of tract 10 made up of block groups 5 and 6.

5. That part of tract 12.02 made up of blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050,

1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, and 1063.

6. That part of tract 12.03 made up of blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, and 1054.

7. That part of tract 18.03 made up of block group 1 and blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, and 2050.

8. That part of tract 21 made up of block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1024, 1025, 1026, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1074, 1075, 1988, 1989, 1990, 1991, 1992, 1993, and 1996.

(b) All of Bradford County.

(c) That part of Clay County consisting of:

1. Tracts 301.01, 301.02, 302, 303.01, 304, 308.01, 308.02, 309.01, 309.02, 311.01, 311.02, 311.03, and 312.

2. That part of tract 303.02 made up of block groups 2, 3, and 4 and blocks 1000, 1001, 1002, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, and 1026.

3. That part of tract 305 made up of block group 3 and blocks 2005, 2006, and 2007.

4. That part of tract 306 made up of blocks 3003, 3004, 3005, 3006, 3007, 3008, 3013, 3014, 3015, 3016, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4997, and 4998.

5. That part of tract 307 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1039, 1040, 1041, 1045, 1046, 1047, 1048, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1992, 1993, 1994, 1995, 1996, 1997, and 1998.

6. That part of tract 313 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1023, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1989, 1995, 1996, 1997, and 1998.

7. That part of tract 314 made up of blocks 3075, 3078, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4032, 4033, 4034, 4035, 4036, 4037, 4039, 4040, 4041, 4042, 4043, and 4044.

8. That part of tract 315 made up of blocks 1051, 1052, 1053, 1064, 1065, 1066, 1067, 1068, 1070, 1073, 1074, 2035, 2036, 2037, and 2038.

(d) That part of Duval County consisting of:

1. Tracts 106, 119.01, 119.02, 119.03, 135.02, 135.04, 136, 137.21, 137.23, 137.24, and 137.25.

2. That part of tract 105 made up of block groups 4 and 5 and blocks 3024, 3026, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9015, 9016, 9017, and 9018.

3. That part of tract 117 made up of blocks 1003, 1004, 1005, 1006, 1007, 1020, 1021, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, and 1060.

4. That part of tract 118 made up of block group 5 and blocks 1007, 1008, 2003, 2004, and 2022.

5. That part of tract 120 made up of block group 2 and block 1035.

6. That part of tract 121 made up of block group 4.

7. That part of tract 126.01 made up of block group 5 and blocks 1008, 1009, 1010, 1012, 1013, and 1014.

8. That part of tract 126.02 made up of blocks 1007, 1008, 1009, 1010, 1011, and 1012.

9. That part of tract 127.01 made up of block group 1 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, and 3013.

10. That part of tract 127.02 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3037, 3038, and 3039.

11. That part of tract 135.03 made up of block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, and 1015.

12. That part of tract 135.21 made up of block group 9 and blocks 1009, 1010, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, and 2035.

13. That part of tract 135.22 made up of block group 1 and blocks 9001, 9002, 9003, 9004, 9005, and 9006.

(e) All of Gilchrist County.

(f) That part of Lake County consisting of:

1. Tracts 304.02, 304.03, and 304.04.

2. That part of tract 305.01 made up of block groups 1, 2, 3, and 4 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5986, 5987, 5988, 5989, 5990, 5991, 5992, 5993, 5994, 5995, 5996, 5997, 5998, and 5999.

3. That part of tract 305.02 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3021, 3022, 3026, 3027, 3028, 3029, 3996, 3997, 3998, and 3999.

4. That part of tract 306.01 made up of block groups 2 and 3 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1998, and 1999.

5. That part of tract 306.02 made up of block groups 2, 3, and 4 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, and 1033.

6. That part of tract 307.01 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1997, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2026, 2027, 2996, 2997, 2998, and 2999.

(g) That part of Levy County consisting of:

1. Tract 9706.

2. That part of tract 9701 made up of block groups 4 and 5 and blocks 1100, 2046, 2047, 2048, 2996, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029,

3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3141, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, and 3999.

3. That part of tract 9705 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1057, 1058, and 1999.

(h) That part of Marion County consisting of:

1. Tracts 1, 2, 7.01, 7.02, 8, 9.01, 9.02, 10.01, 10.02, 11.01, 11.02, 15, 16, 17, 18, 20.01, 23.01, 23.02, 24.01, 24.02, 25.01, 25.02, 26.02, and 26.03.

2. That part of tract 3.01 made up of blocks 2013, 2014, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, and 2027.

3. That part of tract 3.02 made up of blocks 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2063, 2064, and 2065.

4. That part of tract 14.01 made up of blocks 3050, 3056, 3058, 3059, 3073, 3074, 3075, 3076, and 3077.

5. That part of tract 19 made up of block groups 2, 3, and 4 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, and 1166.

6. That part of tract 20.02 made up of block group 2.

7. That part of tract 21 made up of block group 4 and blocks 2038, 2039, 2040, 2041, 2042, 2043, 2044, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3048, 3049, 3050, 3051, and 3052.

8. That part of tract 22.03 made up of block group 1 and blocks 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, and 2089.

9. That part of tract 26.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, and 1031.

10. That part of tract 27.02 made up of block 2209.

(7) District 7 is composed of:

(a) All of Flagler County.

(b) That part of Orange County consisting of:

1. Tracts 156.02, 157.02, and 158.02.

2. That part of tract 155.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, and 1999.

3. That part of tract 156.01 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, and 2999.

4. That part of tract 157.01 made up of block group 1.

(c) That part of Putnam County consisting of:

1. Tracts 9509 and 9512.

2. That part of tract 9505 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, and 2999.

3. That part of tract 9506 made up of block groups 2 and 3.

4. That part of tract 9507 made up of block groups 4 and 5.

5. That part of tract 9511 made up of block groups 1, 3, and 4 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2995, 2996, 2997, 2998, and 2999.

6. That part of tract 9513 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3947, 3948, 3979, 3980, 3981, 3982, 3983, 3984, 3985, 3986, 3987, 3988, 3989, 3990, 3991, 3992, 3993, 3994, 3995, 3996, 3997, 3998, and 3999.

7. That part of tract 9514 made up of block groups 1, 2, 3, 5, and 6 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4953, 4954, 4955, 4956, 4957, 4958, 4959, 4960, 4966, 4967, 4968, 4969, 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, 4981, 4982, 4983, 4984, 4985, 4986, 4987, 4988, 4989, 4990, 4991, 4992, 4993, 4994, 4995, 4996, 4997, 4998, 4999, 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017, 7018, 7019, 7020, 7021, 7022, 7023, 7024, 7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050, 7051, 7052, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7060, 7061, 7062, 7063, 7064, 7065, 7066, 7071, 7072, 7073, 7952, 7953, 7954, 7955, 7961, 7962, 7963, 7964, 7965, 7966, 7967, 7968, 7969, 7970, 7971, 7972, 7973, 7974, 7975, 7976, 7977, 7978, 7979, 7980, 7981, 7982, 7983, 7984, 7985, 7986, 7987, 7988, 7989, 7990, 7991, 7992, 7993, 7994, 7995, 7996, 7997, 7998, and 7999.

(d) That part of Seminole County consisting of:

1. Tracts 207.03, 207.04, 207.05, 208.03, 208.05, 208.06, 208.07, 208.08, 208.09, 208.10, 209.03, 214.01, 215.02, 215.03, 215.04, 215.05, 215.06, 216.04, 216.09, 216.10, 216.11, 216.12, 218.02, 219.01, 219.02, 220.01, 220.02, 220.05, and 221.01.

2. That part of tract 202.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1024, 1025, 1026, 1032, 1038, 1039, 1040, 1041, 1042, and 2000.

3. That part of tract 204.02 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2037, and 2038.

4. That part of tract 206 made up of block group 1 and blocks 2004, 2005, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, and 2126.

5. That part of tract 207.01 made up of blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2003, 2004, 2005, 2006, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2992, 2993, 2994, 2995, 2996, and 2997.

6. That part of tract 209.02 made up of blocks 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2023, 2024, 2025, 2026, 2027, 2028, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, and 2053.

7. That part of tract 210 made up of block groups 2 and 3 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1998, and 1999.

8. That part of tract 211 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1019, 1030, 1031, 1032, 1033, 1997, 1998, and 1999.

9. That part of tract 214.04 made up of block groups 2 and 3.

10. That part of tract 216.08 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1083, 1084, 1085, 1086, 1087, and 1088.

11. That part of tract 221.04 made up of block group 3.

(e) All of St. Johns County.

(f) That part of Volusia County consisting of:

1. Tracts 801, 802, 803, 804, 805, 806, 807, 808.01, 808.03, 808.04, 808.05, 809, 810, 811, 812, 815, 816, 817, 818, 819, 820, 821, 822.01, 822.02, 823.03, 824.04, 832.03, 901.01, 902.02, 903.01, 903.02, 904, 908.02, 910.01, 910.06, and 910.07.

2. That part of tract 813 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2029, 2996, 2997, 2998, and 2999.

3. That part of tract 823.01 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, and 1015.

4. That part of tract 823.02 made up of blocks 1000, 1001, 1004, 1005, 1006, 1019, 1020, 1021, and 1022.

5. That part of tract 824.01 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1999, and 3000.

6. That part of tract 824.08 made up of block group 1.

7. That part of tract 832.04 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1060, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1086, 1087, 1088, 1089, and 1142.

8. That part of tract 902.01 made up of block groups 1, 2, and 3 and blocks 4006, 4007, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, and 5046.

9. That part of tract 905 made up of block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3041, 3042, 3043, and 3044.

10. That part of tract 906 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1034, 1035, 1036, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, and 5022.

11. That part of tract 907.01 made up of block group 4 and blocks 1000, 1001, 1002, 1003, 1004, 1007, 1008, 1009, 1010, 1011, 1016, 1017, 1018, 1019, 1020, 2000, 2001, 2008, 2009, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, and 2026.

12. That part of tract 907.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1040, 1041, 1042, 1046, 1047, 2000, 2001, 2002, 2003, 2004, 2005, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2044, 2045, 2046, 2047, 2048, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2064, 2065, 2066, 2067, 3000, 3001, 3002, 3003, 3004, 3005, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, and 3027.

13. That part of tract 908.01 made up of block groups 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1092, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027,

3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, and 3072.

14. That part of tract 909.01 made up of block groups 1, 2, and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, and 4024.

15. That part of tract 909.02 made up of block groups 1, 2, 3, and 4 and blocks 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, and 5043.

16. That part of tract 910.09 made up of block groups 2, 3, and 4.

17. That part of tract 910.10 made up of block groups 2, 3, and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1996, 1997, 1998, and 1999.

18. That part of tract 910.12 made up of block group 4.

19. That part of tract 910.13 made up of block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 1023, 1029, 1030, 1031, 1032, 1033, 1998, 1999, 2039, 2056, 2057, 2073, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2988, 2989, 2990, 2991, and 2992.

20. That part of tract 910.14 made up of block groups 1, 2, and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4023, 4024, 4025, and 4998.

(8) District 8 is composed of:

(a) That part of Lake County consisting of:

1. Tracts 301.01, 302.01, 302.03, 302.04, 302.05, 303.04, 308.01, 309.12, and 310.

2. That part of tract 301.02 made up of blocks 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, and 4017.

3. That part of tract 301.03 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1996, 1997, and 1998.

4. That part of tract 303.03 made up of blocks 1000, 1013, 2001, 3999, 4998, and 4999.

5. That part of tract 307.02 made up of blocks 1997, 1998, and 1999.

6. That part of tract 308.02 made up of block groups 1 and 2 and blocks 3018 and 3019.

7. That part of tract 309.11 made up of block groups 1 and 2 and blocks 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 4001, 4002, 4003, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4999, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6029, 6049, 6050, 6051, 6052, 6053, 6054, 6055, 6056, 6057, 6058, 6059, 6060, 6061, 6062, 6063, 6064, 6997, 6998, and 6999.

8. That part of tract 313.01 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2991, 2992, 2996, 2997, 2998, and 2999.

(b) That part of Marion County consisting of:

1. Tracts 6.02, 6.03, 12.03, 12.04, 13.01, 13.02, 14.02, 22.01, and 22.02.

2. That part of tract 3.01 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, and 2028.

3. That part of tract 3.02 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, and 2062.

4. That part of tract 4 made up of block group 3 and blocks 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4071, 4072, 4998, and 4999.

5. That part of tract 6.01 made up of block groups 1 and 3 and blocks 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2996.

6. That part of tract 14.01 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3051, 3052, 3053, 3054, 3055, 3057, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, and 3088.

7. That part of tract 19 made up of blocks 1000, 1001, 1002, 1025, and 1029.

8. That part of tract 20.02 made up of block group 1.

9. That part of tract 21 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 3000, 3001, 3002, 3003, 3004, and 3047.

10. That part of tract 22.03 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2090, and 2091.

(c) That part of Orange County consisting of:

1. Tracts 102, 103, 107.01, 108.01, 108.02, 109, 110, 111, 112, 113, 114, 125, 126, 127.01, 127.02, 128, 129, 130.01, 130.02, 131, 132, 133, 134.02, 134.03, 134.04, 135.03, 135.04, 135.05, 135.06, 135.07, 136.02, 136.03, 136.04, 136.05, 137, 138.01, 138.02, 138.03, 139, 140, 141, 142, 143.01, 143.02, 144, 146.07, 147.02, 147.03, 147.04, 148.04, 148.06, 148.08, 148.09, 148.10, 148.11, 148.12, 148.13, 149.05, 149.07, 150.01, 150.02, 150.03, 150.04, 153, 154.02, 159.02, 161, 164.02, 164.06, 164.10, 164.11, 164.12, 167.09, 167.10, 167.11, 167.12, 167.13, 167.14, 167.15, 167.16, 167.17, 168.03, 168.04, 170.04, 170.05, 170.06, 170.07, 170.08, 170.09, 170.11, 171.03, 171.04, 171.05, 171.06, 171.07, 172, 173, and 174.

2. That part of tract 101 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, and 1088.

3. That part of tract 107.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, and 1014.

4. That part of tract 147.01 made up of block group 4 and block 2006.

5. That part of tract 148.05 made up of blocks 1019, 1020, 1021, and 1998.

6. That part of tract 148.07 made up of blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1995, 1996, 1997, 1998, and 1999.

7. That part of tract 149.06 made up of blocks 1000, 1001, 1002, 1003, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1998, and 1999.

8. That part of tract 151.05 made up of block group 2.

9. That part of tract 152.02 made up of block group 2 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1998, 1999, 3000, 3001, 3002, 3003, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3030, 3031, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, and 3053.

10. That part of tract 154.01 made up of blocks 2003, 2004, 2005, 2006, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, and 2998.

11. That part of tract 159.01 made up of blocks 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3027, 3028, 3029, 3032, 3033, 3034, 3035, 3036, 3037, and 3038.

12. That part of tract 160.01 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2029, 2030, 2031, 2032, 2033, 2034, 2036, 2037, and 2038.

13. That part of tract 160.02 made up of blocks 2006, 2007, 2011, 2012, 2998, 3010, 3011, 3021, 3022, 3023, 3024, and 3025.

14. That part of tract 162 made up of block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1997, 1998, and 1999.

15. That part of tract 163.01 made up of blocks 1059, 1060, and 1065.

16. That part of tract 164.07 made up of blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, and 1029.

17. That part of tract 165.05 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, and 1025.

18. That part of tract 167.18 made up of blocks 1002, 1003, 1004, 1005, 1006, 1033, 1034, and 1035.

19. That part of tract 168.02 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, and 1069.

20. That part of tract 168.05 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1116, 1117, 1118, 1119, and 1120.

21. That part of tract 169.02 made up of block group 2.

22. That part of tract 170.01 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2084, 2087, 2088, 2089, 2090, and 2999.

23. That part of tract 175.01 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2997, 2998, 2999, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, and 3044.

24. That part of tract 175.04 made up of blocks 3000, 3001, 3002, 3003, 3004, 3008, 3009, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3997, 3998, and 3999.

25. That part of tract 179.01 made up of block group 1 and block 2993.

(d) That part of Osceola County consisting of:

1. That part of tract 408 made up of blocks 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3101, and 3999.

(9) District 9 is composed of:

(a) That part of Hillsborough County consisting of:

1. Tracts 101.03, 101.05, 101.06, 101.07, 101.08, 102.05, 102.06, 102.07, 110.05, 110.06, 110.07, 110.09, 111.03, 111.04, 111.05, 111.06, 111.07, 112.03, 113.01, 114.07, 114.08, 114.09, 114.10, 115.04, 115.05, 115.06, 115.07, 115.08, 115.09, 115.10, 115.11, 115.12, 115.13, 115.16, 122.04, 124.01, 124.02, 124.03, 125.01, 125.02, 127.01, 127.02, 130.03, 131, 132.03, 132.04, 132.05, 132.06, 132.07, 132.08, 134.08, 134.09, and 139.11.

2. That part of tract 102.04 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1998, and 1999.

3. That part of tract 102.08 made up of block group 2.

4. That part of tract 103.04 made up of block group 3.

5. That part of tract 107.01 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, and 3006.

6. That part of tract 108.04 made up of block groups 1 and 4 and blocks 3017 and 3018.

7. That part of tract 109 made up of blocks 1000, 1001, 1002, 1003, 1004, and 1005.

8. That part of tract 110.08 made up of block groups 1, 2, 4, and 5 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, and 3007.

9. That part of tract 110.10 made up of block 1015.

10. That part of tract 110.11 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2993, 2994, 2995, 2996, 2997, 2998, and 2999.

11. That part of tract 111.08 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1998, 3000, 3001, 3002, 3003, 3004, and 3005.

12. That part of tract 112.05 made up of blocks 3000, 3001, 3002, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, and 3021.

13. That part of tract 113.02 made up of block groups 1, 2, and 3 and blocks 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4025, 4026, 4028, 4029, 4997, 4998, 4999, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5045, 5046, 5047, 5048, 5049, 5998, and 5999.

14. That part of tract 114.06 made up of block group 3.

15. That part of tract 115.14 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, and 2043.

16. That part of tract 115.15 made up of block group 1.

17. That part of tract 121.06 made up of block group 6 and blocks 7000, 7001, 7029, 7030, 7031, and 8000.

18. That part of tract 126 made up of blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 3000, 3001, 3037, 3038, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, and 3049.

19. That part of tract 128 made up of block group 1 and blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019.

20. That part of tract 133.05 made up of block group 2 and blocks 1010, 1011, 1012, 1013, 1015, 1016, 1017, 1018, and 1019.

21. That part of tract 139.03 made up of block group 1.

22. That part of tract 139.10 made up of block 2000.

23. That part of tract 139.12 made up of blocks 2000 and 2001.

(b) That part of Pasco County consisting of:

1. Tracts 301, 302.01, 302.02, 303, 304.01, 304.02, 304.03, 305, 306, 307, 308, 309.01, 310.01, 310.02, 310.03, 310.04, 310.05, 310.06, 310.07, 311.01, 311.02, 314.01, 314.02, 314.03, 314.04, 314.05, 315.01, 315.02, 315.03, 315.04, 317.05, and 318.01.

2. That part of tract 309.02 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, and 2119.

3. That part of tract 310.08 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, and 1039.

4. That part of tract 312.01 made up of block groups 1, 3, and 4 and blocks 2000, 2001, 2002, 2003, 2007, 2008, 2009, 2010, 2019, 2020, 2021, and 2022.

5. That part of tract 317.02 made up of blocks 1014, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1093, 1094, 1095, 1096, and 1097.

6. That part of tract 317.06 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, and 1016.

(c) That part of Pinellas County consisting of:

1. Tracts 259.01, 259.02, 264, 266.01, 266.02, 267.03, 268.04, 268.08, 268.09, 268.10, 268.11, 268.12, 268.13, 268.14, 268.15, 268.16, 268.17, 272.04, 273.08, 273.09, 273.10, 273.11, 273.12, 273.13, 273.14, 273.15, 273.16, 273.17, 273.18, 273.19, 273.20, 274.01, 274.02, 274.03, 275.01, and 275.02.

2. That part of tract 254.01 made up of block groups 1 and 2.

3. That part of tract 254.04 made up of block groups 1, 2, 3, 4, and 5.

4. That part of tract 254.05 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2034, 2035, 2036, 2037, 2038, 2039, 2995, 2996, 2997, 2998, and 2999.

5. That part of tract 255.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1046, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2050, 2051, 2052, 2998, and 2999.

6. That part of tract 258 made up of blocks 1000, 1001, 1002, 1003, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, and 3999.

7. That part of tract 261 made up of block groups 4 and 5 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, and 3019.

8. That part of tract 262 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, and 1040.

9. That part of tract 263 made up of block groups 5 and 6 and blocks 4036, 4037, 4040, 4041, 4042, 4055, 4056, 4057, 4058, 4059, and 4060.

10. That part of tract 265 made up of block groups 3, 4, 5, and 6 and blocks 1005, 1006, 2054, 2055, 2056, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, and 2074.

11. That part of tract 267.02 made up of block groups 4, 5, and 6.

12. That part of tract 269.05 made up of block groups 2, 3, and 4 and blocks 1010, 1011, and 1014.

13. That part of tract 272.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1029, and 1999.

14. That part of tract 272.05 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, and 1070.

(10) District 10 is composed of:

(a) That part of Pinellas County consisting of:

1. Tracts 201.03, 203.02, 214, 215, 223.01, 223.02, 224.01, 224.02, 225.01, 225.02, 225.03, 226.01, 226.02, 227, 228.01, 228.02, 229.01, 229.02, 230, 231, 232, 233, 235, 236, 237, 238, 239, 240.01, 240.02, 240.04, 240.05, 241, 242, 243.01, 243.02, 244.03, 244.04, 244.05, 244.06, 244.07, 245.02, 245.03, 245.05, 245.06, 245.07, 245.08, 246.01, 246.02, 247, 248.01, 248.02, 249.01, 249.02, 249.04, 249.05, 249.06, 250.01, 250.04, 250.07, 250.09, 250.10, 250.11, 250.12, 250.13, 250.14, 250.15, 250.16, 251.06, 251.07, 251.08, 251.09, 251.10, 251.11, 251.12, 251.13, 251.14, 251.15, 251.16, 251.18, 251.19, 251.20, 251.21, 252.03, 252.04, 252.05, 252.06, 252.07, 253.01, 253.03, 253.04, 253.05, 253.06, 254.07, 254.08, 254.09, 254.10, 254.11, 255.03, 255.04, 256.01, 256.02, 257, 260.01, 260.02, 267.01, 269.04, 269.07, 269.08, 269.09, 269.10, 269.11, 270, 271.01, 271.03, 271.04, 271.05, 272.01, 272.06, 272.07, 272.08, 276.01, 276.02, 277.01, 277.02, 278, 279.01, 279.02, 280.01, 280.02, 281.01, 281.02, 282, 283, 284.01, and 284.02.

2. That part of tract 201.05 made up of block group 1 and blocks 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, and 2999.

3. That part of tract 202.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1999, 3021, 3022, and 3999.

4. That part of tract 202.04 made up of blocks 2012, 2022, 2023, and 2024.

5. That part of tract 202.05 made up of blocks 2005, 2006, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2999, 3013, 3014, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, and 3999.

6. That part of tract 203.01 made up of blocks 2000, 2002, 2003, 2009, 2010, 2014, 2998, 2999, 3000, 3008, 3009, 3998, and 3999.

7. That part of tract 204 made up of blocks 1000, 1005, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1997, 1998, 1999, 3031, 3032, 3035, and 3997.

8. That part of tract 213 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2033, 2034, 2035, 2036, 2037, 2038, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2996, 2997, 2998, and 2999.

9. That part of tract 218 made up of blocks 1000, 1001, 1002, 3000, 3001, 3002, 4002, and 4003.

10. That part of tract 219 made up of block groups 1 and 2 and blocks 3000, 3001, and 3002.

11. That part of tract 221 made up of block groups 1 and 2 and blocks 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4011, 4012, 4013, 4014, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, and 5014.

12. That part of tract 222 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3014, 3015, 3016, 3017, 3026, 3027, 3036, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4028, 4029, 4030, and 4031.

13. That part of tract 234 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, and 2033.

14. That part of tract 254.01 made up of block groups 3 and 4.

15. That part of tract 254.04 made up of block groups 6 and 7.

16. That part of tract 254.05 made up of blocks 2033, 2040, 2041, 2992, 2993, and 2994.

17. That part of tract 255.01 made up of block group 3 and blocks 1010, 1011, 1012, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 2049, 2053, 2054, and 2055.

18. That part of tract 258 made up of blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, and 3035.

19. That part of tract 261 made up of block groups 1 and 2 and block 3999.

20. That part of tract 262 made up of block 1999.

21. That part of tract 263 made up of block groups 1, 2, and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4038, 4039, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, and 4999.

22. That part of tract 265 made up of blocks 1000, 1001, 1002, 1003, 1004, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2057, and 2065.

23. That part of tract 267.02 made up of block groups 1, 2, and 3.

24. That part of tract 269.05 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, and 1015.

25. That part of tract 272.02 made up of block groups 2, 3, 5, and 6 and blocks 1017, 1026, 1027, 1028, 1997, and 1998.

26. That part of tract 272.05 made up of blocks 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, and 1048.

27. That part of tract 285 made up of block group 1.

(11) District 11 is composed of:

(a) That part of Hillsborough County consisting of:

1. Tracts 1, 2, 3, 4.01, 4.02, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51.01, 51.02, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68.01, 68.02, 69, 70, 71, 72, 73, 105, 106, 108.03, 108.05, 108.06, 108.07, 108.08, 110.03, 112.04, 112.06, 114.11, 114.12, 114.13, 114.14, 114.15, 114.16, 116.03, 116.05, 116.06, 116.07, 116.08, 116.09, 116.10, 116.11, 116.12, 116.13, 117.03, 117.05, 117.06, 117.07, 117.08, 118.02, 118.03, 118.04, 119.01, 119.02, 119.03, 120.01, 120.02, 135.01, 135.03, 135.04, 135.05, and 136.02.

2. That part of tract 104.01 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, and 2999.

3. That part of tract 104.02 made up of block group 2 and blocks 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, and 1998.

4. That part of tract 107.01 made up of block group 4.

5. That part of tract 107.02 made up of block group 3 and blocks 1030 and 1040.

6. That part of tract 108.04 made up of block group 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3019, 3020, 3021, 3022, 3023, 3024, and 3025.

7. That part of tract 109 made up of blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, and 1024.

8. That part of tract 110.08 made up of block 3008.

9. That part of tract 110.10 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, and 1014.

10. That part of tract 110.11 made up of blocks 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, and 2027.

11. That part of tract 111.08 made up of blocks 1000, 1001, 1008, 1009, 1010, 1011, 1012, 1013, 1999, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, and 3016.

12. That part of tract 112.05 made up of block groups 1 and 2 and blocks 3003, 3004, 3012, 3022, 3023, 3024, 3025, and 3026.

13. That part of tract 113.02 made up of blocks 4000, 4023, 4024, 4027, 4030, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, and 5044.

