The Journal OF THE House of Representatives

Number 23 **Friday, May 5, 2000**

The House was called to order by the Speaker at 9:00 a.m.

Prayer

The following prayer was offered by the Reverend Dr. Jeffrey A. Batkin of Trinity Episcopal Parish of St. Augustine, upon invitation of Rep. Wiles:

O Lord, we ask your blessing upon this state and upon its rich resources. We seek your blessing and guidance for this House and its Members. Give them the spirit of wisdom and understanding that they may discern the truth and impartially make the laws for the well-being of all citizens. Enlighten their minds and hearts that they may always be open to new possibilities for doing their work and for being the representatives of a just society. Enable them to keep your commandments that they may always walk uprightly.

Lord, we do not pray for easy lives; we pray to be stronger people. We do not pray for tasks equal to our powers; we pray for powers equal to our tasks. And then the doing of your work shall be no miracle, but you, Lord, shall be the miracle and lead the people of Florida in peace. Give this body insight every day to wonder at the richness of life, which has come to them by the grace of God. Amen.

The following Members were recorded present:

Session Vote Sequence: 541

The Chair	Byrd	Gay	Levine
Albright	Cantens	Goode	Littlefield
Alexander	Casey	Goodlette	Logan
Andrews	Chestnut	Gottlieb	Lynn
Argenio	Constantine	Green, C.	Maygarden
Argenziano	Cosgrove	Greene, A.	Melvin
Arnall	Crady	Greenstein	Merchant
Bainter	Crist	Hafner	Miller, J.
Ball	Crow	Harrington	Miller, L.
Barreiro	Detert	Hart	Minton
Bense	Diaz de la Portilla, R.	Henriquez	Morroni
Betancourt	Dockery	Heyman	Murman
Bilirakis	Edwards	Hill	Ogles
Bitner	Effman	Jacobs	Patterson
Bloom	Farkas	Johnson	Peaden
Boyd	Fasano	Jones	Posey
Bradley	Feeney	Kelly	Prieguez
Bronson	Fiorentino	Kilmer	Pruitt
Brown	Flanagan	Kosmas	Putnam
Brummer	Frankel	Kyle	Rayson
Bucher	Fuller	Lacasa	Reddick
Bullard	Futch	Lawson	Ritchie
Bush	Garcia	Lee	Ritter
Roberts	Smith, C.	Starks	Wallace
Rojas	Smith, K.	Suarez	Wasserman Schultz
Rubio	Sobel	Sublette	Waters
Russell	Sorensen	Trovillion	Wiles
Ryan	Spratt	Tullis	Wilson
Sanderson	Stafford	Turnbull	Wise
Sembler	Stansel	Villalobos	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The Members, led by Kristin Coley of Marianna, Heather Schwartz of Cantonment, Elizabeth Webster of Orlando, and Jordan Webster of Orlando, pledged allegiance to the Flag. Kristin Coley served at the invitation of Rep. Bense. Heather Schwartz served at the invitation of Rep. Maygarden. Elizabeth Webster and Jordan Webster served at the invitation of the Speaker.

House Physician

The Speaker introduced Dr. Walter Flesner III of Miami, who served in the Clinic today upon invitation of Rep. Heyman.

Correction of the *Journal*

The *Journal* of May 4 was corrected and approved as corrected.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/CS/HB 181, with an amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/CS/HB 181—A bill to be entitled An act relating to financial disclosure by persons assuming or departing public positions; amending s. 112.3144, F.S.; requiring former officers and employees to file a final disclosure of financial interests no later than 60 days following departure, with certain exceptions; requiring certain notice be provided to those required to file financial disclosure; amending s. 112.3145, F.S.; redefining the terms "local officer" and "state officer" to include certain elected individuals who have not officially assumed the responsibilities of office; requiring former officers and employees to file a final statement of financial interests within 60 days after leaving office or employment, with certain exceptions; requiring certain notice be provided to those required to file financial disclosure; amending s. 112.3146, F.S.; specifying that certain financial disclosure statements are public records; amending s. 112.3147, F.S.; directing the Commission on Ethics

to prescribe forms for financial disclosure statements; amending s. 112.3148, F.S.; redefining the term "reporting individual" with respect to the receipt of gifts; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Subsections (12) and (14) of section 112.312, Florida Statutes, are amended to read:

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(12)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given *within 90 days*, including:

1. Real property.

2. The use of real property.

3. Tangible or intangible personal property.

4. The use of tangible or intangible personal property.

5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.

6. Forgiveness of an indebtedness.

7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.

8. Food or beverage.

9. Membership dues.

10. Entrance fees, admission fees, or tickets to events, performances, or facilities.

11. Plants, flowers, or floral arrangements.

12. Services provided by persons pursuant to a professional license or certificate.

13. Other personal services for which a fee is normally charged by the person providing the services.

14. Any other similar service or thing having an attributable value not already provided for in this section.

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

(c) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(d) For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.

(14) "Liability" means any monetary debt or obligation owed by the reporting person to another person, *entity, or governmental entity,* except for credit card and retail installment accounts, taxes owed *unless reduced to a judgment*, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

Section 2. Subsections (8) and (14) of section 112.313, Florida Statutes, are amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—*A current or former* ~~No~~ public officer, employee of an agency, or local government attorney *may not* ~~shall~~ disclose or use information *unavailable* ~~not available~~ to ~~members of~~ the ~~general~~ public and gained by reason of his or her official position, *except for information relating exclusively to governmental practices or procedures,* for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the *government* ~~governing~~ body *or agency* of which the person was an officer for a period of 2 years after vacating that office. The provisions of this subsection shall not apply to elected officers holding office as of October 1, 1992, until after their next election, and shall not apply to elected officers of school districts holding office on January 1, 1995, until after their next election.

Section 3. Section 112.3144, Florida Statutes, is amended to read:

112.3144 Full and public disclosure of financial interests.—

(1) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests for any calendar or fiscal year shall file the disclosure with the Florida Commission on Ethics.

(2)~~(1)~~ *A* ~~No~~ person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year shall *not* be required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part, except that a candidate for office shall file a copy of his or her disclosure with the officer before whom he or she qualifies.

(3)~~(2)~~ For purposes of full and public disclosure under s. 8(a), Art. II of the State Constitution, the following items, if not held for investment purposes and if valued at over $1,000 in the aggregate, may be reported in a lump sum and identified as "household goods and personal effects":

(a) Jewelry;

(b) Collections of stamps, guns, and numismatic properties;

(c) Art objects;

(d) Household equipment and furnishings;

(e) Clothing