14. That part of tract 114.06 made up of block groups 1, 2, and 4.

15. That part of tract 115.14 made up of block group 3 and blocks 2030, 2031, 2032, and 2033.

16. That part of tract 115.15 made up of block groups 2 and 3.

17. That part of tract 122.05 made up of blocks 6002, 6003, 6004, 6005, 6006, 6007, 6997, 6998, and 6999.

18. That part of tract 136.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1050, 1995, 1996, 1997, 1998, and 1999.

19. That part of tract 137.01 made up of block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, and 3012.

20. That part of tract 137.02 made up of block groups 1, 2, 3, and 5.

21. That part of tract 138.01 made up of block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3014, 3015, 3016, 3017, 3018, 3019, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3997, 3998, and 3999.

22. That part of tract 141.04 made up of blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1993, 1994, 1995, 1996, 1997, and 1999.

23. That part of tract 141.05 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1997, 1998, and 1999.

24. That part of tract 141.06 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1998, 1999, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023, 2025, 2026, 2027, 2028, 2029, 2030, and 2999.

25. That part of tract 141.07 made up of block group 1 and blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, and 2031.

26. That part of tract 141.08 made up of block group 2 and blocks 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3034, 3035, 3036, 3037, 3038, 3997, 3998, and 3999.

(b) That part of Manatee County consisting of:

1. Tract 15.02.

2. That part of tract 1.01 made up of blocks 2045 and 2046.

3. That part of tract 1.03 made up of block group 1 and blocks 3000, 3001, 3014, 3015, 3016, 3017, and 3022.

4. That part of tract 1.04 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 3000, 3001, 3002, 3003, 3004, 3006, 5000, 5001, 5002, 5003, 5004, and 5005.

5. That part of tract 7.02 made up of block groups 4 and 5 and blocks 3000, 3004, 3018, 3032, 3033, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 6040, 6041, 6042, 6043, 6047, 6048, 6049, 6050, and 6986.

6. That part of tract 7.03 made up of block groups 2 and 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1041, 1042, 1043, 1044, 1998, and 1999.

7. That part of tract 8.03 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 4004, 4005, 4006, 4007, 4008, and 4013.

8. That part of tract 14.01 made up of blocks 1000, 1044, 1045, 1046, 1047, 1048, 1049, and 1050.

9. That part of tract 15.01 made up of block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, and 1033.

10. That part of tract 16 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1104, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2066, 2998, 2999, 3000, 3001, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3046, 3047, 3998, and 3999.

11. That part of tract 19.04 made up of blocks 3003, 3004, 3005, 3006, 3007, 3008, and 3034.

(c) That part of Pinellas County consisting of:

1. Tracts 201.01, 202.01, 205, 206, 207, 208, 209, 210, 212, 216, and 220.

2. That part of tract 201.05 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, and 2024.

3. That part of tract 202.02 made up of block group 2 and blocks 1020, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020.

4. That part of tract 202.04 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2025, 2026, 2027, 2028, 2029, and 2999.

5. That part of tract 202.05 made up of block groups 1 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, and 3015.

6. That part of tract 203.01 made up of block groups 1 and 4 and blocks 2001, 2004, 2005, 2006, 2007, 2008, 2011, 2012, 2013, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, and 3028.

7. That part of tract 204 made up of block group 2 and blocks 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3033, 3034, 3036, 3998, and 3999.

8. That part of tract 213 made up of blocks 1032, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2039, and 2040.

9. That part of tract 218 made up of block groups 2 and 5 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 4000, 4001, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, and 4021.

10. That part of tract 219 made up of block groups 4 and 5 and blocks 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, and 3017.

11. That part of tract 221 made up of block group 3 and blocks 4000, 4009, 4010, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, and 5029.

12. That part of tract 222 made up of blocks 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 4000, 4001, 4002, 4003, 4021, 4022, 4023, 4024, 4025, 4026, and 4027.

13. That part of tract 234 made up of blocks 2022, 2023, 2032, and 2034.

14. That part of tract 285 made up of block group 2.

(12) District 12 is composed of:

(a) That part of Hillsborough County consisting of:

1. Tracts 102.03, 103.03, 103.05, 121.03, 121.04, 121.05, 122.06, 122.07, 122.08, 123.01, 123.03, 123.04, 129, 130.01, 130.02, 130.04, 133.06, 133.07, 133.08, 133.09, 133.10, 133.11, 133.12, 133.13, 133.14, 134.04, 134.05, 134.06, 134.07, 138.02, 138.03, 138.04, 138.05, 139.06, 139.07, 139.08, 139.09, 140.02, 140.03, 140.04, 140.05, 140.06, and 141.09.

2. That part of tract 102.04 made up of block group 2 and blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1996, and 1997.

3. That part of tract 102.08 made up of block group 1.

4. That part of tract 103.04 made up of block group 2.

5. That part of tract 104.01 made up of block group 1 and blocks 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2033, and 2034.

6. That part of tract 104.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, and 1999.

7. That part of tract 107.01 made up of blocks 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, and 3018.

8. That part of tract 107.02 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, and 1039.

9. That part of tract 121.06 made up of blocks 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017, 7018, 7019, 7020, 7021, 7022, 7023, 7024, 7025, 7026, 7027, 7028, 7999, 8001, 8002, 8003, 8004, 8005, 8006, 8007, 8008, 8009, 8010, 8011, 8012, 8013, 8014, 8015, 8016, 8017, 8018, 8019, and 8020.

10. That part of tract 122.05 made up of block groups 1, 2, 3, 4, and 5 and blocks 6000, 6001, 6008, 6009, and 6010.

11. That part of tract 126 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 2000, 2001, 2002, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, and 3039.

12. That part of tract 128 made up of blocks 2000, 2001, 2002, 2003, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, and 2074.

13. That part of tract 133.05 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, and 1014.

14. That part of tract 136.01 made up of blocks 1046, 1048, 1049, and 1994.

15. That part of tract 137.01 made up of block groups 2 and 4 and blocks 3013 and 3014.

16. That part of tract 137.02 made up of block group 4.

17. That part of tract 138.01 made up of block group 2 and blocks 3009, 3010, 3011, 3012, 3013, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, and 3996.

18. That part of tract 139.03 made up of block group 2.

19. That part of tract 139.10 made up of block groups 1 and 3 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2999.

20. That part of tract 139.12 made up of block group 1 and blocks 2002, 2003, 2004, 2005, 2006, and 2999.

21. That part of tract 141.04 made up of blocks 1002, 1020, 1022, 1023, and 1998.

22. That part of tract 141.05 made up of block 1025.

23. That part of tract 141.06 made up of blocks 1000, 1022, 1023, 1024, 2000, 2022, and 2024.

24. That part of tract 141.07 made up of block group 3 and blocks 2000, 2001, 2002, 2003, 2011, 2012, 2032, 2033, 2034, 2035, 2036, and 2037.

25. That part of tract 141.08 made up of block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3032, 3033, 3039, 3040, and 3041.

(b) That part of Osceola County consisting of:

1. That part of tract 411 made up of block group 2 and blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, and 1096.

2. That part of tract 413 made up of block group 1 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, and 2053.

(c) That part of Polk County consisting of:

1. Tracts 101, 102, 103, 104, 105, 106.01, 106.02, 107.01, 107.02, 108, 109, 110, 111, 112.01, 112.02, 113, 114, 115, 116.02, 117.04, 117.21, 117.22, 117.31, 117.32, 118.01, 118.21, 118.22, 118.31, 118.32, 119.01, 119.02, 119.03, 119.05, 120.01, 120.02, 120.03, 120.04, 124.01, 125.03, 126.01, 126.02, 127, 128, 129, 130, 131.01, 131.02, 131.03, 132, 133, 134, 135, 136, 137.01, 137.02, 138.01, 138.02, 139.01, 139.02, 140.01, 140.02, 141.01, 141.21, 141.22, 141.23, 142.01, 142.02, 142.03, 143.01, 143.02, 144, 145.01, 145.02, 146, 147.01, 147.02, 148.01, 148.02, 149.01, 149.02, 150, 151, 152, 153.01, 153.02, 154.01, 154.02, 154.03, 155, 156, 157, 158, 159, 160.01, 160.02, 160.03, and 161.

2. That part of tract 116.01 made up of block groups 2 and 3 and blocks 1000 and 1002.

3. That part of tract 121.22 made up of blocks 2058, 2059, 2060, and 2061.

4. That part of tract 121.23 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, and 3999.

5. That part of tract 122.02 made up of blocks 2053 and 2054.

6. That part of tract 123.01 made up of blocks 3047, 3048, 3052, 3053, 3055, 3056, 3058, 3059, 3060, 3061, 3064, 3065, 3066, 3067, 3068, 3069, and 3070.

7. That part of tract 124.02 made up of block group 2 and blocks 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, and 1199.

8. That part of tract 125.01 made up of block group 2 and blocks 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1121, 1122, 1123, 1124, 1125, 1126, and 1127.

9. That part of tract 125.02 made up of block group 7 and blocks 3006, 3007, 3008, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 6006, 6007, 6008, 6009, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6036, 6037, 6038, 6039, 6040, 6041, 6042, 6043, 6044, 6045, 6046, 6047, 6048, 6049, 6050, 6051, 6052, 6053, 6054, 6055, and 6056.

(13) District 13 is composed of:

(a) That part of Charlotte County consisting of:

1. Tract 303.

2. That part of tract 302 made up of blocks 1011, 1023, 1040, 1081, 1082, and 1083.

3. That part of tract 304 made up of block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, and 1999.

4. That part of tract 305 made up of block groups 1 and 2 and blocks 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3458, 3459, 3460, 3461, 3468, 3469, 3470, and 3984.

(b) All of DeSoto County.

(c) All of Hardee County.

(d) That part of Manatee County consisting of:

1. Tracts 2, 3.01, 3.02, 3.04, 3.05, 3.06, 4.03, 4.05, 4.06, 4.07, 4.08, 5.01, 5.03, 5.04, 6.01, 6.02, 8.04, 8.05, 8.07, 8.08, 8.09, 8.10, 9.01, 9.02, 10, 11.01, 11.03, 11.04, 12.02, 12.03, 12.04, 13, 14.02, 17.01, 17.03, 17.04, 18, 19.05, 19.06, 19.07, 19.08, 20.03, 20.04, 20.05, 20.06, 20.07, 20.08, 20.09, and 20.10.

2. That part of tract 1.01 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2998, and 2999.

3. That part of tract 1.03 made up of block group 2 and blocks 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3018, 3019, 3020, 3021, 3023, and 3024.

4. That part of tract 1.04 made up of block groups 1 and 4 and blocks 2022, 2023, 3005, 3007, 3008, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, and 5019.

5. That part of tract 7.02 made up of block groups 1 and 2 and blocks 3001, 3002, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3034, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6039, 6044, 6045, 6046, 6051, 6052, 6053, 6054, 6055, 6056, 6057, 6058, 6059, 6060, 6061, 6062, 6063, 6064, 6065, 6066, 6067, 6068, 6982, 6983, 6984, 6985, 6987, 6988, 6989, 6990, 6991, 6992, 6993, 6994, 6995, 6996, 6997, 6998, and 6999.

6. That part of tract 7.03 made up of blocks 1000, 1039, and 1040.

7. That part of tract 8.03 made up of block groups 2 and 3 and blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 4000, 4001, 4002, 4003, 4009, 4010, 4011, 4012, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, and 4040.

8. That part of tract 14.01 made up of block groups 2, 3, 4, and 5 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1051, 1052, 1053, 1054, 1055, 1995, 1996, 1997, 1998, and 1999.

9. That part of tract 15.01 made up of blocks 1000, 1006, 1007, 1034, and 1035.

10. That part of tract 16 made up of blocks 1020, 1021, 1022, 1025, 1026, 1027, 1100, 1101, 1102, 1103, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2050, 2051, 2052, 2065, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3048, 3049, 3050, 3051, 3052, 3053, and 3997.

11. That part of tract 19.04 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3998, and 3999.

(e) All of Sarasota County.

(14) District 14 is composed of:

(a) That part of Charlotte County consisting of:

1. Tract 301.

2. That part of tract 203.02 made up of block group 2 and blocks 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, and 3065.

3. That part of tract 204 made up of block groups 2, 3, 4, and 5 and blocks 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1190, 1191, 1192, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, and 1232.

4. That part of tract 205 made up of blocks 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2071, 2072, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3995, 3996, and 3999.

5. That part of tract 302 made up of block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, and 1139.

6. That part of tract 304 made up of blocks 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, and 1066.

7. That part of tract 305 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3462, 3463, 3464, 3465, 3466, 3467, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3985, 3986, 3987, 3988, 3989, 3990, 3991, 3992, 3993, 3994, 3995, 3996, 3997, 3998, and 3999.

(b) That part of Collier County consisting of:

1. Tracts 1, 2, 3.01, 3.02, 4, 5, 6, 7, 101.01, 101.02, 101.03, 101.04, 102.02, 102.03, 102.04, 102.05, 103, 104.01, 104.05, 104.06, 104.07, 104.08, 105.02, 105.03, 105.04, 106.01, 106.02, 106.03, 106.04, 107.01, 107.02, 108.01, 108.03, 109.01, 109.02, 109.03, 110, and 112.01.

2. That part of tract 111.01 made up of block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1031, 1036, 1037, 1040, 1042, 1043, 1044, 1045, 1046, 2022, and 2023.

(c) All of Lee County.

(15) District 15 is composed of:

(a) That part of Brevard County consisting of:

1. Tracts 626, 627, 628, 629, 630, 631.01, 631.02, 631.03, 641.01, 641.02, 641.21, 641.22, 642, 643.01, 643.02, 644, 645, 646, 647, 648, 649.01, 649.02, 650.01, 650.21, 650.22, 651.01, 651.21, 651.22, 651.23, 652.01, 652.02, 652.31, 652.33, 652.34, 661.01, 661.02, 662, 663.01, 663.02, 664, 665, 666, 667, 668, 669, 671, 681, 682, 683, 684, 685, 686, 691, 692, 693, 694, 695, 696, 698.02, 713.01, 713.21, 713.22, 713.23, 713.32, 713.33, and 713.34.

2. That part of tract 622 made up of blocks 1000, 1001, 1019, 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1995, 1996, 1997, 1998, and 1999.

3. That part of tract 623 made up of block groups 2, 3, 4, 5, and 6 and blocks 1003, 1004, and 1005.

4. That part of tract 624 made up of block groups 4 and 5 and blocks 1026, 2014, and 2015.

5. That part of tract 625 made up of block group 3.

6. That part of tract 697 made up of blocks 1005, 1006, 1007, 1008, 1013, 1015, 1016, 1999, 2000, 2001, 2002, 2003, and 2004.

7. That part of tract 698.01 made up of block 2032.

8. That part of tract 699.01 made up of blocks 2020, 2021, 2022, 2023, 2024, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2981, 2982, 2983, 2984, 2985, 2986, 2988, 2989, 2990, 2991, 2992, and 2999.

9. That part of tract 712 made up of blocks 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2994, and 2995.

(b) All of Indian River County.

(c) That part of Osceola County consisting of:

1. Tracts 409, 410, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 431, 432, 433, 434, 435, 436, 437, and 438.

2. That part of tract 408 made up of block groups 2 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, and 3100.

3. That part of tract 411 made up of blocks 1000, 1001, 1002, and 1003.

4. That part of tract 413 made up of blocks 2000 and 2999.

(d) That part of Polk County consisting of:

1. That part of tract 124.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1200, 1201, 1202, 1203, 1204, 1205, and 1999.

2. That part of tract 125.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1118, 1119, 1120, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, and 1181.

3. That part of tract 125.02 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3009, 3010, 3011, 3012, 6000, 6001, 6002, 6003, 6004, 6005, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6028, 6029, 6030, 6031, 6032, 6033, 6034, and 6035.

(16) District 16 is composed of:

(a) That part of Charlotte County consisting of:

1. Tracts 101, 102, 103, 104, 105, 201, 202.01, 202.02, 203.01, 203.03, 206, 207, 208, 209, and 210.

2. That part of tract 203.02 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, and 3011.

3. That part of tract 204 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, and 1193.

4. That part of tract 205 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2069, 2070, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3007, 3997, and 3998.

(b) All of Glades County.

(c) That part of Hendry County consisting of:

1. Tracts 3 and 4.

2. That part of tract 1 made up of block groups 1, 2, and 3 and blocks 4000, 4001, 4002, 4003, 4017, 4018, 4019, 4020, 4041, 4042, 4043, 4044, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5012, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5046, 5047, and 5048.

3. That part of tract 2 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2005, 2006, 2007, 2008, and 2027.

4. That part of tract 5 made up of blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1334, 1350, 1351, 1353, 1354, 1355, 1998, and 1999.

(d) All of Highlands County.

(e) That part of Martin County consisting of:

1. Tracts 1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9, 10, 11.01, 11.02, 12, 13.01, 13.02, 14.03, 14.04, 14.05, 14.06, 15, 16, and 17.

2. That part of tract 18 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1999, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5033, 5035, 5036, 5037, and 5999.

(f) All of Okeechobee County.

(g) That part of Palm Beach County consisting of:

1. Tracts 1.01, 1.02, 2.02, 77.05, 77.08, 77.21, 77.23, 77.24, 77.25, 77.26, 78.06, 78.08, 78.09, and 78.12.

2. That part of tract 2.08 made up of block 1017.

3. That part of tract 2.09 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2002, 2003, 2004, 2008, and 2009.

4. That part of tract 2.10 made up of blocks 2000, 2001, 2002, 2003, 2004, 2007, 2008, 2011, 2012, 2013, 2014, 2015, 2024, 2025, 2026, and 2027.

5. That part of tract 2.11 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1006, and 1015.

6. That part of tract 3.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1986, 1987, 1988, 1989, 1993, 1994, 1995, 1996, 1997, 1998, and 1999.

7. That part of tract 4.04 made up of block group 1.

8. That part of tract 9.01 made up of blocks 1001, 1002, 1003, 1004, 1005, and 1006.

9. That part of tract 77.09 made up of blocks 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1085, and 1086.

10. That part of tract 78.16 made up of block group 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2068, 2069, 2988, 2989, 2990, 2991, 2992, 2993, 2994, and 2995.

11. That part of tract 78.17 made up of blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2011, 2012, 2013, 2014, 2015, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, and 2036.

12. That part of tract 78.22 made up of blocks 1005, 2003, 2032, 2033, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, and 2064.

13. That part of tract 79.03 made up of blocks 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, and 1999.

14. That part of tract 79.06 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1995, 1996, 1997, 1998, and 1999.

(h) That part of St. Lucie County consisting of:

1. Tracts 6, 11.02, 12, 13, 14.01, 15.02, 15.03, 16.01, 16.02, 16.03, 17.01, 17.02, 18.01, 18.02, 19, 20.01, 20.02, 20.03, 20.05, 20.06, 21.02, 21.04, and 21.05.

2. That part of tract 1 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1030, 1031, 1032, 1033, 1034, 1035, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1071, 1072, 1997, 1998, 1999, 2000, 2001, 2002, 2010, 2011, 2012, 2997, 2998, and 2999.

3. That part of tract 5 made up of block group 1.

4. That part of tract 7 made up of block group 2 and blocks 1049, 1050, 1051, 1060, 1061, 1062, 1072, 1073, 1074, 1127, 1128, 3011, 3012, 3013, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, and 3066.

5. That part of tract 8 made up of blocks 1003, 1004, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1050, and 1997.

6. That part of tract 9.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2002, 2003, 2004, 2005, 2006, and 2007.

7. That part of tract 10 made up of block group 1.

8. That part of tract 11.01 made up of block groups 1, 2, 3, 4, and 5 and blocks 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6020, 6021, 6022, and 6023.

9. That part of tract 14.02 made up of block groups 1, 2, and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4087, 4088, 4089, 4090, 4091, 4092, 4093, and 4094.

10. That part of tract 22 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1174, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1199, 1200, 1201, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1994, 1995, 1996, 1997, 1998, and 1999.

(17) District 17 is composed of:

(a) That part of Broward County consisting of:

1. Tracts 910, 911, 912.02, 914, 915, 916, 917, 918, 1003, 1004, 1005, 1006, 1007, 1008.01, 1008.02, 1101, 1103.16, 1104.02, 1104.03, 1104.04, and 1105.

2. That part of tract 903 made up of blocks 4006, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, and 4028.

3. That part of tract 904.01 made up of block group 3.

4. That part of tract 904.02 made up of block groups 3 and 4.

5. That part of tract 909 made up of blocks 4002, 4003, 4010, 4011, 4012, 4013, 4019, and 4020.

6. That part of tract 912.01 made up of block group 2 and blocks 1027 and 1028.

7. That part of tract 913 made up of block groups 2 and 3.

8. That part of tract 919 made up of block groups 4 and 5 and blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 3004, 3005, 3006, 3007, 3016, 3017, 3018, 3019, 6001, 6002, 6005, 6006, 6009, 6010, 6013, 6014, 6017, and 6018.

9. That part of tract 1002 made up of block group 3 and blocks 2016, 2017, 2018, 4005, 4006, 4007, 4010, 4011, and 4014.

10. That part of tract 1103.12 made up of block groups 3 and 4.

11. That part of tract 1103.13 made up of block group 3.

12. That part of tract 1103.15 made up of block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018.

13. That part of tract 1103.18 made up of blocks 1000, 1001, 1002, 1003, 1004, and 1005.

14. That part of tract 1103.19 made up of block group 1.

15. That part of tract 1103.20 made up of block group 1.

(b) That part of Miami-Dade County consisting of:

1. Tracts 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.08, 2.09, 2.10, 3.01, 3.02, 3.04, 3.05, 3.06, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 5.03, 10.02, 10.03, 10.04, 10.05, 10.06, 11.01, 11.02, 11.03, 11.04, 12.03, 14.01, 14.02, 15.01, 15.02, 17.02, 18.01, 18.02, 18.03, 19.01, 19.03, 19.04, 20.01, 20.03, 20.04, 22.01, 22.02, 23, 31, 34, 94, 95.01, 95.02, 96, 97.01, 97.02, 98.01, 98.02, 99.01, 99.02, 99.03, 99.04, 100.02, and 100.06.

2. That part of tract 1.06 made up of blocks 3030, 3031, 3032, 3033, 3034, and 3035.

3. That part of tract 1.09 made up of blocks 1001, 1002, 1039, 1040, 1041, 1042, 1043, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017, and 2018.

4. That part of tract 1.10 made up of block group 1.

5. That part of tract 1.11 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1021, 1022, 1023, and 1024.

6. That part of tract 1.13 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, and 1011.

7. That part of tract 1.14 made up of blocks 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2011, and 2012.

8. That part of tract 5.01 made up of block groups 1, 2, and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 5000, 5001, 5002, 5004, 5005, 5006, 5007, and 5008.

9. That part of tract 5.02 made up of block groups 1, 2, 3, and 4.

10. That part of tract 9.01 made up of block group 7.

11. That part of tract 9.02 made up of block groups 1, 2, 3, and 4 and blocks 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5034, and 5035.

12. That part of tract 9.03 made up of block group 2 and blocks 1000, 1001, 1002, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, and 1029.

13. That part of tract 12.02 made up of block groups 3, 4, 5, and 6.

14. That part of tract 13.01 made up of block groups 3, 4, and 5 and blocks 1001 and 1002.

15. That part of tract 13.02 made up of block groups 4, 5, and 6 and blocks 1011, 1012, 1013, 1014, 1018, 1019, 1020, 1021, 1027, and 1028.

16. That part of tract 17.01 made up of block groups 1 and 2 and blocks 4000, 4001, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 5000, 5001, 5002, 5003, 5016, 5017, 5018, 5019, 5020, and 5021.

17. That part of tract 21 made up of block group 4 and blocks 2003, 2016, 2017, 2018, 2019, 2020, and 3003.

18. That part of tract 25 made up of block groups 1 and 5.

19. That part of tract 26 made up of block group 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 2001, 2002, 2003, 2004, 2007, 2008, 2009, 2010, 3000, 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3013, 3014, 3015, 3016, and 3017.

20. That part of tract 27.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, and 2036.

21. That part of tract 28 made up of block group 3 and blocks 2004, 2005, 2006, 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2017.

22. That part of tract 30.01 made up of blocks 1000, 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1018, 1019, 3000, 3001, 3003, 3004, and 3005.

23. That part of tract 36.01 made up of block groups 1 and 2 and blocks 3003, 3004, 3005, and 3006.

24. That part of tract 37.01 made up of blocks 1003, 1004, 1005, 1006, and 1007.

25. That part of tract 37.02 made up of blocks 1025, 1026, 1048, 1049, 1050, 1052, 1053, 1054, 1055, 1056, 1074, 1075, 1076, 1083, and 1084.

26. That part of tract 100.01 made up of block group 1 and blocks 9000, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9012, 9013, 9014, 9015, and 9016.

27. That part of tract 100.05 made up of block group 5 and block 6000.

28. That part of tract 100.09 made up of block group 1 and blocks 2018, 2019, 2021, 3000, 3001, 3003, 3005, 3008, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4023, and 4024.

29. That part of tract 100.10 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, and 2030.

(18) District 18 is composed of:

(a) That part of Miami-Dade County consisting of:

1. Tracts 0, 17.03, 24.01, 24.02, 29, 30.03, 30.04, 36.02, 39.07, 39.08, 42.01, 42.02, 43, 44.01, 44.02, 45, 46.01, 46.02, 49.01, 49.02, 50.01, 50.02, 51, 52.01, 52.02, 53.01, 53.02, 54.01, 54.02, 55.01, 55.02, 56, 57.01, 57.03, 57.04, 58.01, 58.02, 59.01, 59.02, 59.03, 59.04, 60.01, 60.02, 61.01, 61.02, 62, 63.01, 63.02, 64.01, 64.02, 64.03, 65, 66.01, 66.02, 67.01, 67.02, 68, 69, 70.01, 70.02, 71, 72, 73, 74, 75.01, 75.02, 75.03, 76.01, 76.02, 76.03, 76.04, 77.01, 78.01, 79.01, 79.02, 80, 88.01, 89.01, 89.02, 90.06, 106.02, 107.02, and 4901.

2. That part of tract 9.01 made up of block groups 1, 2, 3, 4, 5, and 6.

3. That part of tract 9.02 made up of blocks 5000, 5001, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, and 5033.

4. That part of tract 9.03 made up of block groups 3 and 4 and blocks 1003, 1004, 1005, 1006, 1007, and 1008.

5. That part of tract 17.01 made up of block group 3 and blocks 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4046, 4047, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5022, 5023, and 5024.

6. That part of tract 25 made up of block groups 2, 3, and 4.

7. That part of tract 26 made up of blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2000, 2005, 2006, 2011, 3006, 3011, 3012, 3018, and 3019.

8. That part of tract 27.01 made up of block groups 3, 4, 5, and 6.

9. That part of tract 27.02 made up of blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, and 2035.

10. That part of tract 28 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2007, 2008, and 2009.

11. That part of tract 30.01 made up of block group 2 and blocks 1002, 1003, 1015, 1016, 1017, 3002, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3998, and 3999.

12. That part of tract 36.01 made up of blocks 3000, 3001, 3002, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3994, 3995, 3996, 3997, 3998, and 3999.

13. That part of tract 37.01 made up of blocks 1000, 1001, 1002, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1997, 1998, and 1999.

14. That part of tract 37.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1051, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, and 1999.

15. That part of tract 38.02 made up of block groups 2, 3, 4, 5, and 6.

16. That part of tract 39.01 made up of block groups 1, 2, 3, 4, 5, and 6 and blocks 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017, 7018, 7019, 7020, and 7997.

17. That part of tract 39.05 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, and 4016.

18. That part of tract 40 made up of block group 1.

19. That part of tract 41.01 made up of block groups 1, 2, and 3.

20. That part of tract 41.02 made up of block group 2.

21. That part of tract 48 made up of block group 1.

22. That part of tract 77.02 made up of block group 1 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, and 5026.

23. That part of tract 78.02 made up of block groups 1, 2, and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4016, 4017, 4018, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, and 5052.

24. That part of tract 81 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3036, 4000, 4001, 4002, 4003, 4004, 4005, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, and 4999.

25. That part of tract 82.01 made up of block group 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2030, 2031, 2034, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2060, 2997, 2998, and 2999.

26. That part of tract 82.03 made up of block group 1 and blocks 2000, 2001, and 4000.

27. That part of tract 82.04 made up of block 1000.

28. That part of tract 91 made up of blocks 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, and 1052.

29. That part of tract 103 made up of blocks 4025 and 4026.

30. That part of tract 104 made up of block groups 1 and 2 and blocks 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 9000, 9001, 9002, 9003, 9004, 9010, 9011, 9012, 9013, 9014, 9015, 9016, and 9051.

31. That part of tract 105 made up of block group 2 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, and 4001.

32. That part of tract 106.05 made up of block groups 1 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, and 4036.

33. That part of tract 106.07 made up of blocks 3039, 3040, 3041, and 3042.

34. That part of tract 107.03 made up of block groups 2 and 3 and blocks 1000, 1001, 1004, 1050, 1055, 1056, 1057, 1058, and 1059.

35. That part of tract 107.04 made up of block groups 1, 3, and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, and 2079.

36. That part of tract 108 made up of block groups 1 and 2 and blocks 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9012, 9051, 9093, 9094, 9095, 9096, 9097, 9098, 9099, 9100, 9101, 9102, 9103, 9104, 9105, 9106, 9107, 9108, 9109, 9116, and 9999.

37. That part of tract 114.01 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3074, 3075, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146,

3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3982, 3983, 3984, 3985, 3986, 3987, 3988, 3989, 3990, 3991, 3992, 3993, 3994, 3995, 3996, 3997, 3998, and 3999.

(b) That part of Monroe County consisting of:

1. Tracts 9702, 9703, 9704, 9705, 9706, 9707, 9708, 9709, 9710, 9711, 9712, 9713, 9714, 9715, 9716, 9717, 9718, 9719, 9720, 9721, 9722, 9723, 9724, 9725, and 9726.

2. That part of tract 9701 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1045, 1046, 1047, 1048, 1049, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1992, 1993, 1994, 1995, 1996, 1997, 1998, and 1999.

(19) District 19 is composed of:

(a) That part of Broward County consisting of:

1. Tracts 104.02, 104.03, 201.01, 201.02, 202.02, 202.04, 202.06, 202.07, 202.08, 203.02, 203.05, 203.12, 203.14, 203.15, 203.16, 203.17, 203.20, 203.21, 203.22, 204.09, 204.10, 204.11, 307.02, 307.03, 307.04, and 307.05.

2. That part of tract 103.03 made up of block group 1.

3. That part of tract 103.04 made up of blocks 1030, 1031, and 1032.

4. That part of tract 104.04 made up of block group 1 and block 2050.

5. That part of tract 104.05 made up of block group 2 and block 1000.

6. That part of tract 105.01 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2058, 2059, 2060, 2061, and 2062.

7. That part of tract 105.02 made up of blocks 1017, 1018, 1019, 1020, 1021, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, and 1039.

8. That part of tract 106.01 made up of blocks 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1063, and 1064.

9. That part of tract 106.02 made up of blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, and 1067.

10. That part of tract 107.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1036, 1037, 1038, and 2000.

11. That part of tract 107.02 made up of blocks 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 3000, 3001, 3002, 3003, and 3004.

12. That part of tract 202.05 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, and 1083.

13. That part of tract 203.08 made up of blocks 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2028.

14. That part of tract 203.10 made up of block groups 1 and 3.

15. That part of tract 203.18 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1019, 1020, 1021, 1022, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, and 1046.

16. That part of tract 203.19 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, and 1028.

17. That part of tract 204.06 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1014, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, and 1037.

18. That part of tract 205.02 made up of blocks 1000, 1001, 1002, 1003, 1054, and 1055.

19. That part of tract 305 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, and 1029.

20. That part of tract 306 made up of blocks 2039, 3000, 3001, 3002, 3006, 3007, 3008, 3009, 3010, and 3011.

21. That part of tract 308.02 made up of blocks 1002, 1003, 1004, 1005, 1006, 1013, 1014, 1015, 1016, 1021, and 1022.

22. That part of tract 502.03 made up of block group 1 and blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2996, 2997, and 2999.

23. That part of tract 502.04 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, and 2038.

24. That part of tract 601.12 made up of block group 1.

25. That part of tract 703.07 made up of blocks 1000, 1001, 1002, 1003, 1004, and 1005.

(b) That part of Palm Beach County consisting of:

1. Tracts 19.02, 19.09, 39.01, 39.02, 40.05, 40.07, 40.08, 40.09, 40.10, 40.11, 40.12, 40.13, 41.02, 47.02, 47.04, 47.05, 47.06, 48.04, 48.05, 48.08, 48.09, 48.10, 48.11, 48.12, 48.13, 58.04, 58.05, 58.06, 58.09, 59.03, 59.10, 59.11, 59.12, 59.13, 59.15, 59.16, 59.17, 59.18, 59.19, 59.21, 59.22, 59.23, 59.24, 59.25, 59.26, 59.28, 59.29, 59.30, 59.31, 59.32, 60.06, 66.04, 70.03, 70.05, 70.06, 70.07, 71, 76.11, 77.11, 77.13, 77.16, 77.17, 77.28, 77.29, 77.30, 77.31, 77.32, 77.33, 77.34, 77.36, 77.37, 77.38, 77.39, 77.40, 77.41, 77.42, and 77.43.

2. That part of tract 19.06 made up of blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, and 1034.

3. That part of tract 19.07 made up of blocks 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, and 1051.

4. That part of tract 19.08 made up of blocks 2001, 2002, 2003, 2004, 2005, 2006, and 2007.

5. That part of tract 31.01 made up of blocks 3047 and 3048.

6. That part of tract 32 made up of blocks 1040, 1041, 1042, 1043, 1044, 1046, 2018, 2019, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, and 3053.

7. That part of tract 38 made up of block group 4.

8. That part of tract 42.01 made up of block group 4 and blocks 3000, 3001, and 3002.

9. That part of tract 42.02 made up of blocks 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4037, 4042, 4043, and 4044.

10. That part of tract 46.01 made up of block group 3 and blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, and 2011.

11. That part of tract 46.02 made up of block group 3.

12. That part of tract 49.01 made up of block groups 2, 3, 4, and 5.

13. That part of tract 66.03 made up of block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1999, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3014, 3015, and 3016.

14. That part of tract 66.05 made up of block groups 1, 3, and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, and 2999.

15. That part of tract 69.03 made up of block groups 2, 3, and 4 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, and 1016.

16. That part of tract 69.05 made up of blocks 4006 and 4007.

17. That part of tract 69.07 made up of block group 2.

18. That part of tract 69.08 made up of block groups 3 and 4.

19. That part of tract 70.02 made up of blocks 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9012, 9013, 9014, 9015, 9016, 9017, 9018, 9019, 9020, 9021, 9022, 9023, 9024, 9025, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038, 9039, 9040, 9041, 9042, 9043, 9044, 9045, 9046, 9047, 9048, 9049, 9050, 9051, 9052, 9053, 9054, 9055, 9056, 9057, 9058, 9059, 9060, 9061, 9064, 9065, 9066, 9067, 9068, 9069, 9070, 9071, 9995, 9996, 9997, and 9998.

20. That part of tract 70.08 made up of blocks 2000, 2001, 2002, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, and 3017.

21. That part of tract 72.01 made up of block group 3 and blocks 2000, 2003, and 2004.

22. That part of tract 73.01 made up of blocks 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020.

23. That part of tract 73.02 made up of blocks 4000, 4001, 4002, 4003, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4023, and 4026.

24. That part of tract 76.02 made up of block group 6 and blocks 1002, 1003, 1004, 1005, 1011, 1012, 1013, 1014, 1015, 1016, and 1017.

25. That part of tract 76.10 made up of block group 3 and blocks 1011, 1016, and 2005.

26. That part of tract 76.12 made up of block groups 3 and 4.

27. That part of tract 76.14 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, and 3004.

28. That part of tract 76.15 made up of blocks 1007, 1008, 1009, 2001, 2002, and 2003.

29. That part of tract 77.10 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, and 1045.

30. That part of tract 77.27 made up of blocks 1000, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2027, and 2028.

31. That part of tract 77.35 made up of block group 1 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2998, and 2999.

32. That part of tract 78.11 made up of blocks 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1030, and 1031.

33. That part of tract 78.19 made up of blocks 1000, 1001, 1002, 1005, 1006, 1007, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, and 2014.

(20) District 20 is composed of:

(a) That part of Broward County consisting of:

1. Tracts 507.02, 601.07, 601.09, 601.10, 601.13, 601.15, 601.16, 601.17, 601.18, 601.19, 601.20, 601.21, 601.22, 602.04, 602.05, 602.06, 605.01, 605.03, 605.04, 605.05, 606.01, 606.03, 606.04, 606.05, 610.02, 702.03, 702.04, 702.05, 702.06, 702.07, 703.04, 703.05, 703.06, 703.08, 703.09, 703.10, 703.11, 703.12, 703.13, 703.15, 703.16, 704.05, 705.01, 705.02, 804.02, 804.03, 804.04, 805, 902, 905.01, 905.02, 906, 907, 908, 920, 1001.01, 1001.02, 1001.03, 1103.07, 1103.08, 1103.09, 1103.10, and 1103.11.

2. That part of tract 407 made up of block groups 2, 3, and 4 and blocks 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1022, 1023, 1024, 1025, 1028, 1029, 1030, 1031, 1032, 1033, 5000, 5001, 5002, 5003, 5015, 5016, 5017, 5018, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, and 6015.

3. That part of tract 408.01 made up of blocks 1000, 1008, and 1009.

4. That part of tract 408.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1009, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 3000, 3001, 3002, 3003, 3004, and 3005.

5. That part of tract 416 made up of blocks 1012 and 1017.

6. That part of tract 418 made up of block groups 1, 3, and 5 and blocks 2000, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 4000, 4001, 4002, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, and 4017.

7. That part of tract 419 made up of block group 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 4003, 4004, 4006, and 4007.

8. That part of tract 420 made up of blocks 1014 and 1015.

9. That part of tract 423 made up of blocks 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2018, 2019, 2020, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3014, 3015, 3016, 3020, 3021, 4001, 4002, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4022, 4023, 4024, 4025, 4026, and 4027.

10. That part of tract 425 made up of blocks 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, and 2031.

11. That part of tract 426 made up of block group 3 and blocks 1005, 1006, 1007, 1018, 1019, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 4013, 4014, 4015, 4016, and 5022.

12. That part of tract 427 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1009, 1010, 1015, 1016, and 1018.

13. That part of tract 428 made up of blocks 1013, 1014, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, and 1031.

14. That part of tract 430 made up of block groups 2 and 4 and blocks 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3019, 3023, 3024, 3025, 3026, 5000, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, and 6011.

15. That part of tract 431 made up of block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2025, 2026, 2027, 2028, 2029, 2030, and 2031.

16. That part of tract 433 made up of block groups 1, 2, 3, and 7 and blocks 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4018, 4019, 4020, 4021, 4022, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, and 6000.

17. That part of tract 503.03 made up of blocks 1007, 1008, 1009, 1012, 1013, 1014, and 1015.

18. That part of tract 503.05 made up of block groups 1 and 2.

19. That part of tract 505 made up of block groups 1, 2, 5, and 6 and blocks 3000, 3001, 3002, 3003, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 4000, 4001, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, and 4022.

20. That part of tract 506 made up of blocks 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, and 5019.

21. That part of tract 507.01 made up of blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, and 2015.

22. That part of tract 509 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 4000, 4001, 4002, 4003, 4004, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4024, 4025, 4026, and 4027.

23. That part of tract 510 made up of block groups 3 and 4 and blocks 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, and 2030.

24. That part of tract 601.05 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, and 3999.

25. That part of tract 601.06 made up of blocks 2006 and 2007.

26. That part of tract 601.08 made up of blocks 1000, 1001, 1002, 1003, 1004, 3012, 3013, 3014, 3015, 3016, 3017, and 3018.

27. That part of tract 602.03 made up of blocks 2019, 2020, 2021, and 2022.

28. That part of tract 602.07 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, and 2014.

29. That part of tract 603.01 made up of block group 2.

30. That part of tract 607 made up of block groups 2 and 3 and blocks 1006, 1007, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, and 1028.

31. That part of tract 608 made up of block groups 3 and 4 and blocks 2000, 2006, 2007, 2008, 2009, 2010, 2011, and 2012.

32. That part of tract 609 made up of blocks 1000, 1001, 1004, 1005, 1006, 1007, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and 1030.

33. That part of tract 611 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1044, 1045, and 1046.

34. That part of tract 701.01 made up of block group 1 and blocks 2001, 2002, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2995, and 2996.

35. That part of tract 701.02 made up of blocks 1000, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, and 3016.

36. That part of tract 703.07 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2057, 2058, 2059, 2060, 2061, 2062, 2064, 2065, 2066, 2067, 2068, 2069, 2998, and 2999.

37. That part of tract 703.14 made up of blocks 1000, 1001, 1002, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, and 1051.

38. That part of tract 704.01 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2067, 2068, 2069, 2070, and 2071.

39. That part of tract 704.02 made up of blocks 1000 and 1001.

40. That part of tract 704.03 made up of blocks 1000 and 2000.

41. That part of tract 704.04 made up of blocks 1000 and 2000.

42. That part of tract 706 made up of block group 1 and blocks 2004, 2005, 2022, 2023, and 2024.

43. That part of tract 801 made up of block groups 2, 3, 4, and 5 and blocks 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, and 1071.

44. That part of tract 802 made up of blocks 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, and 1111.

45. That part of tract 901 made up of block groups 2 and 3 and blocks 1006, 1007, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1088, 1986, 1987, 1988, 1989, 1990, 1991, 1998, and 1999.

46. That part of tract 903 made up of block groups 1, 2, 3, 5, and 6 and blocks 4000, 4001, 4002, 4003, 4004, 4005, and 4007.

47. That part of tract 904.01 made up of block groups 1 and 2.

48. That part of tract 904.02 made up of block groups 1 and 2.

49. That part of tract 909 made up of block groups 1, 2, and 3 and blocks 4000, 4001, 4004, 4005, 4006, 4007, 4008, 4009, 4014, 4015, 4016, 4017, and 4018.

50. That part of tract 912.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, and 1041.

51. That part of tract 913 made up of block group 1.

52. That part of tract 919 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1012, 1013, 1014, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 3000, 3001, 3002, 3003, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3020, 3021, 3022, 3023, 6000, 6003, 6004, 6007, 6008, 6011, 6012, 6015, 6016, and 6019.

53. That part of tract 1002 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2019, 2020, 4000, 4001, 4002, 4003, 4004, 4008, 4009, 4012, and 4013.

54. That part of tract 1103.12 made up of block groups 1 and 2.

55. That part of tract 1103.13 made up of block groups 1 and 2.

(b) That part of Miami-Dade County consisting of:

1. Tracts 1.08, 1.12, 1.15, 1.16, 12.04, 38.01, 39.04, and 39.06.

2. That part of tract 1.06 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3998, and 3999.

3. That part of tract 1.09 made up of blocks 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1044, 1045, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2011, 2012, 2019, 2020, 2995, 2996, 2997, 2998, and 2999.

4. That part of tract 1.10 made up of block group 2.

5. That part of tract 1.11 made up of block group 2 and blocks 1011, 1016, 1017, 1018, 1019, 1020, and 1025.

6. That part of tract 1.13 made up of block group 2 and blocks 1000, 1001, 1009, and 1999.

7. That part of tract 1.14 made up of block groups 1 and 3 and blocks 2000, 2001, 2004, and 2999.

8. That part of tract 12.02 made up of block groups 1 and 2.

9. That part of tract 13.01 made up of block group 2 and blocks 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, and 1999.

10. That part of tract 13.02 made up of block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1015, 1016, 1017, 1022, 1023, 1024, 1025, 1026, and 1999.

11. That part of tract 21 made up of block group 1 and blocks 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2999, 3000, 3001, 3002, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, and 3999.

12. That part of tract 27.01 made up of block groups 1 and 2.

13. That part of tract 38.02 made up of block group 1.

14. That part of tract 39.01 made up of blocks 7998 and 7999.

15. That part of tract 39.05 made up of blocks 1997, 1998, 1999, 2998, 3999, 4998, and 4999.

16. That part of tract 40 made up of block groups 2, 3, 4, 5, 6, 7, and 8.

17. That part of tract 41.01 made up of block groups 4 and 5.

18. That part of tract 41.02 made up of block group 1.

(21) District 21 is composed of:

(a) That part of Broward County consisting of:

1. Tracts 1103.17 and 1103.22.

2. That part of tract 1103.01 made up of blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, and 1999.

3. That part of tract 1103.02 made up of blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, and 1061.

4. That part of tract 1103.03 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1998, and 1999.

5. That part of tract 1103.04 made up of blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, and 1084.

6. That part of tract 1103.05 made up of blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, and 1080.

7. That part of tract 1103.06 made up of blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1094, 1095, 1096, 1097, 1098, 1099, and 1100.

8. That part of tract 1103.18 made up of blocks 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, and 1078.

9. That part of tract 1103.21 made up of blocks 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, and 1066.

(b) That part of Miami-Dade County consisting of:

1. Tracts 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 8.01, 8.03, 8.04, 16.01, 16.02, 47.01, 47.02, 47.03, 77.03, 78.03, 83.04, 83.05, 83.06, 84.05, 84.07, 84.09, 84.12, 84.13, 84.15, 85.01, 85.02, 86.01, 86.02, 87, 88.03, 88.04, 89.04, 89.05, 90.10, 90.11, 90.12, 90.13, 90.14, 90.15, 90.16, 90.17, 90.18, 90.19, 92, 93.04, 93.05, 93.06, 93.07, 93.08, 93.09, 93.10, 93.11, 100.07, 101.11, 101.36, 101.38, 101.42, 101.43, 101.44, 101.45, and 101.78.

2. That part of tract 5.01 made up of block group 9 and blocks 4034, 4035, 4036, 5003, and 5009.

3. That part of tract 5.02 made up of block group 9.

4. That part of tract 48 made up of block groups 2 and 9.

5. That part of tract 77.02 made up of block groups 2, 3, and 4 and block 5010.

6. That part of tract 78.02 made up of blocks 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4019, 4020, 4021, 4022, 4023, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 5004, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5038, 5039, 5040, 5041, and 5042.

7. That part of tract 81 made up of block groups 5, 6, and 7 and blocks 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3031, 3032, 3033, 3034, 3035, 3037, 3038, 3039, 3040, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, and 4023.

8. That part of tract 82.01 made up of block group 1 and blocks 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2032, 2033, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2059, and 2061.

9. That part of tract 82.03 made up of block group 3 and blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, and 2047.

10. That part of tract 82.04 made up of block group 2 and blocks 1028, 1029, 1030, 3003, and 3004.

11. That part of tract 83.03 made up of blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1012, and 1013.

12. That part of tract 84.11 made up of block group 1.

13. That part of tract 84.14 made up of block group 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 3000, 3001, 3002, 3003, 3004, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, and 3027.

14. That part of tract 90.08 made up of block groups 1 and 2.

15. That part of tract 91 made up of block groups 5, 6, and 9 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, and 1043.

16. That part of tract 100.01 made up of block 9001.

17. That part of tract 100.05 made up of block groups 7 and 8 and blocks 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, and 6021.

18. That part of tract 100.09 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2020, 3002, 3004, 3006, 3007, 3009, 3010, 4016, 4017, 4018, 4019, 4020, 4021, and 4022.

19. That part of tract 100.10 made up of block 2009.

20. That part of tract 101.24 made up of block 4000.

21. That part of tract 101.29 made up of blocks 1100, 2030, and 2031.

22. That part of tract 101.30 made up of blocks 1002, 1016, and 1017.

23. That part of tract 101.39 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, and 2006.

24. That part of tract 101.40 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1016, 1019, 1020, and 1021.

(22) District 22 is composed of:

(a) That part of Broward County consisting of:

1. Tracts 101.01, 101.02, 102, 104.01, 106.03, 106.04, 106.05, 106.06, 106.07, 106.08, 108, 109, 110, 203.09, 203.11, 203.13, 301, 309.01, 309.02, 311, 312.01, 312.02, 401, 402.01, 402.02, 403, 404, 405.01, 405.02, 406, 421, 422, 424, 432, 501, 610.01, and 803.

2. That part of tract 103.01 made up of blocks 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3997, 3998, and 3999.

3. That part of tract 103.03 made up of blocks 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, and 2026.

4. That part of tract 104.04 made up of blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, and 2999.

5. That part of tract 105.01 made up of block group 1 and blocks 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2063, 2064, 2065, 2066, 2067, 2068, 2995, 2996, 2997, 2998, and 2999.

6. That part of tract 105.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1022, 1023, 1038, 1040, and 1041.

7. That part of tract 106.01 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1060, 1061, 1062, 1065, 1066, 1067, 1068, 1069, 1070, 1992, 1993, 1994, 1995, 1996, 1997, 1998, and 1999.

8. That part of tract 106.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, and 1105.

9. That part of tract 107.02 made up of blocks 1000, 1001, 2000, and 2001.

10. That part of tract 202.05 made up of blocks 1000 and 1001.

11. That part of tract 203.08 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2025, 2026, and 2027.

12. That part of tract 203.10 made up of block group 2.

13. That part of tract 203.18 made up of blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1023, and 1029.

14. That part of tract 203.19 made up of blocks 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1029, and 1030.

15. That part of tract 302 made up of block groups 2, 5, 6, and 8 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1023, 1024, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3019, 3020, 3021, 3022, 4011, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4022, 4023, 4024, 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7032, and 7033.

16. That part of tract 303.02 made up of block 2000.

17. That part of tract 310 made up of block groups 1, 2, 3, 6, and 7 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4016, 4017, 4018, 4019, 5000, 5001, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, and 5032.

18. That part of tract 407 made up of blocks 1000, 1001, 1002, 1003, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1026, 1027, and 1999.

19. That part of tract 418 made up of blocks 2001, 2002, 2023, 2024, 2025, 2026, and 2999.

20. That part of tract 419 made up of block groups 2 and 3 and blocks 1010, 1015, 1016, 1017, 4000, 4001, 4002, 4005, 4008, 4009, 4010, 4011, 4012, and 4013.

21. That part of tract 420 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1998, and 1999.

22. That part of tract 423 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2014, 2015, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2999, 3000, 3001, 3010, 3011, 3012, 3013, 3017, 3018, 3019, 4000, 4003, 4004, 4005, 4018, 4019, 4020, 4021, 4028, and 4029.

23. That part of tract 430 made up of blocks 3013, 3014, 3015, 3016, 3017, 3018, 3020, 3021, 3022, 3027, 3028, 3029, 3030, and 3031.

24. That part of tract 431 made up of blocks 1027, 2007, 2008, 2023, 2024, 2032, 2033, 2034, 2035, 2036, and 2037.

25. That part of tract 433 made up of blocks 4000, 4001, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, and 6026.

26. That part of tract 506 made up of block groups 1, 2, 3, 6, and 7 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 5000, 5001, 5002, 5003, 5020, 5021, and 5022.

27. That part of tract 510 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2031, 2032, 2033, and 2034.

28. That part of tract 609 made up of block group 2 and blocks 1002, 1003, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1031, and 1032.

29. That part of tract 611 made up of block group 2 and block 1043.

30. That part of tract 701.01 made up of blocks 2000, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2067, 2068, 2069, 2070, 2997, 2998, and 2999.

31. That part of tract 701.02 made up of block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1999, and 3017.

32. That part of tract 704.01 made up of blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2061, 2062, 2063, 2064, 2065, and 2066.

33. That part of tract 704.02 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, and 1046.

34. That part of tract 704.03 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028.

35. That part of tract 704.04 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2999.

36. That part of tract 706 made up of blocks 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, and 2033.

37. That part of tract 801 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, and 1049.

38. That part of tract 802 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, and 1124.

39. That part of tract 901 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1009, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1992, 1993, 1994, 1995, 1996, and 1997.

(b) That part of Palm Beach County consisting of:

1. Tracts 2.04, 2.05, 2.06, 2.12, 2.13, 3.03, 3.04, 4.02, 4.03, 5.01, 5.02, 5.03, 6, 7, 8.01, 8.02, 9.02, 9.03, 10.03, 10.04, 11.02, 34, 35.01, 35.02, 35.03, 36, 41.01, 42.03, 45, 49.02, 50, 53, 54.01, 54.02, 54.03, 58.07, 58.08, 60.02, 60.03, 60.05, 60.07, 60.08, 62.02, 64.01, 64.02, 69.06, 70.09, 72.02, 72.03, 74.01, 74.02, 74.03, 74.04, 74.05, 74.06, 75.01, 75.03, 76.03, 76.04, 76.05, 76.07, 76.13, 76.16, 78.05, 78.14, 78.15, 78.20, 78.21, and 78.23.

2. That part of tract 2.08 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, and 1016.

3. That part of tract 2.09 made up of blocks 1000, 1001, 2000, 2001, 2005, 2006, and 2007.

4. That part of tract 2.10 made up of block group 1 and blocks 2005, 2006, 2009, 2010, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023.

5. That part of tract 2.11 made up of blocks 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, and 1014.

6. That part of tract 3.01 made up of blocks 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1990, 1991, and 1992.

7. That part of tract 4.04 made up of block groups 2 and 3.

8. That part of tract 9.01 made up of block groups 2 and 3 and blocks 1000, 1007, 1008, 1009, 1010, 1011, and 1012.

9. That part of tract 10.02 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, and 2000.

10. That part of tract 11.01 made up of block 4000.

11. That part of tract 12 made up of blocks 1000, 1001, 1002, 1011, 1012, 1013, 1014, 1015, 1016, and 1999.

12. That part of tract 14.03 made up of blocks 4009, 4010, and 5004.

13. That part of tract 14.04 made up of blocks 5028, 5030, 5031, 5032, 5033, 5034, 5035, and 5036.

14. That part of tract 15 made up of blocks 1000, 1003, 1004, 1005, 1014, 1015, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1998, and 1999.

15. That part of tract 16 made up of blocks 1000, 1013, 1999, 3000, 3001, 3002, 3003, and 3999.

16. That part of tract 17 made up of blocks 1000, 1017, and 1999.

17. That part of tract 23 made up of blocks 2000, 2012, 2021, 2998, 2999, 3000, 3001, 3002, 3003, 3008, 3009, 3010, 3011, 3015, 3016, 3017, 3018, 3020, 3021, 3022, 3023, 3026, 3027, 3028, 3029, 3030, 3031, 3034, 3035, 3036, 3037, 3038, 3039, 3998, and 3999.

18. That part of tract 27 made up of block group 3 and blocks 1000, 1001, 1002, 1003, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1022, 1023, 1024, 1025, 1026, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1044, 1049, 1050, 1051, 1052, 1053, 1999, 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2017, 2018, 2020, 2021, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, and 2999.

19. That part of tract 28 made up of blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, and 2034.

20. That part of tract 33 made up of block group 1 and blocks 3000, 3001, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, and 3077.

21. That part of tract 37 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 4000, 4001, 4002, 4003, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, and 4018.

22. That part of tract 38 made up of block group 2 and blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, and 1021.

23. That part of tract 42.01 made up of block group 2 and blocks 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, and 3025.

24. That part of tract 42.02 made up of blocks 4000, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4038, 4039, 4040, and 4041.

25. That part of tract 43 made up of block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, and 2998.

26. That part of tract 46.01 made up of block group 1 and blocks 2000, 2001, 2012, 2013, and 2014.

27. That part of tract 46.02 made up of block groups 1 and 2.

28. That part of tract 49.01 made up of block group 1.

29. That part of tract 55.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1998, and 1999.

30. That part of tract 56 made up of blocks 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, and 1999.

31. That part of tract 57.02 made up of blocks 1000, 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1998, and 1999.

32. That part of tract 61 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1011, 1012, 1013, 1022, 1997, 1998, and 1999.

33. That part of tract 62.03 made up of block group 1 and blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, and 2015.

34. That part of tract 63 made up of block groups 1 and 3.

35. That part of tract 65.01 made up of blocks 1000, 1001, 1014, 1015, 2000, 2010, 2011, 2015, 2016, 2017, 2023, 2024, 2025, 2026, 2027, 2028, and 2029.

36. That part of tract 65.02 made up of blocks 1000, 1001, 1010, 1011, 1012, 1013, 1014, 1015, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1036, 1037, 1038, 1039, 2000, 2012, 2013, 2021, 3000, 3012, 3013, 3021, and 3022.

37. That part of tract 66.02 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3030, 3031, 3032, 3035, 3036, 3037, 3038, 3039, 3040, 3998, and 3999.

38. That part of tract 66.03 made up of blocks 1000, 1021, 1022, 1023, 3000, 3001, 3002, 3003, and 3013.

39. That part of tract 66.05 made up of block 2009.

40. That part of tract 67 made up of block 2025.

41. That part of tract 69.03 made up of blocks 1000, 1001, 1002, 1017, and 1018.

42. That part of tract 69.05 made up of block groups 1, 2, and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, and 4018.

43. That part of tract 69.07 made up of blocks 1001, 1002, 1004, 1008, and 1009.

44. That part of tract 69.08 made up of block group 2.

45. That part of tract 70.02 made up of blocks 9000, 9001, 9002, 9003, 9004, 9062, 9063, and 9999.

46. That part of tract 70.08 made up of block group 1 and blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, and 3028.

47. That part of tract 72.01 made up of block group 1 and blocks 2001 and 2002.

48. That part of tract 73.01 made up of block group 1 and blocks 2000, 2001, 2003, 2998, and 2999.

49. That part of tract 73.02 made up of block groups 1, 2, and 3 and blocks 4004, 4021, 4022, 4024, 4025, 4027, 4028, and 4029.

50. That part of tract 76.02 made up of blocks 1000, 1001, 1006, 1007, 1008, 1009, and 1010.

51. That part of tract 76.10 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, and 2010.

52. That part of tract 76.12 made up of block groups 1 and 2.

53. That part of tract 76.14 made up of block 3005.

54. That part of tract 76.15 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1010, 1011, 1012, and 2000.

55. That part of tract 78.11 made up of blocks 1033, 1034, 1035, 1036, 1037, 1038, and 1039.

56. That part of tract 78.13 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, and 1030.

57. That part of tract 78.16 made up of block group 1 and blocks 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2987, 2996, 2997, 2998, and 2999.

58. That part of tract 78.17 made up of blocks 1000, 1001, 1002, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023.

59. That part of tract 78.18 made up of blocks 1000, 1001, 1002, 1003, 1004, and 1005.

60. That part of tract 78.22 made up of block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023,

2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, and 2055.

61. That part of tract 79.06 made up of blocks 1120, 1121, 1122, 1123, 1124, 1125, 1144, 1145, 1146, 1147, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1266, 1267, 1268, 1279, 1280, 1291, 1292, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, and 1994.

(23) District 23 is composed of:

(a) That part of Broward County consisting of:

1. Tracts 204.04, 204.05, 204.07, 204.08, 205.01, 303.01, 304.01, 304.02, 308.01, 409.01, 409.02, 410, 411, 412, 413, 414, 415, 417, 429, 502.02, 503.01, 503.06, 503.07, 503.08, 504, 508, 601.11, 601.14, 602.08, 602.09, 603.02, 603.03, 603.04, 604.01, 604.02, 604.03, 1103.14, and 1103.23.

2. That part of tract 103.01 made up of block groups 1 and 2 and blocks 3000 and 3001.

3. That part of tract 103.03 made up of block groups 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010.

4. That part of tract 103.04 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, and 1029.

5. That part of tract 104.05 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, and 1008.

6. That part of tract 107.01 made up of blocks 1032, 1033, 1034, 1035, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018.

7. That part of tract 107.02 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1041, 1042, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, and 3035.

8. That part of tract 204.06 made up of block group 2 and blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, and 1017.

9. That part of tract 205.02 made up of blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, and 1056.

10. That part of tract 302 made up of blocks 1022, 1025, 1026, 3018, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4012, 4020, 4021, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017, 7018, 7019, 7020, 7021, 7022, 7023, 7024, 7025, 7026, 7027, 7028, 7029, 7030, and 7031.

11. That part of tract 303.02 made up of block group 1 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, and 2058.

12. That part of tract 305 made up of block groups 2 and 3 and blocks 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, and 1045.

13. That part of tract 306 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 3003, 3004, 3005, 3012, 3013, 3014, and 3015.

14. That part of tract 308.02 made up of blocks 1000, 1001, 1007, 1008, 1009, 1010, 1011, 1012, 1017, 1018, 1019, and 1020.

15. That part of tract 310 made up of blocks 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5019, 5020, 5021, and 5033.

16. That part of tract 407 made up of blocks 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 6016, 6017, and 6018.

17. That part of tract 408.01 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, and 1050.

18. That part of tract 408.02 made up of blocks 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 3006, 3007, 3008, 3009, 3010, 3011, and 3012.

19. That part of tract 416 made up of block groups 2, 3, and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, and 1038.

20. That part of tract 418 made up of blocks 4003, 4004, and 4005.

21. That part of tract 425 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 2002, 2013, and 2014.

22. That part of tract 426 made up of blocks 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5023, and 5024.

23. That part of tract 427 made up of block group 3 and blocks 1005, 1006, 1007, 1008, 1011, 1012, 1013, 1014, and 1017.

24. That part of tract 428 made up of block groups 2, 3, 4, and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1032, 1033, 1034, and 1035.

25. That part of tract 430 made up of blocks 1000, 1001, 1002, 1007, 5001, 5002, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6012, 6013, 6014, 6015, 6016, 6017, 6018, and 6019.

26. That part of tract 502.03 made up of blocks 2000, 2001, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2998.

27. That part of tract 502.04 made up of blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2039, 2040, 2041, 2042, 2043, 2044, 2045, and 2046.

28. That part of tract 503.03 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1010, 1011, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, and 1043.

29. That part of tract 503.05 made up of block group 3.

30. That part of tract 505 made up of blocks 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4002, and 4003.

31. That part of tract 507.01 made up of block group 1 and blocks 2000, 2001, 2002, 2016, 2017, 2018, 2019, and 2020.

32. That part of tract 509 made up of blocks 3006, 4005, 4020, 4021, 4022, and 4023.

33. That part of tract 601.05 made up of block groups 1 and 2 and blocks 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, and 3022.

34. That part of tract 601.06 made up of block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, and 2005.

35. That part of tract 601.08 made up of block group 2 and blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, and 3011.

36. That part of tract 601.12 made up of block group 2.

37. That part of tract 602.03 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018.

38. That part of tract 602.07 made up of block 2009.

39. That part of tract 603.01 made up of block group 1.

40. That part of tract 607 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, and 1009.

41. That part of tract 608 made up of block groups 1, 5, and 6 and blocks 2001, 2002, 2003, 2004, and 2005.

42. That part of tract 611 made up of blocks 1000, 1010, 1011, 1012, 1013, 1014, 1015, 1016, and 1017.

43. That part of tract 703.07 made up of blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1998, 1999, 2055, 2056, and 2063.

44. That part of tract 703.14 made up of blocks 1003, 1004, 1005, 1006, 1052, and 1053.

45. That part of tract 1103.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, and 1010.

46. That part of tract 1103.02 made up of blocks 1000, 1001, 1002, and 1003.

47. That part of tract 1103.03 made up of block 1000.

48. That part of tract 1103.04 made up of blocks 1000, 1001, 1002, 1085, and 1086.

49. That part of tract 1103.05 made up of blocks 1000, 1001, 1002, 1003, 1004, and 1005.

50. That part of tract 1103.06 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1063, 1064, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1101, 1102, 1103, 1997, 1998, and 1999.

51. That part of tract 1103.15 made up of blocks 1009, 2019, and 2020.

52. That part of tract 1103.18 made up of blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, and 1024.

53. That part of tract 1103.19 made up of block group 2.

54. That part of tract 1103.20 made up of block group 2.

55. That part of tract 1103.21 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1997, 1998, and 1999.

(b) That part of Hendry County consisting of:

1. Tract 9401.

2. That part of tract 1 made up of blocks 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 5011, 5013, 5041, 5042, 5043, 5044, and 5045.

3. That part of tract 2 made up of block groups 3 and 4 and blocks 1058, 1059, 1060, 1061, 1062, 1063, 1064, 2000, 2001, 2002, 2003, 2004, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, and 2026.

4. That part of tract 5 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1224, 1225, 1226, 1290, 1316, 1330, 1331, 1332, 1333, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, and 1352.

(c) That part of Martin County consisting of:

1. That part of tract 18 made up of block groups 3 and 4 and blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1109, 1126, 1127, 1128, 1129, 1130, 1131, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5034, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5996, 5997, and 5998.

(d) That part of Palm Beach County consisting of:

1. Tracts 13.01, 13.02, 14.02, 18.01, 18.02, 19.04, 19.05, 20, 21, 22, 24, 26, 29, 30, 31.02, 44.01, 44.02, 51, 52.01, 52.02, 55.02, 57.01, 62.01, 68.01, 68.02, 80.01, 80.02, 81.01, 81.02, 82.01, 82.02, 82.03, 83.01, and 83.02.

2. That part of tract 10.02 made up of blocks 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, and 2999.

3. That part of tract 11.01 made up of block groups 2, 3, 5, 6, and 7 and blocks 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, and 4019.

4. That part of tract 12 made up of block groups 2 and 3 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and 1030.

5. That part of tract 14.03 made up of block group 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 5000, 5001, 5002, 5003, and 5005.

6. That part of tract 14.04 made up of block group 1 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5029, 5037, 5038, 5039, 5040, 5041, and 5042.

7. That part of tract 15 made up of block groups 2, 3, and 4 and blocks 1001, 1002, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, and 1018.

8. That part of tract 16 made up of block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, and 3016.

9. That part of tract 17 made up of block groups 2, 3, and 4 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, and 1016.

10. That part of tract 19.06 made up of block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, and 1007.

11. That part of tract 19.07 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, and 1999.

12. That part of tract 19.08 made up of block group 1 and blocks 2000, 2008, and 2009.

13. That part of tract 23 made up of block group 1 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 3004, 3005, 3006, 3007, 3012, 3013, 3014, 3019, 3024, 3025, 3032, 3033, and 3040.

14. That part of tract 27 made up of blocks 1004, 1005, 1006, 1007, 1018, 1019, 1020, 1021, 1027, 1028, 1029, 1030, 1038, 1039, 1040, 1041, 1042, 1043, 1045, 1046, 1047, 1048, 2003, 2015, 2016, 2019, 2022, and 2023.

15. That part of tract 28 made up of block groups 1 and 3 and blocks 2000, 2001, 2002, and 2003.

16. That part of tract 31.01 made up of block group 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3049, 3050, and 3051.

17. That part of tract 32 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1045, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 3000.

18. That part of tract 33 made up of blocks 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, and 3999.

19. That part of tract 37 made up of blocks 3026, 3027, 3028, 3029, 3030, 3031, 3032, 4004, 4005, 4006, 4007, 4008, 4019, 4020, 4021, and 4999.

20. That part of tract 38 made up of block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1022, 1023, 1024, 1025, and 1026.

21. That part of tract 43 made up of block 2999.

22. That part of tract 55.01 made up of block group 5 and blocks 1006, 1013, 1014, and 1032.

23. That part of tract 56 made up of block groups 2 and 3 and blocks 1001, 1002, 1016, 1017, 1018, 1019, and 1020.

24. That part of tract 57.02 made up of block groups 2 and 3 and blocks 1001, 1002, 1006, 1007, and 1015.

25. That part of tract 61 made up of block groups 2, 3, and 4 and blocks 1008, 1009, 1014, 1015, 1016, 1017, 1018, 1019, 1020, and 1021.

26. That part of tract 62.03 made up of blocks 2000, 2001, 2002, 2003, 2016, 2017, and 2018.

27. That part of tract 63 made up of block group 2.

28. That part of tract 65.01 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 2018, 2019, 2020, 2021, and 2022.

29. That part of tract 65.02 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1030, 1031, 1032, 1033, 1034, 1035, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3023, 3024, and 3025.

30. That part of tract 66.02 made up of blocks 3029, 3033, and 3034.

31. That part of tract 67 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, and 2033.

32. That part of tract 69.07 made up of blocks 1000, 1003, 1005, 1006, 1007, and 1999.

33. That part of tract 69.08 made up of block group 1.

34. That part of tract 77.09 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, and 1084.

35. That part of tract 77.10 made up of block 1018.

36. That part of tract 77.27 made up of blocks 1001, 1002, 1003, 1006, 1997, 1998, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2998, and 2999.

37. That part of tract 77.35 made up of block 2000.

38. That part of tract 78.11 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1027, 1028, 1029, and 1032.

39. That part of tract 78.13 made up of blocks 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, and 1041.

40. That part of tract 78.18 made up of blocks 1006, 1007, 1008, 1009, 1010, 1011, and 1012.

41. That part of tract 78.19 made up of blocks 1003, 1004, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, and 2011.

42. That part of tract 79.03 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516,

1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1994, 1995, 1996, 1997, and 1998.

(e) That part of St. Lucie County consisting of:

1. Tracts 2, 3, 4, and 9.02.

2. That part of tract 1 made up of blocks 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1036, 1037, 1038, 1049, 1050, 1051, 1052, 1053, 1065, 1066, 1067, 1068, 1069, 1070, 1073, 1074, 1075, 1076, 1077, 1078, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2995, and 2996.

3. That part of tract 5 made up of block groups 2, 3, 4, 5, and 6.

4. That part of tract 7 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1129, 1130, 1131, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, and 3014.

5. That part of tract 8 made up of blocks 1000, 1001, 1002, 1005, 1006, 1007, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1998, and 1999.

6. That part of tract 9.01 made up of block group 3 and blocks 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1103, 1104, 1105, 1106, 1107, 1108, 1989, 1990, 1991, 1992, and 2001.

7. That part of tract 10 made up of block groups 2 and 3.

8. That part of tract 11.01 made up of blocks 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6024, and 6025.

9. That part of tract 14.02 made up of blocks 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4085, and 4086.

10. That part of tract 22 made up of block group 2 and blocks 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1175, 1176, 1177, 1178, 1179, 1180, 1195, 1196, 1197, 1198, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1307, 1308, 1309, 1310, and 1311.

(24) District 24 is composed of:

(a) That part of Brevard County consisting of:

1. Tracts 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 621.02, 621.03, 621.04, 621.05, 699.02, and 711.

2. That part of tract 622 made up of blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1025, 1026, 1027, 1034, and 1035.

3. That part of tract 623 made up of blocks 1000, 1001, and 1002.

4. That part of tract 624 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1027, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025.

5. That part of tract 625 made up of block groups 1 and 2.

6. That part of tract 697 made up of blocks 1000, 1001, 1002, 1003, 1004, 1009, 1010, 1011, 1012, 1014, 2005, and 2006.

7. That part of tract 698.01 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, and 2999.

8. That part of tract 699.01 made up of block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2987, 2993, 2994, 2995, 2996, 2997, and 2998.

9. That part of tract 712 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2996, 2997, 2998, and 2999.

(b) That part of Orange County consisting of:

1. Tracts 151.03, 163.02, 164.08, 164.09, 165.03, 165.04, 165.06, 165.07, 165.08, 165.09, 166.01, 166.02, 167.04, 167.19, 167.22, 175.03, 177.01, 177.02, 177.03, 178.02, 178.04, 178.05, 178.06, 178.07, and 178.08.

2. That part of tract 151.04 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, and 1023.

3. That part of tract 151.05 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1022, 1023, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, and 1046.

4. That part of tract 151.06 made up of block group 3 and blocks 2000, 2001, 2002, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, and 2028.

5. That part of tract 152.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1014, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2050, and 2051.

6. That part of tract 154.01 made up of blocks 1001 and 1002.

7. That part of tract 155.01 made up of blocks 1006, 1007, 1008, 1009, 1010, 1011, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2999, 3000, 3001, 3002, 3003, 3004, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3997, 3998, and 3999.

8. That part of tract 156.01 made up of block 2004.

9. That part of tract 157.01 made up of block group 2.

10. That part of tract 158.01 made up of block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, and 3017.

11. That part of tract 159.01 made up of blocks 1000, 1001, 1002, 1019, 1020, 1026, 1027, 2000, 2001, 3000, 3001, 3002, 3014, and 3015.

12. That part of tract 160.01 made up of blocks 1000, 1001, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, and 2035.

13. That part of tract 160.02 made up of block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2010, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020.

14. That part of tract 162 made up of block 1008.

15. That part of tract 163.01 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1061, 1062, 1063, 1064, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, and 1074.

16. That part of tract 164.07 made up of blocks 1000, 1001, 1002, 1003, 1004, and 1005.

17. That part of tract 165.05 made up of block 1009.

18. That part of tract 167.18 made up of blocks 1000, 1001, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, and 1054.

19. That part of tract 168.02 made up of blocks 1025, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, and 1116.

20. That part of tract 168.05 made up of blocks 1000, 1001, and 1115.

21. That part of tract 176 made up of blocks 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, and 4015.

22. That part of tract 179.01 made up of blocks 2000, 2015, 2066, 2070, 2071, 2072, 2074, 2087, 2996, 2997, 2998, and 2999.

23. That part of tract 179.02 made up of block groups 2 and 3 and blocks 4020, 4021, and 4022.

(c) That part of Seminole County consisting of:

1. Tracts 212.01, 212.02, 213.05, 213.06, 213.07, 213.08, 213.09, 213.10, 213.11, 213.12, 214.03, 216.06, 216.13, 216.14, 217.03, 217.04, 217.05, 217.06, 218.03, 218.04, 220.04, 221.05, 221.06, 222.01, 222.03, 222.05, 222.06, and 222.07.

2. That part of tract 214.04 made up of block group 1.

3. That part of tract 216.08 made up of blocks 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1075, 1076, 1077, 1078, 1079, 1080, 1081, and 1082.

4. That part of tract 221.04 made up of block groups 1, 2, and 4.

(d) That part of Volusia County consisting of:

1. Tracts 824.05, 824.06, 824.09, 824.10, 825.01, 825.03, 825.05, 825.06, 825.07, 826.01, 826.02, 827.01, 827.02, 828, 829.01, 829.02, 830.01, 830.03, 830.04, 830.05, 910.05, and 910.11.

2. That part of tract 813 made up of block group 3 and blocks 2027 and 2028.

3. That part of tract 823.01 made up of blocks 1008, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, and 1027.

4. That part of tract 823.02 made up of blocks 1002, 1003, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1023, 1024, and 1025.

5. That part of tract 824.01 made up of block group 4 and blocks 1011, 1012, 1013, 1998, 3001, 3002, 3003, 3004, 3005, 3006, and 3007.

6. That part of tract 824.08 made up of block group 2.

7. That part of tract 832.04 made up of block groups 2, 3, and 4 and blocks 1058, 1059, 1061, 1062, 1063, 1082, 1083, 1084, 1085, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1995, 1996, 1997, 1998, and 1999.

8. That part of tract 910.09 made up of block group 1.

9. That part of tract 910.10 made up of blocks 1015 and 1016.

10. That part of tract 910.12 made up of block groups 1, 2, and 3.

11. That part of tract 910.13 made up of blocks 1016, 1017, 1024, 1025, 1026, 1027, 1028, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2074, 2075, 2088, 2089, 2090, 2091, 2092, 2093, 2993, 2994, 2995, 2996, 2997, 2998, and 2999.

(25) District 25 is composed of:

(a) That part of Collier County consisting of:

1. Tracts 104.09, 104.10, 104.11, 104.12, 104.13, 104.14, 108.02, 111.02, 112.02, 112.04, 112.05, 113, and 114.

2. That part of tract 111.01 made up of blocks 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1038, 1039, 1041, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2998, and 2999.

(b) That part of Miami-Dade County consisting of:

1. Tracts 83.07, 84.10, 90.07, 90.09, 101.14, 101.25, 101.31, 101.32, 101.33, 101.34, 101.35, 101.37, 101.41, 101.46, 101.47, 101.48, 101.49, 101.50, 101.51, 101.52, 101.53, 101.54, 101.55, 101.56, 101.57, 101.58, 101.59, 101.60, 101.61, 101.62, 101.63, 101.64, 101.65, 101.66, 101.67, 101.68, 101.69, 101.70, 101.71, 101.72, 101.73, 101.74, 101.75, 101.76, 101.77, 102.01, 102.03, 102.04, 102.05, 102.06, 106.04, 106.06, 109, 110.01, 110.03, 110.04, 111, 112.01, 112.02, 113, 114.02, and 115.

2. That part of tract 82.03 made up of blocks 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, and 4029.

3. That part of tract 82.04 made up of blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 3000, 3001, 3002, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, and 3073.

4. That part of tract 83.03 made up of block groups 2, 3, 4, 5, and 6 and blocks 1004, 1010, and 1011.

5. That part of tract 84.11 made up of block groups 2, 3, and 4.

6. That part of tract 84.14 made up of block group 1 and blocks 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, and 3005.

7. That part of tract 90.08 made up of block group 3.

8. That part of tract 101.24 made up of block groups 3 and 5 and blocks 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, and 4010.

9. That part of tract 101.29 made up of blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, and 2110.

10. That part of tract 101.30 made up of block groups 2 and 3 and blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, and 1015.

11. That part of tract 101.39 made up of blocks 1014 and 2005.

12. That part of tract 101.40 made up of blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, and 1018.

13. That part of tract 103 made up of block groups 3, 5, 6, and 9 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4027, 4028, 4029, 4030, and 4031.

14. That part of tract 104 made up of blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 9005, 9006, 9007, 9008, 9009, 9017, 9018, 9019, 9020, 9021, 9022, 9023, 9024, 9025, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038, 9039, 9040, 9041, 9042, 9043, 9044, 9045, 9046, 9047, 9048, 9049, 9050, 9052, 9053, 9054, 9055, 9056, 9057, 9058, 9059, 9060, 9061, 9062, 9063, 9064, 9065, 9066, 9067, 9068, 9069, 9070, 9071, 9072, 9073, and 9074.

15. That part of tract 105 made up of block group 3 and blocks 1000, 1001, 1002, 4000, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, and 4027.

16. That part of tract 106.05 made up of block group 2 and blocks 4008, 4009, 4010, 4011, 4012, 4013, and 4014.

17. That part of tract 106.07 made up of block groups 1, 2, and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3043, 3044, 3045, 3046, 3047, and 3999.

18. That part of tract 107.03 made up of blocks 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1051, 1052, 1053, 1054, 1060, and 1061.

19. That part of tract 107.04 made up of blocks 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2080, and 2081.

20. That part of tract 108 made up of block group 3 and blocks 9013, 9014, 9015, 9016, 9017, 9018, 9019, 9020, 9021, 9022, 9023, 9024, 9025, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038, 9039, 9040, 9041, 9042, 9043, 9044, 9045, 9046, 9047, 9048, 9049, 9050, 9052, 9053, 9054, 9055, 9056, 9057, 9058, 9059, 9060, 9061, 9062, 9063, 9064, 9065, 9066, 9067, 9068, 9069, 9070, 9071, 9072, 9073, 9074, 9075, 9076, 9077, 9078, 9079, 9080, 9081, 9082, 9083, 9084, 9085, 9086, 9087, 9088, 9089, 9090, 9091, 9092, 9110, 9111, 9112, 9113, 9114, 9115, 9117, 9118, 9119, 9120, 9121, 9122, 9123, 9124, 9125, and 9126.

21. That part of tract 114.01 made up of block group 1 and blocks 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, and 3076.

(c) That part of Monroe County consisting of:

1. That part of tract 9701 made up of block groups 2, 3, 4, and 5 and blocks 1042, 1043, 1044, and 1050.

Section 3. Section 8.0111, Florida Statutes, is amended to read:

8.0111 Inclusion of unlisted territory in contiguous districts.—Any portion of the state which is not stated in this *chapter* ~~act~~ as being included in any district described in this *chapter* ~~act~~ but which is entirely surrounded by a district shall be deemed to be included within that district. Any portion of the state which is not included in any district described in this *chapter* ~~act~~ and which is not entirely surrounded by a district shall be included within that district contiguous to such portion which contains the least population per representative according to the United States Decennial Census of *2000* ~~1990~~; however, if every district contiguous to such portion has an equal population, such portion shall be included within the lowest numbered district that is contiguous to such portion.

Section 4. Section 8.0112, Florida Statutes, is amended to read:

8.0112 Districts with noncontiguous territory.—If any district described in this *chapter* ~~act~~ is composed of noncontiguous territory, the noncontiguous portion that has the least population shall be included in the district that is contiguous to such portion and that has the least population; however, if all contiguous districts have equal populations,

such portion shall be included within that contiguous district that has the lowest number designation.

Section 5. Section 8.031, Florida Statutes, is reenacted to read:

8.031 Election of representatives to Congress.—The districts named in s. 8.0002 constitute and form the congressional districts of the state, and a representative to the Congress shall be selected in and for each of the congressional districts as provided by law.

Section 6. Section 8.0611, Florida Statutes, is amended to read:

8.0611 Severability.—If any provision of *this chapter is held invalid with respect* ~~chapter 96-192, Laws of Florida, the application thereof~~ to any person or circumstance, or *if* any congressional district established in *this chapter* ~~chapter 96-192,~~ is held invalid, the invalidity shall not affect other provisions or applications of the *chapter* ~~act~~ or any other districts established in *this chapter* ~~chapter 96-192~~ which can be given effect without the invalid provision or application, and to this end the provisions of *this chapter* ~~chapter 96-192~~ are declared severable.

Section 7. *The congressional districts prescribed in section 2 of this act apply with respect to the qualification, nomination, and election to the office of representative to the Congress of the United States in the primaries and general elections held in 2002 and thereafter.*

Section 8. Except for this section and section 7, which shall take effect upon this act becoming a law, this act shall take effect upon the expiration of the terms of the representatives to the United States House of Representatives serving on the date that this act becomes a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act establishing the congressional districts of the state; amending s. 8.0001, F.S.; defining terms; amending s. 8.0002, F.S.; redistricting the state's congressional districts in accordance with the United States Decennial Census of 2000 (plan S19C0017); amending s. 8.0111, F.S.; providing for the inclusion of unlisted territory in contiguous districts; amending s. 8.0112, F.S.; providing contiguity for areas specified for inclusion in one district which are entirely surrounded by other districts; reenacting s. 8.031, F.S., which provides for the election of representatives to the United States House of Representatives; amending s. 8.0611, F.S.; providing severability; providing for applicability; providing an effective date.

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which **Amendment 1 (825100)** was adopted. **Amendment 1** was withdrawn.

Pursuant to Rule 4.19, **HB 1993** as amended was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Lee, the Senate recessed at 6:58 p.m. to reconvene at 7:20 p.m. or upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 7:29 p.m. A quorum present—39:

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

CONSIDERATION OF VETOED BILL

On motion by Senator Wasserman Schultz, by two-thirds vote—

CS for CS for SB 856 (2001 Regular Session)—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; providing an effective date.

WHEREAS, the disability and death of infants resulting from injuries sustained in crib accidents are a serious threat to the public health, safety, and welfare of the people of the state, and

WHEREAS, the design and construction of an infant crib must ensure that it is safe, and a parent or caregiver has a right to believe that an infant crib in use is a safe containment in which to place an infant, and

WHEREAS, more than 13,000 infants are injured in unsafe cribs every year, and

WHEREAS, prohibiting the manufacture, remanufacture, retrofitting, sale, contracting to sell or resell, leasing, or subletting of unsafe infant cribs, particularly unsafe secondhand, hand-me-down, or heirloom cribs, will reduce injuries and deaths caused by cribs, and

WHEREAS, it is the intent of the Legislature to reduce the occurrence of injuries and deaths to infants as a result of unsafe cribs that do not conform to modern safety standards by making it illegal to manufacture, remanufacture, retrofit, sell, contract to sell or resell, lease, or sublet, any full-size or non-full-size crib that is unsafe, and

WHEREAS, it is the intent of the Legislature to encourage public and private collaboration in disseminating materials relative to the safety of infant cribs to parents, child care providers, and those individuals who would be likely to sell, donate, or otherwise provide to others unsafe infant cribs, NOW, THEREFORE,

—together with the Governor's objections thereto was withdrawn from the Committee on Rules and Calendar.

Further consideration of **CS for CS for SB 856 (2001 Regular Session)** was deferred.

CLAIM BILL CALENDAR

SENATOR ROSSIN PRESIDING

SB 8—A bill to be entitled An act for the relief of Towanna Denise Hopkins, incompetent, by and through Willie Lee Hopkins, her father and legally appointed guardian, Robert Keith Bowman, Jr., son of Towanna Denise Hopkins, and Willie Lee Hopkins, individually; authorizing and directing the Florida Board of Regents, the University of South Florida, and the USF Health Sciences Center Insurance Company to compensate them for injuries and damages sustained as a result of the negligence of agents of the Florida Board of Regents by and through the

University of South Florida College of Medicine; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 8** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

King	Posey	Wise

Vote after roll call:

Yea—Rossin

CS for SB 10—A bill to be entitled An act relating to the North Broward Hospital District; providing for the relief of Mark Schwartz, a minor, for injuries sustained as a result of the negligence of employees of the Coral Springs Medical Center; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **CS for SB 10** was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

King	Webster	Wise

Vote after roll call:

Yea—Rossin

ABSTENTION FROM VOTING

I abstained from voting on CS for SB 10 since my law firm is involved in this case.

Walter G. "Skip" Campbell, Jr., District 33

CS for SB 24—A bill to be entitled An act relating to Martin County; providing for the relief of Margaret B. Helm for injuries and damages sustained as a result of the negligence of the Martin County Volunteer Fire Department; specifying the use of funds appropriated; providing for reimbursement of Medicaid Brain and Spinal Cord Injury Program, and Vocational Rehabilitation Services expenditures; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 24** was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—4

King	Wasserman Schultz	Wise
Laurent		

Vote after roll call:

Yea—Rossin

Yea to Nay—Carlton

SB 26—A bill to be entitled An act relating to the City of Clearwater; providing for the relief of Eva Skowronek as the widow of Wieslaw Skowronek and for the relief of Anna Marie, Victor, and Hubert Alexander Skowronek, the children of Wieslaw Skowronek, for the death of Wieslaw Skowronek as a result of the negligence of the City of Clearwater; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **SB 26** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

King	Webster	Wise

Vote after roll call:

Yea—Rossin

SB 30—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Hilda De Paz; authorizing and directing Miami-Dade County to compensate Hilda De Paz for personal injuries she suffered due to the negligence of county employees; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **SB 30** was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—4

Garcia	Webster	Wise
Laurent		

Vote after roll call:

Yea—Rossin

Consideration of **CS for SB 32** was deferred.

CS for SB 36—A bill to be entitled An act relating to Palm Beach County; providing for the relief of injuries of Kharmilia Ferguson, Angela Jones, and Raymond Ferguson; providing for an appropriation to compensate the estate of Kharmilia Ferguson, Angela Jones, and Raymond Ferguson for injuries and damages sustained; specifying use of funds; providing for reimbursement of Medicaid expenditures; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 36** was passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Garcia	Laurent	Wise
King	Webster	

Vote after roll call:

Yea—Rossin

SB 38—A bill to be entitled An act relating to the City of West Palm Beach; providing for the relief of Rosemary Falkinburg; authorizing and directing the City of West Palm Beach to compensate Ms. Falkinburg for personal injuries she suffered due to the negligence of a city employee; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 38** was passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Garcia	Laurent	Wise
King	Webster	

Vote after roll call:

Yea—Rossin

SB 44—A bill to be entitled An act relating to the Palm Beach County Health Care District; providing for the relief of James Torrence; authorizing and directing the Palm Beach County Health Care District to compensate him for personal injuries resulting from surgery negligently performed by a health care district employee; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **SB 44** was passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—5

Garcia	Laurent	Wise
King	Webster	

Vote after roll call:

Yea—Rossin

ABSTENTION FROM VOTING

I abstained from voting on SB 44 since my law firm is involved in this case.

Ron Klein, District 28

CS for SB 46—A bill to be entitled An act relating to Indian River County; providing for the relief of Sharon Dixon and Victor Dixon, Sr.; authorizing and directing the School Board of Indian River County to compensate them for the wrongful death of their minor child, Victor Dixon, Jr., due to the negligence of an employee of the school board; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **CS for SB 46** was passed and certified to the House. The vote on passage was:

Yeas—32

Brown-Waite	Campbell	Clary
Burt	Carlton	Constantine

Cowin	Latvala	Sanderson
Crist	Lawson	Saunders
Diaz de la Portilla	Lee	Sebesta
Dyer	Meek	Silver
Futch	Miller	Smith
Geller	Mitchell	Sullivan
Holzendorf	Peaden	Villalobos
Jones	Posey	Wasserman Schultz
Klein	Pruitt	

Nays—5

Garcia	Laurent	Wise
King	Webster	

Vote after roll call:

Yea—Rossin

SB 50—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Lawrence Douglas Bigney; authorizing and directing the Sheriff's Office of Palm Beach County to compensate him for personal injuries suffered due to the unlawful acts of an employee of the sheriff's office; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 50** was passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Garcia	Sanderson	Wise
King	Webster	

Vote after roll call:

Yea—Rossin

CS for SB 52—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jessica Ann Calderon, personal representative of the Estate of Roberto Luis Calderon, Sean Ryan Calderon, minor child of Roberto Luis Calderon and Jessica Ann Calderon, and Lily Ann Calderon, minor child of Roberto Luis Calderon and Jessica Ann Calderon; providing for an appropriation to compensate them for the wrongful death of Roberto Luis Calderon as a result of the negligence of a Miami-Dade County employee; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **CS for SB 52** was passed and certified to the House. The vote on passage was:

Yeas—30

Burt	Diaz de la Portilla	Latvala
Campbell	Dyer	Lawson
Carlton	Futch	Lee
Clary	Geller	Meek
Constantine	Holzendorf	Miller
Cowin	Jones	Mitchell
Crist	Klein	Peaden
Posey	Sebesta	Sullivan
Pruitt	Silver	Villalobos
Saunders	Smith	Wasserman Schultz

Nays—7

Brown-Waite	Laurent	Webster
Garcia	Sanderson	Wise
King		

Vote after roll call:

Yea—Rossin

CS for SB 56—A bill to be entitled An act relating to the City of Vero Beach; providing for the relief of Joseph Arvay; directing the City of Vero Beach to compensate Mr. Arvay for injuries caused by the negligence of a city police officer; providing an effective date.

—was read the third time by title.

On motion by Senator Silver, **CS for SB 56** was passed and certified to the House. The vote on passage was:

Yeas—30

Brown-Waite	Futch	Mitchell
Burt	Geller	Peaden
Campbell	Holzendorf	Pruitt
Carlton	Jones	Saunders
Clary	Klein	Sebesta
Constantine	Latvala	Silver
Cowin	Lawson	Smith
Crist	Lee	Sullivan
Diaz de la Portilla	Meek	Villalobos
Dyer	Miller	Wasserman Schultz

Nays—7

Garcia	Posey	Webster
King	Sanderson	Wise
Laurent		

Vote after roll call:

Yea—Rossin

CS for SB 60—A bill to be entitled An act relating to the Monroe County School District; providing for the relief of Joshua England, a minor, authorizing and directing the District School Board of Monroe County to compensate Joshua England for personal injuries that he suffered due to the negligence of school board employees; providing for the use of such funds; providing for forfeiture and reversion of the funds; providing for trustee qualifications; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for SB 60** was passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—6

Garcia	Laurent	Webster
King	Sanderson	Wise

Vote after roll call:

Yea—Rossin

SB 62—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Millie Jackson for injuries and damages sustained by her as a result of negligent acts by an employee of the county; providing an effective date.

—was read the third time by title.

On motion by Senator Meek, **SB 62** was passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Garcia	Sanderson	Wise
King	Webster	

Vote after roll call:

Yea—Rossin

CS for SB 66—A bill to be entitled An act relating to the School Board of Palm Beach County; providing for the relief of Mary Nell Dent Harley, as legal guardian of Ariel Alexus Dent, for injuries sustained by Ariel Alexus Dent as the result of negligence on the part of an employee of the board; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for SB 66** was passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—5

Garcia	Laurent	Wise
King	Webster	

Vote after roll call:

Yea—Rossin

SB 72—A bill to be entitled An act relating to Lee County; providing for the relief of Jacob P. Darna, a minor, for injuries sustained as a result of the negligence of the Lee County School Board; providing an effective date.

—as amended February 14 was read the third time by title.

On motion by Senator Diaz de la Portilla, **SB 72** as amended was passed and certified to the House. The vote on passage was:

Yeas—29

Brown-Waite	Geller	Peaden
Burt	Holzendorf	Posey
Campbell	Jones	Pruitt
Carlton	Klein	Sanderson
Clary	Latvala	Saunders
Constantine	Lawson	Silver
Cowin	Lee	Smith
Crist	Meek	Villalobos
Diaz de la Portilla	Miller	Wasserman Schultz
Dyer	Mitchell	

Nays—5

Garcia	Laurent	Wise
King	Webster	

Vote after roll call:

Yea—Rossin

SB 74—A bill to be entitled An act relating to Halifax Hospital Medical Center, a special taxing district in Volusia County d/b/a Halifax Medical Center; providing for the relief of Steven Mitchell; authorizing and directing Halifax Hospital Medical Center to compensate Mr. Mitchell for personal injuries that he suffered while at Halifax Medical Center; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 74** was passed and certified to the House. The vote on passage was:

Yeas—30

Brown-Waite	Futch	Mitchell
Burt	Geller	Peaden
Campbell	Holzendorf	Pruitt
Carlton	Jones	Sanderson
Clary	Klein	Saunders
Constantine	Latvala	Sebesta
Cowin	Lawson	Silver
Crist	Lee	Smith
Diaz de la Portilla	Meek	Villalobos
Dyer	Miller	Wasserman Schultz

Nays—6

Garcia	Laurent	Webster
King	Posey	Wise

Vote after roll call:

Yea—Rossin

CS for SB 22—A bill to be entitled An act for the relief of Kimberly Godwin; providing an appropriation to compensate her for violations of her rights and for injuries she sustained as a result of the negligence of the Department of Children and Family Services; providing an effective date.

—was read the third time by title.

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

Amendment 1 (912070)(with title amendment)—On page 5, lines 5-23, delete those lines and insert:

Section 2. *There is appropriated from the Administrative Trust Fund of the Department of Children and Family Services or any successor thereto, or in the event sufficient funds are not available from that fund to make payment for any given year, or otherwise, from the General Revenue Fund, the sum of $760,000 each fiscal year for fiscal years 2002-2003 through 2011-2012, inclusive, to be paid to an insurance company or other financial institution, selected by the guardian of Kimberly Godwin, admitted and authorized to issue annuity contracts in this state, to finance and purchase a structured settlement for the benefit of Kimberly Godwin, which shall include an annuity that must be used for the habilitative care of Kimberly Godwin over the duration of her lifetime, as relief for the violations of her rights and for injuries and damages she sustained as a result of the wrongful conduct of the Department of Children and Family Services.*

Section 3. *The Comptroller is directed to execute all necessary agreements to implement the payment of this claim and to draw a warrant in the amount of $760,000 each fiscal year beginning in fiscal year 2002-2003 and continuing through fiscal year 2011-2012, inclusive, in favor of the financier of the structured settlement to be paid from the Administrative Trust Fund of the Department of Children and Family Services or any successor thereto, or in the event sufficient funds are not available from that fund to make payment for any given fiscal year, or otherwise, from the General Revenue Fund. The financing of this structured settlement shall constitute a state debt or obligation as defined in s. 216.0442(1)(j), Florida Statutes, as in effect on the effective date of this act.*

Section 4. *The Department of Children and Family Services shall include in its annual legislative budget request a specific appropriation for funds sufficient to make the payment due under this act during each relevant fiscal year beginning in fiscal year 2003-2004 and continuing through fiscal year 2011-2012, inclusive.*

Section 5. *The appropriation made and authorized by this act shall be deemed a continuing appropriation within the meaning of s. 216.011(1)(i), Florida Statutes, as in effect on the effective date of this act.*

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: specifying use of funds; directing the Department of Children and Family Services to include a specific appropriation for such funds in its annual legislative budget request;

RECONSIDERATION OF AMENDMENT

On motion by Senator Pruitt, the Senate reconsidered the vote by which **Amendment 1 (912070)** was adopted. **Amendment 1** was withdrawn.

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

Amendment 2 (102090)—Delete everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *There is appropriated from the Administrative Trust Fund of the Department of Children and Family Services or any successor thereto, or in the event sufficient funds are not available from that fund to make payment for any given year, or otherwise, from the General Revenue Fund, the sum of $760,000 each year for fiscal years 2002-2003 inclusive through 2011-2012, to be paid to an insurance company or other financial institution admitted and authorized to issue annuity contracts in this state selected by the guardian of Kimberly Godwin, to finance and purchase a structured settlement for the benefit of Kimberly Godwin, which shall include an annuity that must be used for the habilitative care of Kimberly Godwin over the duration of her lifetime and as a relief for the violations of her rights and for injuries and damages she sustained as a result of the department's wrongful conduct.*

Section 3. *The Comptroller is directed to execute all necessary agreements to implement the payment of this claim, and to draw a warrant in the amount of $760,000 each fiscal year beginning in 2002-2003 through 2011-2012, inclusive, in favor of the financier of the structured settlement and to be paid from the Administrative Trust Fund of the Department of Children and Family Services or any successor thereto, or in the event sufficient funds are not available from that fund to make payment for any given fiscal year, or otherwise, from the General Revenue Fund. The financing of this structured settlement shall constitute a state debt or obligation as defined in section 216.0442(1)(j), Florida Statutes, as now in effect.*

Section 4. *The Department of Children and Family Services shall include in its annual legislative budget request a specific appropriation for funds sufficient to make the payment due under this section during each relevant fiscal year beginning in fiscal year 2003-2004 and inclusive through 2011-2012.*

Section 5. *The appropriation made and authorized by this section shall be deemed a continuing appropriation within the meaning of section 216.011(1)(i), Florida Statutes, as in effect on the date this act becomes a law.*

Section 6. This act shall take effect upon becoming a law.

On motion by Senator Pruitt, **CS for SB 22** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—4

Garcia	Webster	Wise
King		

Vote after roll call:

Yea—Rossin

CS for SB 42—A bill to be entitled An act relating to Orange County; providing for the relief of Maria Garcia, as legal guardian of Delfina Benjumea, for injuries and damages sustained by Ms. Benjumea as a result of the negligence of the Orange County Sheriff's Office; providing legislative intent with respect to expenditures; providing an effective date.

—was read the third time by title.

On motion by Senator Dyer, **CS for SB 42** was passed and certified to the House. The vote on passage was:

Yeas—30

Brown-Waite	Futch	Peaden
Burt	Geller	Posey
Campbell	Holzendorf	Pruitt
Carlton	Jones	Sanderson
Clary	Latvala	Sebesta
Constantine	Lawson	Silver
Cowin	Lee	Smith
Crist	Meek	Sullivan
Diaz de la Portilla	Miller	Villalobos
Dyer	Mitchell	Wasserman Schultz

Nays—5

Garcia	Laurent	Wise
King	Webster	

Vote after roll call:

Yea—Rossin

CS for SB 18—A bill to be entitled An act for the relief of Kathleen McCarty, individually and as personal representative of the Estate of Laura Bailey, deceased, and George Decker and Joan Decker, individually and as co-personal representatives of the Estate of Christina Decker; providing appropriations to compensate them for losses sustained as a result of the actions of the Department of Children and Family Services; providing an effective date.

—was read the third time by title.

On motion by Senator Holzendorf, **CS for SB 18** was passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—4

Garcia	Webster	Wise
Laurent		

Vote after roll call:

Yea—Rossin

CS for SB 16—A bill to be entitled An act for the relief of Patsy Baucco; providing an appropriation to compensate her for injuries and damages she sustained as a result of the negligence of a Department of Transportation employee; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **CS for SB 16** was passed and certified to the House. The vote on passage was:

Yeas—30

Brown-Waite	Futch	Mitchell
Burt	Geller	Peaden
Campbell	Holzendorf	Pruitt
Carlton	Jones	Sanderson
Clary	Klein	Saunders
Constantine	Latvala	Sebesta
Cowin	Lawson	Silver
Crist	Lee	Smith
Diaz de la Portilla	Meek	Villalobos
Dyer	Miller	Wasserman Schultz

Nays—7

Garcia	Posey	Webster
King	Sullivan	Wise
Laurent		

Vote after roll call:

Yea—Rossin

CS for SB 64—A bill to be entitled An act relating to the City of Delray Beach; providing for the relief of Jesner Exanor, as personal representative of the Estate of Nancy Mervil, on behalf of himself and the two minor children of his deceased wife, Nancy Mervil; authorizing and directing the City of Delray Beach to compensate them for the death of Nancy Mervil due to the negligence of an employee of the city; providing terms and conditions regarding the payment and use of such compensation; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for SB 64** was passed and certified to the House. The vote on passage was:

Yeas—29

Brown-Waite	Holzendorf	Posey
Burt	Jones	Pruitt
Campbell	Klein	Sanderson
Clary	Latvala	Saunders
Constantine	Lawson	Sebesta
Cowin	Lee	Silver
Crist	Meek	Smith
Diaz de la Portilla	Miller	Villalobos
Dyer	Mitchell	Wasserman Schultz
Geller	Peaden	

Nays—6

Garcia	Laurent	Webster
King	Sullivan	Wise

Vote after roll call:

Yea—Rossin

CS for SB 14—A bill to be entitled An act for the relief of Billie Jo McIntire; providing an appropriation to compensate Billie Jo McIntire, as surviving spouse and Personal Representative of the Estate of Jeffrey Scott McIntire, deceased, and Sarah Ellen Megan McIntire and Christian Jeffrey Taylor McIntire, surviving minor children of Jeffrey Scott McIntire, deceased, for the wrongful death of their husband and father, Jeffrey Scott McIntire, as a result of the negligence of the Florida Department of Transportation; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for SB 14** was passed and certified to the House. The vote on passage was:

Yeas—30

Brown-Waite	Geller	Peaden
Burt	Holzendorf	Posey
Campbell	Jones	Pruitt
Clary	Klein	Sanderson
Constantine	Latvala	Saunders
Cowin	Lawson	Sebesta
Crist	Lee	Silver
Diaz de la Portilla	Meek	Smith
Dyer	Miller	Villalobos
Futch	Mitchell	Wasserman Schultz

Nays—6

Garcia	Laurent	Webster
King	Sullivan	Wise

Vote after roll call:

Yea—Rossin

CS for SB 4—A bill to be entitled An act relating to the Department of Health; providing for the relief of Minouche Noel, a minor, and her parents and natural guardians, Jean and Flora Noel, for injuries sustained due to the negligence of Children's Medical Services of the De-

partment of Health and Rehabilitative Services; providing for the use of such funds; providing for a reversion to the state; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 4** was passed and certified to the House. The vote on passage was:

Yeas—29

Brown-Waite	Holzendorf	Posey
Burt	Jones	Pruitt
Campbell	Klein	Sanderson
Clary	Latvala	Saunders
Cowin	Lawson	Sebesta
Crist	Lee	Silver
Diaz de la Portilla	Meek	Smith
Dyer	Miller	Villalobos
Futch	Mitchell	Wasserman Schultz
Geller	Peaden	

Nays—5

Garcia	Sullivan	Wise
Laurent	Webster	

Vote after roll call:

Yea—Rossin

THE PRESIDENT PRESIDING

CS for SB 82—A bill to be entitled An act for the relief of Maria Verela, as personal representative of the Estate of Veronica Barcos, deceased, and Carlos Barcos as guardian of Janessa Barcos and Natalee Barcos, minor children of Veronica Barcos, and providing for the relief of Ligia Iglesias and Alba Luz Avendano, as co-personal representatives of the Estate of Zuleima Torres, deceased, and as co-guardians of Ashley Barcos and Gianni Barcos, minor children of Zuleima Torres; providing an appropriation to compensate them for injuries sustained as a result of the negligence of the Department of Transportation; providing an effective date.

—as amended March 19 was read the third time by title.

Senator Diaz de la Portilla moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (271490)—On page 3, lines 11-17, delete those lines and insert:

Section 2. *The Executive Office of the Governor is directed to establish spending authority from unappropriated trust fund balances in the Department of Transportation in the amount of $483,333.33 to a new category titled "Relief: Maria Verela" as relief for injuries and damages sustained. After payment of fees, costs, and*

Amendment 2 (674940)—On page 4, lines 3-9, delete those lines and insert:

Section 4. *The Executive Office of the Governor is directed to establish spending authority from unappropriated trust fund balances in the Department of Transportation in the amount of $316,666.67 to a new category titled "Relief: Ligia Iglesias and Alba Luz Avendano" as relief for injuries and damages sustained. After payment of fees, costs,*

On motion by Senator Diaz de la Portilla, **CS for SB 82** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—5

Garcia	Laurent	Wise
King	Posey	

Vote after roll call:

Yea to Nay—Webster

ABSTENTION FROM VOTING

I abstained from voting on CS for SB 82 since my law firm is involved in this case.

Walter G. "Skip" Campbell, Jr., District 33

RECONSIDERATION OF BILL

On motion by Senator Burt, the Senate reconsidered the vote by which—

CS for CS for SB 1654—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for election; amending s. 35.06, F.S.; increasing the number of judges in specified district courts of appeal; providing for appointment by the Governor; providing effective dates.

—as amended passed this day.

Pending further consideration of **CS for CS for SB 1654** as amended, on motion by Senator Burt, by two-thirds vote **HB 1927** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

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

HB 1927—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; providing for appointment by the Governor; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1654** as amended and by two-thirds vote read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (193086)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective January 7, 2003, section 26.031, Florida Statutes, is amended to read:

26.031 Judicial circuits; number of judges.—The number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(1) First	21
(2) Second	15
(3) Third	6
(4) Fourth	31
(5) Fifth	*24* ~~23~~
(6) Sixth	*41* ~~40~~
(7) Seventh	*24* ~~23~~

(8) Eighth . . . . . *12* ~~11~~

(9) Ninth . . . . . *37* ~~36~~

(10) Tenth . . . . . *21* ~~20~~

(11) Eleventh . . . . . *73* ~~72~~

(12) Twelfth 18

(13) Thirteenth . . . . . *37* ~~36~~

(14) Fourteenth 9

(15) Fifteenth . . . . . *34* ~~33~~

(16) Sixteenth 4

(17) Seventeenth . . . . . *52* ~~51~~

(18) Eighteenth . . . . . *24* ~~23~~

(19) Nineteenth 15

(20) Twentieth . . . . . *23* ~~22~~

Section 2. *The circuit court judges filling new offices created by this act shall be elected in 2002 according to the procedure prescribed in chapter 105, Florida Statutes, and shall take office on January 7, 2003. This section shall take effect upon this act becoming a law.*

Section 3. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; providing effective dates.

On motion by Senator Burt, by two-thirds vote **HB 1927** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 2606** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar and by two-thirds vote placed on the Local Bill Calendar.

MOTIONS

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, March 22.

On motion by Senator Lee, a deadline of 30 minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Friday, March 22.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 65, HB 307, CS for CS for HB 401, CS for CS for HB 461, CS for HB 687, CS for HB 735, CS for HB 751, CS for CS for HB 779, HB 1181, CS for CS for HB 1247, CS for HB 1355, HB 1633, CS for HB 1769, CS for HB 1819, CS for CS for HB 1825, HB 2013, HB 2015; has passed as amended CS for HB 147, CS for HB 243, CS for HB 261, CS for HB 289, CS for CS for HB 319, CS for HB 355, HB 493, CS for HB 507, CS for HB 635, HB 743, CS for HB 757, CS for HB 807, CS for HB 911, CS for HB 1129, CS for HB 1157, HB 1177, CS for HB 1213, CS for HB 1243, CS for HB 1281, CS for HB 1285, CS for HB 1323, CS for HB 1341, HB 1427, CS for HB 1517, CS for HB 1591, HB 1601, CS for HB 1611, HB 1645, CS for HB 1665, CS for HB 1767, CS for HB 1839, CS for HB 1841, HB 1927, HB 1951, HB 1953, HB 1979, HB 1983, HB 2019; has passed by the required Constitutional three-fifths vote of the membership HJR 87, HJR 89, HB 1199, CS for HJR 1441, HJR 1981 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Education Innovation; and Representative Brutus and others—

CS for HB 65—A bill to be entitled An act relating to restriction on employment of relatives by individual school board members; amending s. 230.23, F.S.; prohibiting individual school board members from appointing, employing, contracting with, promoting, or advancing a relative of such school board members; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ethics and Elections.

By Representative Paul and others—

HB 307—A bill to be entitled An act relating to student loans; creating s. 43.201, F.S.; providing for a financial assistance program administered by the Justice Administrative Commission to provide assistance to qualified assistant state attorneys and assistant public defenders for the repayment of government student loans; providing for the elements of the program; providing for funding; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Council for Lifelong Learning; the Committee on Colleges and Universities; and Representative Argenziano—

CS for CS for HB 401—A bill to be entitled An act relating to community college required instruction; amending s. 240.325, F.S.; requiring community college general education requirements to include civics instruction which focuses on American national government; providing an effective date.

—was referred to the Committee on Education.

By the Council for Competitive Commerce; the Committee on Economic Development and International Trade; and Representative Ball and others—

CS for CS for HB 461—A bill to be entitled An act relating to enterprise zones; amending s. 290.00675, F.S.; revising the criteria for the Office of Tourism, Trade, & Economic Development to amend the boundaries of certain enterprise zones; creating s. 290.00686, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate

an enterprise zone in Brevard County; providing requirements with respect thereto; authorizing the City of Pensacola to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in the City of Pensacola; authorizing the office to designate one enterprise zone in the City of Pensacola; providing requirements with respect thereto; authorizing Leon County, or Leon County and the City of Tallahassee jointly, to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Leon County; authorizing the office to designate one enterprise zone notwithstanding certain limitations; providing requirements with respect thereto; requiring designation of an enterprise zone in the City of Hialeah under certain circumstances notwithstanding certain limitations; providing requirements with respect thereto; authorizing certain counties to apply for amendment of enterprise zone boundary lines; providing deadlines; prescribing conditions applicable to the areas proposed for addition to the enterprise zone; directing the Office of Tourism, Trade, and Economic Development to approve such amendment under certain conditions; providing application; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones; providing limitations; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Smarter Government; the Committee on State Administration; and Representative Brummer—

CS for HB 687—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to a person's health held by local governmental entities or their service providers for purposes of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act or eligibility for the transportation disadvantaged program as provided in part I of ch. 427, F.S.; specifying conditions under which such information may be disclosed; providing for retroactive application of the exemption; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; and Rules and Calendar.

By the Council for Smarter Government; the Committee on Security, Select; and Representative Gelber and others—

CS for HB 735—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams of specified facilities and structures owned or operated by an agency; providing for retroactive application of the exemption; providing exceptions to the exemption; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By the Council for Healthy Communities; and Representative Murman and others—

CS for HB 751—A bill to be entitled An act relating to community mental health services; requiring that the Department of Children and Family Services use certain funds to expand the provision of crisis services and community mental health services; requiring the Department of Children and Family Services in collaboration with the Agency for Health Care Administration to develop estimates of the need for mental health services; requiring estimates to be submitted annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that new funds for crisis services or community mental health services be appropriated in a lump-sum category; requiring a spending plan to be submitted to the Governor; requiring that the spending plan include a schedule for phasing in new community mental health services; requiring the department to submit reports concerning its progress toward expanding community mental health services; requiring that certain crisis services and mental health services be provided by the state's community mental health system by specified dates to the extent of available appropriations; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Council for Competitive Commerce; the Committee on Economic Development and International Trade; and Representative Kilmer and others—

CS for CS for HB 779—A bill to be entitled An act relating to economic stimulus; amending s. 288.095, F.S.; revising terminology relating to certain incentive payment schedules; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising definitions; revising the required elements of a tax refund agreement; providing an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; prescribing a deadline for applying for tax refunds; revising conditions and procedures governing applications for tax refunds; revising provisions relating to the order authorizing a tax refund; authorizing the office to grant extensions to certain application and notification deadlines; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated refund; specifying that the section does not create a presumption a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; providing for an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the office; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Ritter and others—

HB 1181—A bill to be entitled An act relating to safe transportation for children; creating s. 335.066, F.S.; establishing the Safe Paths to Schools Program in the Department of Transportation; requiring consideration of the planning and construction of bicycle and pedestrian ways; authorizing a grant program to fund projects; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; the Committee on Insurance; and Representative Ross and others—

CS for CS for HB 1247—A bill to be entitled An act relating to premium financing; amending s. 627.901, F.S.; providing for calculation of certain interest charges; authorizing billing interest in installments; amending s. 627.902, F.S.; authorizing insurers, subsidiaries, corporations, or groups of insurers to impose certain additional service charges and fees; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on State Administration; and Representative Mealor and others—

CS for HB 1355—A bill to be entitled An act relating to public records; amending s. 624.319, F.S.; creating a public records exemption for workpapers prepared by the Department of Insurance, and workpapers and any other information received by the department from another governmental entity or the National Association of Insurance Commissioners, for the department's use in the performance of specified examination or investigation duties; providing exceptions to the exemption; providing for retroactive application of the exemption; providing for review and repeal of the exemption; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Governmental Oversight and Productivity.

By Representative Evers—

HB 1633—A bill to be entitled An act relating to unclaimed bodies; amending s. 245.06, F.S.; providing procedures for disposition of unclaimed bodies of veterans; requiring that any contract for disposal of unclaimed remains by a local governmental entity provide for compliance with certain state and federal regulations; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Criminal Justice.

By the Council for Smarter Government; and Representative Andrews—

CS for HB 1769—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for unsolicited proposals received by the Department of Transportation or an expressway authority with respect to public-private transportation facilities; providing an exception to the exemption; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; and Rules and Calendar.

By the Council for Healthy Communities; and Representative Kottkamp and others—

CS for HB 1819—A bill to be entitled An act relating to guide dogs and service animals; providing a short title; prohibiting persons from interfering with, injuring, or killing guide dogs or service animals; providing penalties; defining the terms "guide dog" and "service animal" for purposes of the act; amending s. 413.08, F.S.; extending to people who have seizure disorders the right to be accompanied by a trained service dog in specified circumstances; providing penalties for violations of this section; conforming a provision relating to trainers of service dogs; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Council for Lifelong Learning; the Committee on Workforce and Technical Skills; and Representative McGriff and others—

CS for CS for HB 1825—A bill to be entitled An act relating to services for persons who have disabilities; amending ss. 20.15, 20.171, 229.003, 229.004, and 229.0073, F.S.; conforming organizational provisions to the transfer of the Division of Vocational Rehabilitation and the Division of Blind Services from the Department of Labor and Employment Security to the Department of Education; providing for establishment and oversight of the divisions within the reorganized state education system; amending s. 413.20, F.S.; revising definitions under pt. II of ch. 413, F.S., relating to vocational rehabilitation programs; creating s. 413.201, F.S.; providing that the Department of Education is the designated state agency for implementing federal vocational rehabilitation requirements; creating s. 413.202, F.S.; providing that the Division of Vocational Rehabilitation is the designated administrative unit for such implementation; creating s. 413.203, F.S.; providing legislative intent and procedure with respect to conflicting laws; creating s. 413.206, F.S.; requiring the Division of Vocational Rehabilitation to develop a 5-year plan relating to general vocational rehabilitation programs; providing requirements for the contents of the plan; requiring annual reports; creating s. 413.207, F.S.; providing quality assurance and performance requirements for the Division of Vocational Rehabilitation; creating s. 413.208, F.S.; providing for service providers' quality assurance and fitness for their responsibilities; amending s. 413.23, F.S.; revising provisions relating to the federally required state plan for administration of vocational rehabilitation services; amending s. 413.395, F.S.; clarifying reporting requirements of the Florida Independent Living Council; revising references to conform to changes made by the act; amending s. 413.405, F.S.; renaming the Rehabilitation Advisory Council as the Florida Rehabilitation Council; revising council membership and duties; requiring the council to submit reports to the Governor, Legislature, and United States Secretary of Education; amending ss. 11.45, 90.6063, 215.311, 394.75, 395.404, 410.0245, 410.604, 413.034, 413.051, 413.064, 413.066, 413.067, 413.091, 413.092, 413.401, 413.445, 413.615, and 944.012, F.S.; revising language and references to conform to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of the progress of the Division of Vocational Rehabilitation and to prepare a report; repealing pt. III of ch. 413, F.S., and s. 445.024(8), F.S., relating to creation and duties of the Occupational Access and Opportunity Commission; providing an effective date.

—was referred to the Committees on Education; and Appropriations.

By the Council for Smarter Government; and Representative Cantens and others—

HB 2013—A bill to be entitled An act relating to public records; amending s. 440.125, F.S.; creating a public records exemption for medical records and medical reports of an injured employee and an injured employee's identifying information contained in medical bills provided to the Agency for Health Care Administration and the Department of Education; providing exceptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

By the Council for Smarter Government; and Representative Cantens—

HB 2015—A bill to be entitled An act relating to governmental reorganization; amending ss. 13.05, 14.202, 14.24, 112.215, 114.03, 121.0312, 121.055, 121.4501, 215.44, 215.62, 215.95, and 253.02, F.S.; changing the number and composition of certain boards, committees, commissions, and councils to conform memberships to reflect the reorganization of the constitutional officers of the Cabinet as members of such boards, committees, commissions, and councils; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Smarter Government; and Representative Ball and others—

CS for HB 147—A bill to be entitled An act relating to offenses by public servants; creating the "Citizens' Right to Honest Government Act"; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending ss. 838.015 and 838.016, F.S.; increasing penalties; creating ss. 838.022, 838.20, 838.21, 838.22, 838.23, and 838.24, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; providing definitions; providing status of confidential informants or confidential sources; authorizing public servants who are subjected to an investigation for official misconduct to recover attorney's fees; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; amending s. 905.34, F.S.; expanding jurisdiction of the statewide grand jury to include violations of ch. 838, F.S.; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 838.15, F.S., relating to commercial bribe receiving; repealing s. 838.16, F.S., relating to commercial bribery; repealing s. 839.25, F.S., relating to official misconduct; amending ss. 112.3173, 112.534, 117.01, and 121.091, F.S.; deleting and conforming cross references to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Ethics and Elections; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Council for Ready Infrastructure; and Representative Mack and others—

CS for HB 243—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms "early stage technology business" and "qualified distribution"; defining the terms "Program One" and "Program Two"; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; providing for distributions under both programs; requiring the Department of Revenue to adopt certain rules; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Ready Infrastructure; and Representative Russell and others—

CS for HB 261—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; changing the turnpike district into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; providing exceptions to said exemptions; giving the secretary authority to promulgate rules under certain conditions that will assist the turnpike enterprise in using best business practices; amending s. 206.46, F.S.; increasing the debt service cap with respect to the State Transportation Trust Fund; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; authorizing the department's Motor Carrier Compliance officers, and duly appointed agents holding a safety inspector certification from the Commercial Vehicle Safety Alliance, to stop commercial motor vehicles for inspection of the vehicle and driver's records; providing that other law enforcement officers may enforce commercial motor vehicle regulations under certain conditions; requiring that unsafe vehicles and drivers be removed from service under certain conditions; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; providing for the discretion of the department to detain commercial vehicles until certain penalties are paid; amending s. 334.044, F.S.; providing for officers employed by the department's Office of Motor Carrier Compliance and specifying duties and responsibilities of said officers; authorizing appointment of part-time and auxiliary officers; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; providing an exemption for a turnpike enterprise project; revising provisions for design-build contracts; amending s. 337.185, F.S.; clarifying application of limitation on certain claims brought before the State Arbitration Board; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; prohibiting the department from exercising its powers of eminent domain solely to acquire property for business opportunities on the Florida Turnpike; deleting obsolete language; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 339.135, F.S.; including reference to turnpike enterprise with respect to the tentative work program; revising language with respect to the tentative work program; amending s. 553.80, F.S.; providing for self-regulation of certain construction; creating s. 339.141, F.S.; creating the Regional Transportation Act; providing program purpose; creating the Regional Transportation Advisory Council; providing for membership, meetings, and staff support of the council; providing duties; requiring recommendation of regional transportation projects; providing criteria and procedures for approval of Regional Transportation Act grant projects; providing for approval by the department secretary, who then submits the list to the Legislature; providing for funding; providing for allocation of funds from the State Transportation Trust Fund; limiting application of certain requirements; creating s. 339.142, F.S.; providing for designation as a regional transportation corridor; providing a definition; designating certain infrastructure as such corridors; authorizing the council to designate such corridors; creating s. 339.143, F.S.; creating Regional Transportation Act grants; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; amending s. 339.2817, F.S.; adding new criteria to the COunty Incentive Grant Program;amending s. 339.08, F.S.; revising provisions relating to use of moneys in the State Transportation Trust Fund; correcting references; amending s. 339.1371, F.S.; deleting provisions for funding the Transportation Outreach Program; amending s. 215.211, F.S.; clarifying intent to use certain local-option fuel tax revenues; specifying funding for the County Incentive Grant Program and the Small County Outreach Program; repealing s. 339.137, F.S., relating to the Transportation Outreach Program; providing funds for certain county incentive programs; creating the "Florida High-Speed Rail Authority Act"; creating s. 341.8201, F.S.; providing a short title; creating s. 341.8202, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, design, financing, construction, and operation of a high-speed rail system in the state; creating s. 341.8203, F.S.; providing definitions; amending s. 341.821, F.S., relating to the creation of the Florida High-Speed Rail Authority; removing obsolete provisions; amending s. 341.822, F.S.; revising and providing additional powers and duties of the authority; amending s. 341.823, F.S.; revising the criteria for assessment and recommendations with respect to the establishment of the high-speed rail system; requiring the authority to establish specified requirements; requiring the authority to develop a specified plan, study, and estimates; amending s. 341.824, F.S.; specifying types of technical, scientific, or other assistance to be provided by the Department of Community Affairs and the Department of Environmental Protection; creating s. 341.827, F.S.; providing for determination of service areas and the order of system segment construction; creating s. 341.828, F.S.; authorizing the authority to utilize existing permitting processes; requiring cooperation between the authority and metropolitan planning organizations; creating s. 341.829, F.S.; requiring the authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, to develop and implement

a process to mitigate and resolve conflicts between the system and growth management requirements and environmental standards; providing time limits for the filing of and response to specified complaints; creating s. 341.830, F.S.; authorizing the authority to employ specified procurement methods; providing for the adoption of rules; authorizing the authority to procure commodities and services for the designing, building, financing, maintenance, operation, and implementation of a high-speed rail system; creating s. 341.831, F.S.; authorizing the authority to prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system; providing for the establishment of qualifying criteria; creating s. 341.832, F.S.; authorizing the authority to develop and execute a request for qualifications process; creating s. 341.833, F.S.; authorizing the authority to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system; creating s. 341.834, F.S.; providing for award of a conditional contract; providing contract requirements; prohibiting transfer of system property without written approval; creating s. 341.835, F.S.; authorizing the authority to purchase, lease, exchange, or acquire land, property, or buildings necessary to secure or utilize rights-of-way for high-speed rail system facilities; providing that the authority is not subject to specified liability; authorizing the authority and the Department of Environmental Protection to enter into certain interagency agreements; providing for the disposal of interest in property; authorizing agents and employees of the authority to enter upon certain property; authorizing the authority to accept donations of real property; creating s. 341.836, F.S.; authorizing the authority to undertake the development of associated developments; providing requirements of associated developments; creating s. 341.837, F.S.; providing for payment of expenses incurred in carrying out the act; creating s. 341.838, F.S.; authorizing the authority to fix, revise, charge, collect, and adjust rates, rents, fees, charges, and revenues, and to enter into contracts; providing for annual review by the authority of rates, rents, fees, and charges; providing for uses of revenues; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, approval, or consent; creating s. 341.840, F.S.; providing tax exemptions for property acquired or used by the authority or specified income; creating s. 341.841, F.S.; requiring the authority to prepare and submit a report; providing for an annual audit; creating s. 341.842, F.S.; providing construction of the act; amending s. 288.109, F.S.; removing a cross reference; amending s. 334.30, F.S.; removing a cross reference; amending s. 337.251, F.S.; removing a cross reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the "Florida High-Speed Rail Transportation Act"; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental review process of application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens' Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be conducted by local governments; repealing s. 341.348, F.S., relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings; providing effective dates.

—was referred to the Committees on Transportation; and Appropriations.

By the Council for Competitive Commerce; and Representative Andrews and others—

CS for HB 289—A bill to be entitled An act relating to incentives to promote new product development; providing a short title; creating s. 288.1172, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and the Department of Revenue; providing requirements for product development agreements; providing that donor companies may be granted a credit which may be used to fund sponsored research at a state university, as reimbursement for the purchase of machinery, equipment, or building supplies used in a Florida manufacturing facility, or as a corporate income tax credit; requiring the office to certify certain amounts to the department; requiring the department to make certain distributions; authorizing donor companies to elect to change the type of credit, payment, or reimbursement under certain circumstances; providing requirements for such election; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; relieving receiving companies of payments to donor companies under certain circumstances; providing remedies against a donor company when a receiving company fails to remit funds; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies that so elect; providing for carryover of the credit; providing for rules; amending s. 220.02, F.S.; providing order of credits against the corporate income tax; amending s. 212.20, F.S.; requiring the Department of Reve-

nue to make certain distributions within a time certain under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; the Committee on Insurance; and Representative Clarke—

CS for CS for HB 319—A bill to be entitled An act relating to self-insurers; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurers Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the department; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.51, F.S.; eliminating provisions authorizing the Department of Insurance to require that self-insurers make certain reports; eliminating provisions authorizing certain audits; transferring the powers, duties, functions, rules, records, and property relating to the regulation of individual, self-insured employers by the Department of Labor and Employment Security to the Department of Insurance; providing an appropriation; eliminating specified positions; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Appropriations.

By the Committee on General Education; and Representative Cusack and others—

CS for HB 355—A bill to be entitled An act relating to public school health care services; creating s. 381.00593, F.S.; creating a public school volunteer health care practitioner program; providing a short title; providing purpose; providing a definition; providing for waiver of biennial active license renewal fees and fulfillment of a portion of continuing education hours for specified health care practitioners who provide their services, without compensation, in the public schools; providing program and eligibility requirements; providing for payment of any resulting increase in liability insurance premiums; providing administrative responsibilities; providing a limitation on implementation; providing rulemaking authority; providing for implementation; providing an effective date.

—was referred to the Committees on Education; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Fiorentino and others—

HB 493—A bill to be entitled An act relating to voter registration; amending s. 97.052, F.S.; authorizing private individuals and groups to reproduce voter registration applications under certain conditions; amending s. 97.057, F.S.; requiring the Department of Highway Safety and Motor Vehicles to forward copies of unsigned voter registration applications within a specified period to the appropriate supervisors of elections; amending s. 97.058, F.S.; requiring voter registration agencies to forward copies of incompleted voter registration applications within a specified period to the appropriate supervisors of elections; amending s. 97.071, F.S.; requiring voter registration identification cards to have the name, rather than the signature, of the supervisor of elections; amending s. 97.1031, F.S.; revising notice requirements for change of residence within the same county; amending s. 98.0977, F.S.; revising duties of the supervisor of elections relating to maintenance of the voter registration rolls; providing for a hearing, as an alternative to notice, to determine the eligibility of voters convicted of a felony or adjudicated mentally incapacitated with respect to voting; requiring removal of a person's name from the registration books upon a determination of sufficient evidence; providing for appeal and for payment of the costs thereof; amending s. 97.052, F.S.; modifying information requested on the voter registration application; creating s. 98.077, F.S.; providing for update of voter signatures; providing for publication of notice of procedures for doing so at least once each general election year; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Appropriations.

By the Council for Healthy Communities; and Representative Fasano and others—

CS for HB 507—A bill to be entitled An act relating to responsiveness to emergencies and disasters; transferring to the Department of Health the powers, duties, functions, and assets that relate to the consumer complaint services, investigations, and prosecutorial services performed by the Agency for Health Care Administration under contract with the department; transferring full-time equivalent positions and the practitioner regulation component from the agency to the department; amending s. 20.43, F.S.; deleting the provision authorizing the department to enter into such contract with the agency, to conform; updating a reference to provide the name of a regulatory board under the Division of Medical Quality Assurance; requiring the Office of Legislative Services to contract for an outsourcing feasibility study relating to the regulatory responsibilities of the Board of Dentistry; providing an appropriation; requiring a report to the Governor and Legislature; requiring the Department of Health to contract for the implementation of the electronic continuing education tracking system and requiring said system to be compatible and integrated with the department's licensure and renewal system; amending s. 456.057, F.S.; authorizing specified persons to release certain medical records to a custodian upon board order; exempting such persons from liability for the release of such records; prohibiting insurers from denying claims under specified circumstances; amending s. 456.072, F.S.; providing additional penalties to be imposed on certain health care practitioners relating to notice to patients concerning availability and access to medical records; amending s. 456.076, F.S.; providing additional conditions for impaired practitioners to enroll in a treatment program as an alternative to discipline; amending s. 456.0375, F.S.; revising the definition of "clinic" to exempt public college and university clinics from medical clinic registration, to restrict the exemption for massage establishments, and to clarify when a health care practitioner may supervise another health care practitioner; prohibiting insurers from denying claims under specified circumstances; amending s. 456.072, F.S.; revising grounds for disciplinary action relating to performing health care services improperly and to leaving foreign bodies in patients; amending s. 631.57, F.S.; exempting medical malpractice insurance premiums from an assessment; amending s. 395.002, F.S.; defining "medically unnecessary procedure"; amending s. 394.4787, F.S.; conforming a cross reference; amending s. 395.0161, F.S.; providing rulemaking authority relating to inspections and investigations of facilities; amending s. 395.0197, F.S.; revising requirements for internal risk management programs; amending s. 465.019, F.S.; revising the definition of "class II institutional pharmacies" to allow dispensing and consulting services to hospice patients under certain circumstances; amending s. 499.007, F.S.; deleting requirement for labeling of name and place of business of the manufacturer; providing legislative findings relating to responsiveness to emergencies and disasters; amending s. 381.0011, F.S.; revising the rulemaking authority of the Department of Health with respect to its power to impose quarantine, including requiring vaccination; amending s. 381.00315, F.S.; defining the terms "public health advisory" and "public health emergency"; specifying the terms under which a public health emergency is declared; providing for consultation for, notice, and duration of a declaration of a public health emergency; authorizing the State Health Officer to take specified actions

upon the declaration of a public health emergency relating to shipping of specified drugs, directing the compounding of bulk prescription drugs, and specifying the use of such drugs; authorizing the State Health Officer to reactivate the inactive licenses of certain practitioners who request such reactivation; authorizing the State Health Officer to order that an individual be examined, tested, vaccinated, treated, or quarantined for certain communicable diseases under specified circumstances; specifying benefits to be made available to volunteers acting under a public health emergency; amending s. 381.0034, F.S.; providing a requirement for instruction of certain health care licensees on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as a condition of relicensure; amending s. 381.0035, F.S.; providing a requirement for instruction of employees at certain health care facilities on conditions caused by nuclear, biological, and chemical terrorism, upon initial employment, and, in lieu of the requirement of instruction on HIV and AIDS, as biennial continuing education; providing an exception; creating s. 381.0421, F.S.; requiring postsecondary education institutions to provide information on meningococcal meningitis and hepatitis B; requiring individuals residing in on-campus housing to document vaccinations against meningococcal meningitis and hepatitis B or sign a waiver; amending ss. 395.1027 and 401.245, F.S.; correcting cross references; amending s. 401.23, F.S.; revising definitions of "advanced life support" and "basic life support" and defining "emergency medical condition"; amending s. 401.252, F.S.; authorizing physician assistants to conduct interfacility transfers in a permitted ambulance under certain circumstances; amending s. 401.27, F.S.; providing that the course on conditions caused by nuclear, biological, and chemical terrorism shall count toward the total required hours for biennial recertification of emergency medical technicians and paramedics; amending s. 456.033, F.S.; providing a requirement for instruction of certain health care practitioners on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as part of biennial relicensure; amending s. 381.003, F.S; requiring the Department of Health to adopt certain standards applicable to all public-sector employers; requiring the compilation and maintenance of certain information by the department for use by employers; creating s. 456.0345, F.S.; providing continuing education credits to health care practitioners for certain life support training; amending s. 456.072, F.S.; conforming provisions relating to grounds for disciplinary actions to changes in health care practitioners' course requirements; amending s. 456.38, F.S.; revising provisions relating to the health care practitioner registry for disasters and emergencies; prohibiting certain termination of or discrimination against a practitioner providing disaster medical assistance; amending ss. 458.319 and 459.008, F.S.; conforming provisions relating to exceptions to continuing education requirements for physicians and osteopathic physicians; amending ss. 401.2715, 633.35, and 943.135, F.S.; authorizing certain substitution of terrorism response training for other training required for recertification of emergency medical technicians and paramedics, certification of firefighters, and continued employment or appointment of law enforcement officers, correctional officers, and correctional probation officers; authorizing rulemaking; amending s. 765.512, F.S., relating to anatomical gifts; prohibiting modification of a donor's intent; providing that a donor document is legally binding; authorizing specified persons to furnish donors' medical records upon request; amending s. 765.516, F.S.; revising procedures by which the terms of an anatomical gift may be amended or the gift may be revoked; amending s. 456.073, F.S.; revising procedures and timeframes for formal hearings of health care practitioner disciplinary cases; requiring a joint audit of hearings and their billing formulas and a report to the Legislature; amending s. 456.076, F.S.; requiring each impaired practitioner to pay a portion of the cost of the consultant and impaired practitioner program and the full cost of the required treatment program or plan; providing certain exceptions; repealing s. 456.047, F.S., to terminate the standardized credentialing program for health care practitioners; prohibiting the refund of moneys collected through the credentialing program; amending ss. 456.039, 456.0391, 456.072, and 456.077, F.S.; removing references, to conform; amending s. 458.309, F.S.; requiring accreditation of physician offices in which surgery is performed; amending s. 459.005, F.S.; requiring accreditation of osteopathic physician offices in which surgery is performed; amending s. 456.004, F.S., relating to powers and duties of the department; requiring performance measures for certain entities; providing procedures for considering board requests to privatize regulatory functions; amending s. 456.009, F.S.; requiring performance measures for certain legal and investigative services and annual review of such services to determine whether such performance measures are being met; amending s. 456.011, F.S.; requiring regulatory board committee meetings, including probable cause panels, to be held electronically unless certain conditions are met; providing for determination of location of in-person meetings; amending s. 456.026, F.S.; requiring inclusion of performance measures for certain entities in the department's annual report to the Legislature; creating s. 458.3093, F.S.; requiring submission of credentials for initial physician licensure to a national licensure verification service; requiring verification of such credentials by that service or an equivalent program; creating s. 459.0053, F.S.; requiring submission of credentials for initial osteopathic physician licensure to a national licensure verification service; requiring verification of such credentials by that service, a specified association, or an equivalent program; amending ss. 458.331, 459.015, and 627.912, F.S.; raising the malpractice closed claims reporting requirement amount; amending s. 456.073, F.S.; requiring health care practitioner licensees to pay certain costs of investigation and prosecution under certain circumstances; requiring cases in which no probable cause has been found to be closed within a specified period of time; requiring a study of the field office structure and organization of the Agency for Health Care Administration and a report to the Legislature; amending s. 456.025, F.S.; eliminating certain restrictions on the setting of licensure renewal fees for health care practitioners; creating s. 456.0165, F.S.; restricting the costs that may be charged by educational institutions hosting health care practitioner licensure examinations; requiring health care practitioner licensure and licensure renewal fees to be set at graduated levels of the statutory fee cap or actual regulatory costs, whichever is less; amending s. 468.302, F.S.; authorizing certified nuclear medicine technologists to administer X radiation from certain devices under certain circumstances; exempting certain persons from radiologic technologist certification and providing certain training requirements for such exemption; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; amending s. 468.80, F.S.; expanding a definition; requiring applications for health care practitioner licensure and licensure renewal to be submitted electronically beginning July 1, 2003, with certain exceptions; providing for transition to such electronic licensure; annually adjusting by 2.5 percent the statutory fee caps applicable to regulation of health care practitioners; renumbering ss. 381.0602, 381.6021, 381.6022, 381.6023, 381.6024, and 381.6026, F.S., and renumbering and amending ss. 381.60225 and 381.6025, F.S., to move provisions relating to organ and tissue procurement, donation, and transplantation to part V, ch. 765, F.S., relating to anatomical gifts; revising cross references, to conform; amending ss. 395.2050, 409.815, 765.5216, and 765.522, F.S.; revising cross references, to conform; providing a short title and providing coverage for certain organ transplant services; amending s. 409.915, F.S.; exempting counties from contributions for such services; amending s. 456.074, F.S.; providing for an emergency order suspending the license of any health care practitioner who has defaulted on a student loan issued or guaranteed by the state or the Federal Government; amending s. 456.072, F.S., and reenacting subsection (2), relating to disciplinary actions; clarifying the ground for disciplinary action for failing to perform a statutory or legal obligation to include failing to repay a student loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan and for failing to comply with service scholarship obligations; providing penalties; directing the Department of Health to obtain certain information from the United States Department of Health and Human Services on a monthly basis and to include certain information in its annual report to the Legislature; reenacting ss. 456.026 and 456.073, F.S., relating to the annual report and disciplinary proceedings, respectively, to conform; providing applicability; amending s. 400.925, F.S.; eliminating the regulation of certain home medical equipment by the Agency for Health Care Administration; amending s. 765.104, F.S.; authorizing a patient whose legal disability is removed to amend or revoke the recognition of a medical proxy and any uncompleted decision made by that proxy; specifying when the amendment or revocation takes effect; amending s. 765.401, F.S.; providing for health care decisions for persons having a developmental disability; designating a service district of the Department of Children and Family Services to inspect certain residential child-caring agencies within Hardee County; amending s. 457.1085, F.S.; removing obsolete dates relating to adoption of rules relating to infection control; amending s. 457.109, F.S.; prohibiting the use of certain titles relating to the practice of acupuncture unless properly licensed and certified; providing

penalties; amending s. 457.116, F.S.; increasing the penalties applicable to prohibited acts relating to the practice of acupuncture; amending s. 395.002, F.S., to provide a definition of "surgical first assistant;" amending s. 395.0197, F.S., to allow an operating surgeon to choose the surgical first assistant under certain conditions; amending s. 768.13, F.S.; providing immunity from civil damages under the Good Samaritan Act for actions taken in response to situations during a declared public health emergency; revising the circumstances under which immunity from civil damages is extended to actions taken by persons licensed to practice medicine; amending s. 381.0066, F.S.; authorizing the continuation of permit fees for system construction permits for onsite sewage treatment and disposal systems; creating part IV of chapter 489, F.S., relating to portable restroom contracting; providing definitions; requiring registration and providing requirements therefor, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for certification of partnerships and corporations; providing grounds for suspension or revocation of registration; providing fees; providing penalties and prohibitions; amending s. 491.0057, F.S.; revising requirements relating to dual licensure as a marriage and family therapist; amending s. 627.638, F.S., to require direct payment of benefits for hospital or medical services under certain circumstances; amending s. 766.101, F.S.; expanding the definition of the term "medical review committee" for purposes of immunity from liability; amending s. 627.357, F.S., relating to medical malpractice insurance; providing requirements to apply to form a self-insurance fund; amending s. 631.54, F.S.; amending definition of member insurer; requiring the Agency for Health Care Administration to conduct a study of health care services provided to medically fragile or medical-technology-dependent children; requiring the Agency for Health Care Administration to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to amend the Medicaid state plan and seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership on the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; amending s. 393.064, F.S.; changing contract authority between the Department of Children and Families and the Department of Health; providing effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; and Governmental Oversight and Productivity.

By the Council for Competitive Commerce; and Representative Johnson—

CS for HB 635—A bill to be entitled An act relating to tourism industry recovery; providing a short title; amending s. 125.0104, F.S.; providing that the additional tax authorized for bonds for a professional sports franchise facility, a retained spring training franchise facility, or a convention center, and for operation and maintenance costs of a convention center, and the additional tax authorized for bonds for facilities for a new professional sports franchise or a retained spring training franchise, may also be used to promote and advertise tourism; amending s. 125.35, F.S.; authorizing boards of county commissioners to lease without a competitive process certain property; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Representative Kilmer and others—

HB 743—A bill to be entitled An act relating to economic development; amending s. 288.0655, F.S.; providing for additional uses of moneys in the Rural Infrastructure Fund; amending s. 288.095, F.S.; revising terminology relating to certain incentive payment schedules; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising definitions; revising conditions and procedures governing applications for tax refunds; revising provisions relating to the order authorizing a tax refund; revising the required elements of a tax refund agreement; providing an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; prescribing a deadline for applying for tax refunds; authorizing the office to grant extensions to certain application and notification deadlines; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated refund; specifying that the section does not create a presumption a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; providing for an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information concerning specified tax–refund programs with the Office of Tourism, Trade, and Economic Development and specified agents; amending ss. 212.08 and 288.108, F.S.; removing references, to conform; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Ready Infrastructure; and Representative Russell and others—

CS for HB 757—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising provisions relating to the organization of the Department of Transportation; deleting certain responsibilities of the secretary; requiring the secretary to submit a report on major actions at each meeting of the Florida Transportation Commission; revising provisions relating to assistant secretaries; reducing the number of assistant secretaries; creating the Office of Comptroller; deleting provisions relating to the inspector general and comptroller; repealing s. 59, ch. 99-385, Laws of Florida; abrogating the repeal of provisions governing business damages in eminent domain actions; amending s. 73.071, F.S.; providing for the age required of a standing business in order to qualify for business damages; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 120.52, F.S.; redefining the term "agency" for the purposes of the Administrative Procedure Act to provide that metropolitan planning organizations are not agencies for the purposes of the act; amending s. 163.3177, F.S.; adding airport master plans that have specified components to comprehensive plans; creating exemption to development of regional impact review if certain conditions are met; amending s. 189.441, F.S., relating to contracts with an authority under the Community Improvement Authority Act; removing an exemption from s. 287.055, F.S., related to procurement of specified services; amending s. 212.060, F.S.; requiring proceeds from surcharge in the State Transportation Trust Fund be used to fund district projects; amending s. 215.615, F.S., relating to funding of fixed-guideway transportation systems; deleting obsolete language; amending s. 255.20, F.S.; exempting certain transportation projects from certain competitive bidding requirements; amending s. 287.055, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; providing for application of s. 287.055, F.S., the Consultants' Competitive Negotiation Act, to seaports; amending s. 315.02, F.S.; redefining the terms "unit" and "port facilities" for purposes of port facilities financing; including seaport security projects within the meaning of "port facility"; amending

s. 315.03, F.S.; authorizing certain entities to participate in certain federal loan programs; providing for oversight by the Florida Seaport Transportation and Economic Development Council; requiring annual reports; requiring legislative review; amending s. 316.003, F.S.; revising definition of "motor vehicle"; defining the terms "electric personal assistive mobility device" and "motorized scooter"; creating s. 316.2068, F.S.; providing regulations for electric personal assistive mobility devices; amending s. 316.515, F.S.; revising size requirement provisions for vehicles transporting certain agricultural products; allowing the Department of Transportation to issue permits for certain vehicles; amending s. 316.520, F.S.; exempting certain vehicles from covering requirements; creating s. 316.80, F.S.; establishing penalties for persons who transport motor or diesel fuel in unlawful containers; establishing penalties for use of stolen or illegal payment access devices; providing for forfeiture; providing for costs; amending s. 320.08056, F.S.; providing use fees for the Florida Firefighters license plate and the Police Benevolent Association license plate; amending s. 320.08058, F.S.; providing for creation of the Florida Firefighters license plate and the Police Benevolent Association license plate; providing for the distribution of use fees received from the sale of such plates; amending s. 332.004, F.S.; revising the definition of "airport or aviation development project" for purposes of the Florida Airport Development and Assistance Act to add certain noise mitigation projects; amending s. 332.007, F.S.; extending expiration date of provisions relating to economic assistance to airports for certain projects; extending due date of certain loans for certain airports; amending s. 333.06, F.S.; adding requirements for an airport master plan; amending s. 334.044, F.S.; authorizing the department to expend money on items that promote scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.175, F.S.; adding state-registered landscape architects to the list of design professionals who sign, seal, and certify certain Department of Transportation project plans; amending s. 334.30, F.S.; providing for public-private transportation facilities; eliminating the requirement that the Legislature approve such facilities; providing requirements for the use of funds from the State Transportation Trust Fund; providing requirements with respect to proposals; providing for a selection process; providing for specific project approval by the Legislature for certain projects; authorizing the Department of Transportation to create certain corporations; authorizing such corporations to issue bonds; authorizing the department to lend certain funds to such corporations; authorizing the department to adopt rules; repealing s. 348.0004(2)(m), F.S., relating to private entity proposals for transportation projects; amending s. 348.0004, F.S.; establishing a process enabling certain expressway authorities to participate in public-private partnerships to build, operate, own, or finance certain transportation facilities; specifying the expressway authority's role in such projects and providing rulemaking authority; providing for a selection process; providing for the assessment of tolls; providing for creation of certain tax-exempt, public-purpose corporations; authorizing such corporations to issue bonds; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program within the Department of Transportation; providing for consideration of planning and construction with certain criteria; providing for grants for local, regional, and state projects that support the program; providing rulemaking authority; amending s. 336.41, F.S.; providing for counties to certify or qualify persons to perform work under certain contracts; clarifying that a contractor already qualified by the department is presumed qualified to perform work described under contract on county road projects; amending s. 336.44, F.S.; providing that certain contracts shall be let to the lowest responsible bidder; amending s. 337.11, F.S., relating to design-build contracts effective July 1, 2003; adding right-of-way services to activities that can be part of a design-build contract; amending s. 337.11, F.S., relating to design-build contracts effective July 1, 2005; deleting right-of-way services from design-build contracts; amending s. 337.14, F.S.; revising provisions for qualifying persons to bid on certain construction contracts; providing for expressway authorities to certify or qualify persons to perform work under certain contracts; clarifying that a contractor qualified by the department is presumed qualified to perform work described under contract on projects for expressway authorities; amending s. 337.401, F.S.; providing that for certain projects under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; restating the Department of Transportation's rulemaking authority regarding regulation of bus benches; providing for local government regulation of dimensions of bus benches and advertising displays to supersede the department's regulations, in certain circumstances; requiring approval of Federal Highway Administration for bus benches and advertising displays on the National Highway System; providing for regulation of street light poles; amending s. 339.08, F.S.; revising language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; revising language relating to compensation to local governments that perform projects for the department; providing for preference to certain counties for transportation grants under specified circumstances; amending s. 339.55, F.S.; providing for state infrastructure bank funds to be spent on intermodal projects; revising criteria for evaluation of projects; amending s. 341.031, F.S.; correcting cross references; amending s. 341.051, F.S., relating to financing of public transit capital projects, and s. 341.053, F.S., relating to projects eligible for funding under the Intermodal Development Program; deleting obsolete language; amending s. 341.501, F.S., relating to high-technology transportation systems; authorizing the department to match funds from other states or jurisdictions for certain purposes; providing criteria; amending s. 348.0003, F.S.; authorizing a county governing body to set qualifications, terms of office, and obligations and rights for the members of expressway authorities within their jurisdictions; amending s. 348.0008, F.S.; allowing expressway authorities to acquire certain interests in land; providing for expressway authorities and their agents or employees to access public or private property for certain purposes; creating s. 348.545, F.S.; clarifying that the Tampa-Hillsborough County Expressway Authority may use bond revenues to finance improvements to toll facilities, interchanges, and other facilities related to the expressway system; amending s. 348.565, F.S.; adding the connector highway linking Lee Roy Selmon Crosstown Expressway to Interstate 4 as an approved project; amending s. 373.4137, F.S.; providing for certain expressway, bridge, or transportation authorities to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 380.04, F.S.; adding work on rights-of-way pertaining to electricity facilities to the list of activities not defined as "development" for purposes of the Florida Environmental Land and Water Management Act; amending s. 380.06, F.S., relating to development of regional impact; removing a rebuttable presumption with respect to application of the statewide guidelines and standards and revising the fixed thresholds; providing application with respect to developments that have received a development-of-regional-impact development order or that have an application for development approval or notification of proposed change pending; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates certain facilities on the State Highway System is not required to issue a permit or grant access to any person for the purpose of soliciting funds; amending s. 768.28, F.S.; providing that certain operators, dispatchers, and security providers for rail services and certain rail facility maintenance providers in a specified area or for the Tri-County Commuter Rail Authority or the Department of Transportation are agents of the state under specified circumstances; creating the Dori Slosberg Driver Education Safety Act; authorizing a board of county commissioners to require an additional amount to be collected with each civil traffic penalty to be used to fund traffic education programs in public and nonpublic schools; providing for administration of funds collected; restricting use of said funds; amending s. 2 of chapter 88-418, Laws of Florida, relating to Crandon Boulevard; allowing expenditure of public funds for modifications to provide access for governmental public safety vehicles; amending s. 212.055, F.S.; removing a limitation on which charter counties may levy a charter county transit surtax; providing effective dates.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Judiciary; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Fasano—

CS for HB 807—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; including reference to the Chief Deputy Court Administrator with respect to compulsory membership in the Senior Management Service Class; amending s. 121.052, F.S.; revising the membership requirements of the Elected Officers' Class of the system to include certain sheriffs and clerks of the circuit court; amending s. 121.091, F.S.; revising language with respect to reemployment of certain retired members of the Florida Retirement System; amending s. 121.0515, F.S.; revising language with respect to special

risk membership in the system; including certain periods of service in special risk; amending s. 121.055, F.S.; allowing an elected state attorney or public defender to upgrade retirement credit for service as an assistant state attorney or assistant public defender; amending s. 121.053, F.S., relating to termination requirements and benefits of elected officers participating in the Deferred Retirement Option Program; amending s. 121.091, F.S., regarding Deferred Retirement Option Program termination requirements for elected officers; amending s. 121.0515, F.S.; permitting certain special risk members to upgrade service related to fire prevention and firefighter training duties; providing legislative intent; amending ss. 121.052, 121.055, and 121.071, F.S.; making the date for payment of retirement contributions consistent under the Florida Retirement System defined benefit and defined contribution programs; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; updating definitions; establishing dates on which present value calculations are based; conforming election provisions for local government employees to provisions applicable to other employees; providing for the effective date of enrollment for certain employers; providing for the transfer of contributions in certain circumstances; transferring certain provisions relating to payment of benefits to s. 121.591, F.S., as created in the act; amending s. 121.571, F.S., relating to employer contributions to the Public Employee Optional Retirement Program; adjusting rates; making the date for payment of retirement contributions consistent under the Florida Retirement System defined benefit and defined contribution programs; creating s. 121.591, F.S., relating to benefits payable under the Public Employee Optional Retirement Program; providing for payment of the normal benefit upon termination; providing for disability retirement benefits; providing for transfer of certain funds; specifying eligibility requirements; providing procedure and required documentation; providing for computation of the disability benefit; providing for reapplication; providing for membership; providing an option to cancel; providing for reexamination and other matters relating to recovery from disability; providing nonadmissible causes of disability; providing for disability retirement of justices or judges; providing for payment of death benefits; providing for spousal notification in certain cases; updating death benefit distribution provisions to conform to recent changes in federal law; providing protection of benefits from assignment, execution, etc.; amending s. 110.123, F.S.; revising language with respect to the state group insurance program; revising a definition; deleting language with respect to participation in the plan by retirees; amending s. 110.205, F.S.; granting Senior Management Service benefits to county health department directors and administrators; amending s. 121.35, F.S.; allowing rollovers into the optional retirement programs; expanding the methods of disbursement of benefits; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; and Representative Farkas and others—

CS for HB 911—A bill to be entitled An act relating to mandated health benefit coverages; requiring the Office of Legislative Services to contract for completion of a report on proposed mandated health coverages; specifying report review requirements; requiring a report to the Legislature; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Banking and Insurance; and Rules and Calendar.

By the Committee on State Administration; and Representative Betancourt and others—

CS for HB 1129—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.207, F.S.; requiring the commission to report certain information each year to the President of the Senate and the Speaker of the House of Representatives; amending s. 447.305, F.S.; revising required information in applications for registration; specifying a uniform date for registrations; requiring additional information in applications for registration; specifying conditions for denial or revocation of registration by employee organizations; providing for denial of registration under certain circumstances; authorizing the commission to impose fines under certain circumstances; providing for appeal or dispute of such fines; providing for hearings before the commission; authorizing the commission to waive such fines under certain circumstances; revising a prescribed registration fee; providing for retention by the commission of certain funds; requiring the commission to be the custodian of certain records; requiring public access to such records; providing an exception; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Healthy Communities; and Representative Diaz-Balart and others—

CS for HB 1157—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; requiring a person who commits a criminal mischief offense related to the placement of graffiti to pay a minimum fine and perform community service; providing for the parent or legal guardian of a minor to be liable for payment of a fine; authorizing the court to decline to order payment of a fine if the court finds that the person subject to payment of the fine is unable to pay the fine under certain circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice; and Children and Families.

By Representative Gottlieb and others—

HB 1177—A bill to be entitled An act relating to direct-support organizations; creating s. 20.193, F.S.; providing for direct-support organizations for the benefit of the Department of Children and Family Services; providing a definition; providing for administration of funds; providing purposes and objectives; requiring funds be used for enhancement of department programs and projects; authorizing certain use of state property and facilities; requiring annual audit; amending s. 20.19, F.S.; authorizing designation of employees to solicit funds; creating s. 430.065, F.S.; providing for direct-support organizations for the benefit of the Department of Elderly Affairs; providing a definition; providing purposes and objectives; requiring funds be used for enhancement of department programs and projects; authorizing certain use of state property and facilities; requiring annual audit; amending ss. 240.299 and 240.3315, F.S.; revising provisions relating to restricted activities of university direct-support organizations and community college direct-support organizations; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Council for Ready Infrastructure; and Representative Gardiner and others—

CS for HB 1213—A bill to be entitled An act relating to motor vehicles, vessels, and enforcement of laws related thereto; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; amending s. 316.006, F.S.; authorizing the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; revising the traffic control jurisdiction of a county over certain roads and rights-of-way dedicated in a residential subdivision under certain circumstances; creating s. 316.00825, F.S.; authorizing the governing body of a county to abandon the roads and rights-of-way dedicated in a recorded subdivision plat under certain circumstances; providing for traffic control jurisdiction of such roads; amending s. 316.061, F.S.; authorizing certain entities to remove crashed motor vehicles from roadways under certain circumstances; providing a limitation of liability; amending s. 316.066, F.S.; providing for access to vehicle crash reports by local, state, and federal entities under certain circumstances; requiring said entities to maintain confidential status of such reports; amending s. 316.1975, F.S.; exempting operators of solid waste and recovered materials vehicles

from provisions regarding unattended motor vehicles under certain circumstances; creating s. 316.2127, F.S.; providing for operation of utility vehicles on city streets, county roads, or the State Highway System under certain circumstances; amending s. 316.2397, F.S.; authorizing emergency response vehicles of the Department of Health to use red flashing lights; amending s. 316.304, F.S.; revising requirements regarding the wearing of headsets while operating a vehicle; amending s. 316.520, F.S.; exempting certain vehicles carrying agricultural products; providing for criminal penalties for failure to secure loads on vehicles under certain circumstances; amending s. 316.640, F.S.; revising traffic law enforcement authority of university police officers; revising the powers and duties of traffic crash investigation officers; amending s. 318.1451, F.S.; providing traffic school reference guide requirements; amending s. 318.18, F.S.; providing for assessment of doubled fines for speeding in toll collection zones; providing a minimum penalty for violations of s. 316.520, F.S.; amending s. 318.19, F.S.; providing a mandatory hearing for violations of s. 316.520, F.S.; revising traffic law enforcement authority of the Office of Agricultural Law Enforcement; amending s. 322.056, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a driver's license restricted to business or employment purposes only to certain persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; amending s. 570.073, F.S.; revising the powers and duties of the Office of Agricultural Law Enforcement; amending s. 319.23, F.S.; requiring the Department of Highway Safety and Motor Vehicles to retain certain evidence of title; amending s. 319.28, F.S.; revising requirements for processing an application for title based on a contractual default; amending s. 319.33, F.S.; revising the elements of the offense of possessing, selling or offering for sale, concealing, or disposing of a motor vehicle or mobile home, or major component part thereof, on which the motor number or vehicle identification number has been destroyed, removed, covered, altered, or defaced; providing penalties; amending s. 320.025, F.S.; providing for confidential registration and issuance under fictitious name of decals for vessels operated by a law enforcement agency; requiring registration number and decal to be affixed to such vessel; amending s. 320.05, F.S.; providing for release of vessel registration information; providing exceptions; amending s. 320.055, F.S.; providing registration period for certain nonapportioned vehicles; amending s. 320.06, F.S.; revising form of license plate validation stickers; reducing the number of required validation stickers per plate; amending s. 320.072, F.S.; revising initial registration fee exemptions; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.08056, F.S.; providing for a use fee; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate; providing for the distribution and use of fees; authorizing the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; amending s. 320.083, F.S.; revising requirements for the Amateur Radio Operator specialty license plate; amending s. 320.0848, F.S.; revising fees for the 4-year disabled parking permit and renewal permit; amending s. 320.089, F.S.; revising weight restriction for the Ex-POW and Purple Heart license plates; amending s. 320.275, F.S.; creating a technical advisory committee to the Automobile Dealers Industry Advisory Board; providing for its duties and composition; requiring the office of the Attorney General, the Department of Agriculture and Consumer Services, and the Department of Highway Safety and Motor Vehicles to provide consumer education and information; amending s. 321.02, F.S.; providing for colors for use on Florida Highway Patrol motor vehicles and motorcycles; amending s. 322.051, F.S.; requiring acceptance of the Florida identification card as proof of identification by persons accepting the Florida driver license as proof of identification; amending s. 322.095, F.S.; deleting provision prohibiting governmental entities or courts from providing information regarding traffic law and substance abuse education program schools or course providers; authorizing the Department of Highway Safety and Motor Vehicles to provide a list of approved traffic law and substance abuse education course providers with a single phone number for each provider; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; amending s. 322.25, F.S.; correcting a cross reference; amending s. 322.27, F.S.; revising language relating to habitual traffic offender license revocation; amending s. 322.271, F.S.; correcting a cross reference; amending s. 322.28, F.S.; deleting obsolete language relating to revocation of a driver's license; repealing s. 322.282, F.S., relating to procedure when court revokes or suspends license or driving privilege and orders reinstatement, and s. 322.331, F.S., relating to restoration of license for habitual traffic offenders; amending s. 324.091, F.S.; providing for electronic access to vehicle insurer information; prohibiting compilation and retention of such information; amending s. 328.01, F.S.; deleting the requirement that a copy of a contract upon which a claim of ownership of a vessel is made be submitted if an application for transfer of title is based on a contractual default; amending s. 328.42, F.S.; authorizing the department to deny or cancel a vessel registration, license plate, or fuel-use tax decal when given a dishonored check by the customer; amending s. 328.56, F.S.; revising language relating to display of vessel registration number; amending s. 328.72, F.S.; deleting certain requirements for the transfer of ownership of an antique vessel; amending s. 832.09, F.S.; requiring the department to create a standardized form for notification from clerks of courts of satisfaction of a worthless check; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Ready Infrastructure; and Representative Pickens—

CS for HB 1243—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; revising violations and penalties relating to saltwater fisheries; revising grounds and penalties for violation of restrictions imposed upon a saltwater products licensee during the period of license suspension or revocation; creating penalties for purchase or sale of illegally harvested saltwater products taken in violation of s. 16, Art. X of the State Constitution; clarifying that licenses or permits under which a violation is committed may be subject to suspension or revocation; clarifying that persons, firms, or corporations cited for violations are subject to monetary penalties assessed by the commission; amending s. 370.06, F.S.; revising and clarifying requirements for saltwater products licenses and endorsements; clarifying the saltwater products license income exemption for disabled persons; limiting the restricted species endorsement available to such persons; providing that saltwater products received by a wholesale dealer; are presumed to have been purchased; amending s. 370.061, F.S.; revising and clarifying requirements and procedures for confiscation and forfeiture of property used in a saltwater products violation; requiring notice of seizure to the registered owner of the property prior to issuance of a forfeiture order; authorizing the courts to order property forfeited to the commission for second or subsequent convictions; revising procedure for return of property to an innocent owner; amending s. 370.07, F.S.; prohibiting purchase or sale of illegally taken saltwater products; providing a penalty; providing that saltwater products received by a retail dealer or restaurant are presumed to have been purchased; correcting a cross reference; reenacting ss. 370.07(5), 370.092(3) and (4), and 370.093(5), F.S., to incorporate the amendment to s. 370.021, F.S., in references; amending s. 370.142, F.S.; correcting cross references; amending s. 372.70, F.S.; providing that the state attorney shall represent the state in prosecutions of violations of hunting and fishing laws; amending s. 372.9901, F.S.; revising procedures for seizure and forfeiture of property used in the illegal taking of deer or wild turkey; requiring notice of seizure to the registered owner of the property prior to issuance of a forfeiture order; authorizing the courts to order property forfeited to the commission for second or subsequent convictions; revising procedure for return of property to an innocent owner; amending and renumbering s. 372.31, F.S.; providing for exercise of the police power of the state in cases relating to illegal fishing; creating s. 372.99022, F.S.; providing penalties for molestation of or theft from certain freshwater fishing gear; prohibiting transfer of endorsements under certain circumstances; amending s. 372.9904, F.S.; correcting a cross reference; amending s. 372.9905, F.S.; combining and conforming provisions relating to applicability of seizure and forfeiture requirements; amending s. 323.001, F.S.; correcting a cross reference; repealing ss. 372.311, 372.312, 372.313, 372.314, 372.315, 372.316, 372.317, 372.318, 372.319, 372.321, and 372.9902, F.S., relating to forfeiture proceedings, delivery of property to a claimant, proceedings when no claim is filed or a claim is filed, representation of the state by the state attorney, judgments of forfeiture, service charges, disposition of proceeds of forfeiture, exercise of police power, and applicability of certain seizure and forfeiture requirements; providing an effective date.

—was referred to the Committees on Natural Resources; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Fiscal Responsibility Council; and Representative Allen and others—

CS for HB 1281—A bill to be entitled An act relating to brownfield redevelopment; amending s. 288.106, F.S.; redefining the term "local financial support exemption option" with respect to the tax refund program; amending s. 288.107, F.S.; revising the criteria for participation in the bonus refund program; revising the formula for calculating the refund; amending s. 376.80, F.S.; providing for the use of certain unencumbered, undisbursed funds from the Quick-Response Training Program and brownfield redevelopment bonus refunds; providing for grants to designated areas; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Ready Infrastructure; and Representative Clarke and others—

CS for HB 1285—A bill to be entitled An act relating to environmental protection; amending s. 373.414, F.S.; requiring that the Department of Environmental Protection adopt a uniform mitigation assessment method by rule by July 31, 2002; amending s. 373.406, F.S.; authorizing the district or department to adopt rules to exempt regulation for mining or mining related activities under certain circumstances; amending s. 403.08725, F.S.; extending the time by which the United States Environmental Protection Agency may approve the state's implementation plan for controlling air pollution from citrus juice processing facilities; amending s. 403.813, F.S.; clarifying the maintenance dredging permit exemption to allow for the discharge of return water from spoil material; providing an exemption from permitting requirements for certain floating vessel platforms or floating boat lifts of limited size that are not used for commercial purposes; authorizing the Department of Environmental Protection to adopt by rule a general permit for certain nonexempt floating vessel platforms or floating boat lifts; providing for use of certain state lands under such general permits; providing an exemption from local regulation; providing an exemption for certain county road repair; providing an effective date.

—was referred to the Committees on Natural Resources; and Comprehensive Planning, Local and Military Affairs.

By the Council for Smarter Government; and Representative Kallinger and others—

CS for HB 1323—A bill to be entitled An act relating to the Florida Minority Business Loan Mobilization Program; creating s. 288.706, F.S.; providing legislative findings and intent; creating the Florida Minority Business Loan Mobilization Program for certain purposes; providing for program administration by the Department of Management Services; authorizing state agencies to disburse a certain amount of a contract award to assist certain minority business enterprise vendors in obtaining working capital financing; authorizing professional services vendors to apply for a specified percentage of a base contract amount; specifying procedures for the program; providing for working capital agreements and lines of credit; providing requirements and limitations; providing requirements for prime contract vendors; providing requirements for subcontract vendors; providing contracting state agency requirements and limitations; authorizing the department to adopt rules; requiring the department to maintain a listing of participating financial institutions; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Appropriations.

By the Council for Smarter Government; and Representative Dockery and others—

CS for HB 1341—A bill to be entitled An act relating to community redevelopment; amending s. 163.336; F.S.; extending the date for a pilot project; amending s. 163.340, F.S.; revising definitions; amending s. 163.355, F.S.; providing additional criteria for a finding of necessity for community redevelopment; amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas; providing for the membership of the board of commissioners of the community redevelopment agency; amending s. 163.361, F.S.; requiring the appropriate governing body to hold public hearings and provide notice to taxing authorities concerning modifications of community redevelopment plans; amending s. 163.362, F.S.; providing a deadline for completing projects in a community redevelopment plan; amending s. 163.385, F.S.; revising provisions relating to issuance and maturation of refunding bonds; amending s. 163.387, F.S.; providing time limitations on the annual appropriation made by each taxing authority after the initial community redevelopment plan has been approved; providing that certain special districts are exempt from providing tax increment dollars to the community redevelopment trust fund; revising provisions for exemption from funding of the trust fund; amending s. 163.410, F.S.; providing that the governing body of a charter county must act on a delegation-of-powers request within a specific timeframe; providing for applicability; amending s. 288.106, F.S.; redefining the term "local financial support exemption option" with respect to the tax refund program; amending s. 288.107, F.S.; revising the criteria for participation in the bonus refund program; revising the formula for calculating the refund; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Appropriations.

By Representative Kendrick and others—

HB 1427—A bill to be entitled An act relating to sheriffs; amending s. 30.09, F.S.; providing an exception from bonding requirements for special deputies in the event of certain terrorist acts; amending s. 30.49, F.S.; revising provisions relating to submission of budgets by sheriffs; providing an effective date.

—was referred to the Committees on Criminal Justice; and Rules and Calendar.

By the Fiscal Responsibility Council; and Representative Sorensen—

CS for HB 1517—A bill to be entitled An act relating to the Water Management Lands Trust Fund; amending s. 373.59, F.S.; providing for the interest received from investments of the Water Management Lands Trust Fund to be credited to the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund for a specified number of years; providing for contingent effect; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Tourism; and Representative Maygarden—

CS for HB 1591—A bill to be entitled An act relating to Florida's coasts and public beaches; amending s. 380.20, F.S.; revising those sections of Florida Statutes which comprise the Florida Coastal Management Act; amending s. 380.205, F.S.; providing definitions; transferring the state coastal management program functions from the Department of Community Affairs to the Department of Environmental Protection; amending s. 380.21, F.S.; clarifying legislative intent for the Coastal Zone Management Program; amending s. 380.22, F.S.; clarifying the duties and authority of the lead agency; amending s. 380.23, F.S.; clarifying procedures for the granting or denial of a state license for a federally licensed or permitted activity; amending s. 380.285, F.S.; authorizing the Department of Environmental Protection to assist in the study, preservation, and funding of lighthouses on the Florida coast; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Coastal Management Program from the Department of Community Affairs to the Department of Environmental Protection by type two transfer; amending s. 403.061, F.S.; allowing the Department of Environmental Protection to serve as the single point of contact for performing specified responsibilities, including administration and operation of

the Florida State Clearinghouse; creating s. 380.276, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the display of uniform warning and safety flags and the placement of specified uniform notification signs; providing that the Department of Environmental Protection shall direct and coordinate a program for the display and placement of such flags and signs; providing for the development of the program; providing program components and requirements; authorizing the department to coordinate the implementation of the program with specified entities; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Maygarden and others—

HB 1601—A bill to be entitled An act relating to environmental cost recovery for electric utilities; amending s. 366.8255, F.S.; redefining the term "environmental compliance costs" to include certain costs relating to air quality; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; and Representative Brummer—

CS for HB 1611—A bill to be entitled An act relating to agriculture education and promotion facilities; creating s. 288.1175, F.S.; providing that the Department of Agriculture and Consumer Services shall be the state agency for screening applicants for state funding and certification as an agriculture education and promotion facility; providing for rules; providing definitions; providing criteria for applicants; providing for evaluation by the department; providing criteria; prohibiting the expenditure of funds to develop or subsidize privately owned facilities; providing an exception; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Crow and others—

HB 1645—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms "alternative formats," "tactile input device," and "voter interface device" for purposes of the Florida Election Code; creating s. 97.026, F.S.; requiring that certain forms used under the code be made available in alternative formats; requiring the Department of State to make such forms available via the Internet if possible; amending s. 98.065, F.S.; requiring that the maintenance of voter registration records be nondiscriminatory with respect to persons having a disability; creating s. 98.122, F.S.; requiring candidates, political parties, and political committees to use closed captioning and descriptive narrative in all television broadcasts; providing that failing to file a statement of reasons for failing to do so is a violation of the code, for which there are penalties; authorizing the Department of State to adopt rules; amending ss. 100.361, 100.371, F.S.; suggesting that a recall petition be available in alternative formats; requiring a constitutional amendment proposed by initiative and other papers and forms be available in alternative formats; amending s. 101.051, F.S.; eliminating a requirement that an elector give a reason under oath for requesting assistance in voting; amending s. 101.51, F.S.; abolishing limitations on the length of time a voter is allowed to occupy a voting booth or compartment; creating s. 101.56062, F.S.; providing standards for accessible voting systems; prohibiting the use of state or federal funds for a voting system or system components that do not meet the accessibility standards; requiring any voting system used after a specified date to have at least one accessible voter interface device installed in each precinct; authorizing the Department of State to adopt rules; providing legislative intent with respect to meeting or exceeding minimum federal requirements for voting systems and accessibility of polling places; creating s. 101.662, F.S.; authorizing the Department of State to work with certain parties to develop procedures to allow absentee ballots to be cast in alternative formats; amending s. 101.71, F.S.; authorizing supervisors of elections to move a polling place that does not comply with requirements for accessibility; amending s. 101.715, F.S.; requiring that all polling places be accessible by persons having a disability; providing for standards that are required at each polling place; authorizing the Department of State to adopt rules; requiring the supervisors of elections to survey polling places for accessibility by a specified date; providing for a report of survey results to the Governor and Legislature; allowing for variance until a certain time; amending s. 102.014, F.S.; requiring the Department of State to develop a training program for poll workers concerning voters having a disability; providing requirements for the program; requiring supervisors of elections to certify completion of the program by poll workers; amending s. 104.20, F.S., relating to penalties imposed against an elector for remaining in a voting booth longer than the specified time; conforming provisions to changes made by the act; amending s. 125.01, F.S., relating to powers of the governing body of a county; conforming a cross-reference to changes made by the act; authorizing the Department of State to apply for federal funds to be used as reimbursement to counties for the cost of eligible purchases made pursuant to this act; providing effective dates.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Lifelong Learning; and Representative Ritter—

CS for HB 1665—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; limiting the number of purposes a charter school must accomplish; revising provisions relating to conversion charter schools; providing for development of a charter by a conversion committee; delineating accountability standards for charter schools; extending a district school board's time for responding and filing an appeal from a sponsor's decision to terminate a charter; requiring that noncertified teachers or instructors who are teaching out of their respective fields be supervised by a certified teacher for a specified period of time; requiring district school boards to distribute funds to schools when available; requiring compliance with the Florida Building Code and the Florida Fire Prevention Code or with the applicable provisions thereof; exempting charter schools from impact and service availability fees; providing that a charter school to be newly constructed shall be a public educational facility for purposes of site plan review; amending s. 228.0561, F.S., relating to charter school capital outlay funding; allowing the Commissioner of Education to identify an additional funding source that may be considered by the Legislature in allocating funding in a given year; amending s. 235.193, F.S.; providing that a proposed charter school shall be considered a public educational facility with respect to site plan review; providing an effective date.

—was referred to the Committees on Education; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Education; and Appropriations.

By the Council for Smarter Government; and Representative Allen—

CS for HB 1767—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; creating a public records exemption for bank account numbers, debit, charge, and credit card numbers and personal financial and health information held by the Department of Insurance; providing for exceptions to the exemption; providing for retroactive application; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Appropriations.

By the Committees on Transportation and Economic Development Appropriations; Transportation; and Representative Goodlette and others—

CS for HB 1839—A bill to be entitled An act relating to transportation; creating s. 339.141, F.S.; creating the Regional Transportation Act; providing program purpose; creating the Regional Transportation Advisory Council; providing for membership, meetings, and staff support of the council; providing duties; requiring recommendation of regional transportation projects; providing criteria and procedures for approval of Regional Transportation Act grant projects; providing for approval by the department secretary, who then submits the list to the Legislature; providing for funding; providing for allocation of funds from the State Transportation Trust Fund; limiting application of certain requirements; creating s. 339.142, F.S.; providing for designation as a regional transportation corridor; providing a definition; designating certain infrastructure as such corridors; authorizing the council to designate such corridors; creating s. 339.143, F.S.; creating Regional Transportation Act grants; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; amending s. 339.2817, F.S.; adding new criteria to the COunty Incentive Grant Program;amending s. 339.08, F.S.; revising provisions relating to use of moneys in the State Transportation Trust Fund; correcting references; amending s. 339.1371, F.S.; deleting provisions for funding the Transportation Outreach Program; amending s. 215.211, F.S.; clarifying intent to use certain local-option fuel tax revenues; specifying funding for the County Incentive Grant Program and the Small County Outreach Program; repealing s. 339.137, F.S., relating to the Transportation Outreach Program; providing funds for certain county incentive programs; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Council for Competitive Commerce; the Committee on Insurance; and Representative Waters and others—

CS for HB 1841—A bill to be entitled An act relating to insurance company representatives; providing legislative findings and intent; creating s. 626.015, F.S.; providing definitions; creating s. 626.025, F.S.; requiring insurance agents to comply with certain consumer protection laws; amending s. 626.171, F.S.; requiring the department to accept a uniform application for nonresident agent licensing; creating s. 626.175, F.S.; providing for Department of Insurance issuance of temporary licenses under certain circumstances; providing requirements and procedures; providing for fees; creating s. 626.207, F.S.; requiring the department to adopt rules establishing waiting periods for applicants for licensure under certain circumstances; authorizing the department to adopt rules providing for penalties for licensees under certain circumstances; amending s. 626.221, F.S.; exempting customer representatives and adjusters with certain designations, agents transferring their licenses from other states, and certain applicants for nonresident agent licensure from certain examination requirements under certain circumstances; amending s. 626.2815, F.S.; specifying additional continuing education requirements; creating s. 626.292, F.S.; providing requirements and procedures for certain agents licensed in other states to transfer their licenses to this state under certain circumstances; amending s. 626.301, F.S.; revising the form and content of licenses issued by the department; creating s. 626.536, F.S.; requiring agents to report to the department certain final dispositions of administrative actions taken against the agent; authorizing the department to adopt rules to implement the requirement; amending s. 626.551, F.S.; extending the time period allowed for licensees to notify the department of a change of address or name; providing for fines for failure to timely report such information to the department; creating ss. 626.7315, 626.7845, and 626.8305, F.S.; prohibiting engaging in specified general lines insurance activities, life insurance activities, or health insurance activities without a license; amending s. 626.732, F.S.; specifying additional requirements relating to knowledge, experience, or instruction for certain customer representatives and service representatives; specifying additional classroom and correspondence course instruction requirements; amending s. 626.738, F.S.; specifying cancellation of solicitor licenses and conversion to general lines insurance agent licenses; amending ss. 626.741, 626.792, and 626.835, F.S.; authorizing the department to issue a nonresident general lines agent, life agent, or health agent license to certain individuals under certain circumstances; authorizing the department to enter into reciprocal agreements with other states to waive certain examinations under certain circumstances; authorizing the department to verify the nonresident applicant's licensing status through a database; creating s. 626.7455, F.S.; prohibiting insurers from entering into agreements with unlicensed persons to manage certain business of the insurer; providing an exception; amending s. 626.785, F.S.; increasing a limitation on authorized final disposition or burial policies; amending ss. 626.7851 and 626.8311, F.S.; specifying additional classroom and correspondence course instruction requirements; amending s. 626.852, F.S.; exempting from insurance adjusters provisions persons adjusting only multiple-peril crop insurance or crop hail claims; amending s. 626.902, F.S.; increasing a criminal penalty for representing an unauthorized insurer; providing a penalty for subsequent violations; amending ss. 624.11, 624.509, 626.094, 626.112, 626.321, 626.727, 626.729, 626.730, 626.7454, 626.779, 626.790, 626.8411, 626.927, 626.992, 629.401, and 648.27, F.S., to conform; amending s. 626.032, F.S., relating to a definition of administrative agent; amending ss. 624.311, 624.523, 624.507, 626.0428, 626.141, 626.112, 626.171, 626.221, 626.2815, 626.321, 626.451, 626.511, 626.521, 626.561, 626.601, 626.611, 626.621, 626.641, 626.651, 626.730, 626.745, 626.9541, 627.776, 631.155, 631.341, 634.318, 641.37, and 642.041, F.S., to conform; repealing ss. 624.505(2), 626.727(2), 626.737, 626.738, and 626.862(2), F.S., to conform; repealing ss. 626.031, 626.041, 626.051, 626.062, 626.071, 626.072, 626.081, 626.091, 626.094, 626.101, 626.102, 626.103, and 626.104, F.S., relating to definitions; repealing ss. 626.736, 626.737, and 626.738, F.S., relating to solicitors; repealing s. 626.739, F.S., relating to certain temporary licenses; repealing s. 626.740, F.S., relating to certain temporary limited licenses; repealing ss. 626.790 and 626.791, F.S., relating to certain temporary licenses; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Appropriations.

By the Committee on Judicial Oversight; and Representative Crow—

HB 1927—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; providing for appointment by the Governor; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Committee on Fiscal Policy and Resources; and Representative Wallace—

HB 1951—A bill to be entitled An act relating to public records and meetings; amending s. 119.07, F.S.; exempting certain procurement documents from public records requirements; clarifying trade secret protection; amending s. 287.0595, F.S.; exempting certain procurement documents held by the Department of Environmental Protection from public records requirements; clarifying trade secret protection; providing for future review and repeal of the exemptions; providing a statement of public necessity for the exemptions; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Fiscal Policy and Resources; and Representative Wallace—

HB 1953—A bill to be entitled An act relating to trust fund administration; creating s. 215.3201, F.S.; designating certain trust funds for use for day-to-day operations for specified purposes; providing for development and implementation of a consistent trust fund titling and coding plan; requiring maintenance of a web-accessible catalog of state trust funds and providing requirements thereof; amending s. 215.3208, F.S.; requiring consideration of the fiscal analysis and related recommendations for a trust fund in the legislative review of the trust fund; providing for adjustment of a trust fund's revenues to match the expenditures authorized for its programs; creating s. 215.3209, F.S.; providing for

fiscal analysis of trust funds in conjunction with their scheduled review prior to termination; providing requirements of such an analysis; requiring submission of such analyses to the Governor and Legislature; providing for recommendations for maximum trust fund unencumbered balance levels and appropriate service fees; providing for abatement of receipts to a trust fund under certain circumstances; amending s. 216.023, F.S.; requiring legislative budget requests to contain an accounting reconciliation report and certain summary and other information on trust funds and fees; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Local Government and Veterans Affairs; and Representative Sorensen—

HB 1979—A bill to be entitled An act relating to local government accountability; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; amending s. 11.45, F.S.; revising reporting requirements of the Auditor General; amending s. 75.05, F.S.; deleting a requirement for an independent special district to submit a copy of a complaint to the Division of Bond Finance of the State Board of Administration; amending s. 112.625, F.S.; revising the definition of "governmental entity" to include counties and district school boards; amending s. 112.63, F.S.; providing for additional information to be provided to the Department of Management Services in actuarial reports with regard to retirement systems and plans and providing procedures therefor; providing for notification of the Department of Revenue and the Department of Banking and Finance, or the Chief Financial Officer on or after January 1, 2003, in cases of noncompliance and authorizing the withholding of certain funds; requiring the Department of Management Services to notify the Department of Community Affairs in the case of affected special districts; amending s. 130.04, F.S.; revising provisions governing notice of bids and disposition of bonds; amending s. 132.02, F.S.; revising provisions relating to the authorization to issue refund bonds; amending s. 132.09, F.S.; revising provisions relating to the notice of sale, bids, and awards and private sale of bonds; amending s. 163.05, F.S.; revising provisions governing the Small County Technical Assistance Program; amending s. 166.121, F.S.; revising provisions governing the issuance of bonds by a municipality; amending s. 166.241, F.S.; providing a municipal budget amendment process and requirements; amending s. 189.4044, F.S.; revising special procedures for determination of inactive special districts; amending s. 189.412, F.S.; revising duties of the Special District Information Program of the Department of Community Affairs; amending s. 189.418, F.S.; revising reporting requirements of newly created special districts; authorizing the governing body of a special district to amend its budget; amending s. 189.419, F.S.; revising provisions relating to the failure of special districts to file required reports; amending s. 189.421, F.S.; revising provisions governing the failure of special districts to disclose financial reports; providing for extension of time for the filing of said reports; providing remedies for noncompliance; providing for attorney's fees and costs; amending s. 189.428, F.S.; revising provisions governing the special district oversight review process; amending s. 189.439, F.S.; revising provisions governing the issuance of bonds by special districts; amending s. 215.981, F.S.; exempting state agency direct-support organizations and citizen support organizations meeting specified expense levels from audit requirements; amending s. 218.075, F.S.; revising provisions governing the reduction or waiver of permit processing fees for certain counties; amending s. 218.32, F.S., relating to annual financial reports; requiring the Department of Banking and Finance to notify the Speaker of the House of Representatives and the President of the Senate of any municipality that has not had financial activity for a specified period of time; providing that such notice is sufficient to initiate dissolution procedures; amending s. 218.36, F.S.; revising reporting requirements for boards of county commissioners relating to the failure of a county officer to comply with the provisions of the section; amending s. 218.369, F.S.; revising the definition of "unit of local government" to include district school boards; renaming pt. V of ch. 218, F.S., as "Local Governmental Entity and District School Board Financial Emergencies"; amending s. 218.50, F.S.; renaming ss. 218.50-218.504, F.S., as the "Local Governmental Entity and District School Board Act"; amending s. 218.501, F.S.; revising the stated purposes of pt. V of ch. 218, F.S.; amending s. 218.502, F.S.; revising the definition of "local governmental entity"; amending s. 218.503, F.S.; revising provisions governing the determination of financial emergency for local governments and district school boards; amending s. 218.504, F.S.; revising provisions relating to the authority of the Governor and authorizing the Commissioner of Education to terminate all state actions pursuant to ss. 218.50-218.504, F.S.; amending s. 236.43, F.S.; revising provisions governing receipt of bids and sale of bonds; amending ss. 237.40, 240.299, and 240.331, F.S.; exempting district school board direct-support organizations and citizen support organizations meeting specified expense levels from audit requirements; repealing ch. 131, F.S., consisting of ss. 131.01, 131.02, 131.03, 131.04, 131.05, and 131.06, F.S., relating to refunding bonds of counties, municipalities, and special districts; repealing s. 132.10, F.S., relating to minimum sale price of bonds; repealing s. 165.052, F.S., relating to special dissolution procedures for municipalities; repealing s. 189.409, F.S., relating to determination of financial emergencies of special districts; repealing s. 189.422, F.S., relating to actions of the Department of Community Affairs and special districts; repealing s. 200.0684, F.S., relating to an annual compliance report of the Department of Community Affairs regarding special districts; repealing s. 218.37(1)(h), F.S., relating to the requirement that the Division of Bond Finance use a served copy of the complaint for bond validation to verify compliance by special districts with the requirements in s. 218.38, F.S.; amending s. 215.195, F.S.; providing responsibilities of the Comptroller, or the Chief Financial Officer effective January 1, 2003, with regard to preparation of the Statewide Cost Allocation Plan and the monitoring of compliance therewith; amending s. 215.97, F.S.; revising and adding definitions relating to the Florida Single Audit Act; revising duties of the Executive Office of the Governor and the Comptroller, or the Chief Financial Officer effective January 1, 2003, relating to the Florida Single Audit Act; providing duties of state agencies; requiring state agencies to review the audit report of state financial award recipients; revising duties of the Auditor General relating to the Florida Single Audit Act; transferring a position from the Executive Office of the Governor to the Comptroller; providing effective dates.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Juvenile Justice; and Representative Barreiro—

HB 1983—A bill to be entitled An act relating to juvenile delinquency programs and records; amending s. 938.19, F.S.; providing for the creation of county juvenile drug courts; providing for assessments for court costs by circuit and county courts to be used for the operation, administration, and programming of teen and juvenile drug courts and providing for distribution of such assessments; amending s. 943.0582, F.S.; requiring a report to the Legislature relating to expunction of certain records; amending s. 984.06, F.S.; authorizing the guardian ad litem of a child in need of services to inspect and copy official records pertaining to the child; amending s. 985.04, F.S.; expanding the circumstances under which certain juvenile records are not considered confidential and exempt solely because of age; authorizing law enforcement agencies to provide said information; amending s. 985.407, F.S.; requiring the Department of Juvenile Justice to adopt a rule regarding changes in policies that impact contracted delinquency services and programs and establishing procedure therefor; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Council for Lifelong Learning; and Representative Melvin—

HB 2019—A bill to be entitled An act relating to exemption from public records and meeting requirements; creating s. 1005.385, F.S.; creating an exemption from public records requirements for specified complaints filed with the Commission for Independent Education and all information obtained pursuant to the investigation of such complaints by the commission; providing a time limitation for the exemption; providing an exception to the exemption; creating an exemption from public meeting requirements for proceedings of the commission's probable-cause panel; providing a time limitation for the exemption; providing for

future review and repeal of the exemptions; providing findings of public necessity; providing a conditional effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Wallace and others—

HJR 87—A joint resolution proposing amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution relating to a limitation on state appropriations.

—was referred to the Committees on Appropriations Subcommittee on General Government; Appropriations; Finance and Taxation; and Rules and Calendar.

By Representative Wallace and others—

HJR 89—A joint resolution proposing an amendment to Section 1 of Article VII and the creation of Section 26 of Article XII of the State Constitution relating to a limitation on legislative power to increase taxes or impose fees, penalties, and fines.

—was referred to the Committees on Finance and Taxation; and Rules and Calendar.

By Representative Lynn—

HB 1199—A bill to be entitled An act relating to the High Technology Tax Exemption Matching Trust Fund; creating the fund; providing a source of funds; providing purpose; providing for future review and termination or re-creation of the fund; providing an effective date.

—was referred to the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By the Committee on Insurance; and Representative Waters—

CS for HJR 1441—A joint resolution proposing the creation of Section 20 of Article X of the State Constitution relating to the Florida Hurricane Catastrophe Fund.

—was referred to the Committees on Banking and Insurance; Finance and Taxation; Appropriations; and Rules and Calendar.

By the Committee on Judicial Oversight; and Representative Crow—

HJR 1981—A joint resolution proposing an amendment to Section 12 of Article V and the creation of Section 26 of Article XII of the State Constitution relating to the Judicial Qualifications Commission.

—was referred to the Committees on Judiciary; and Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M, McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1418, CS for SB 1554, CS for SB 1772, CS for SB 2014, SB 2158 and CS for SB 2262.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 20 was corrected and approved.

RECESS

On motion by Senator Lee, the Senate recessed at 8:21 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, March 22 or upon call of the President.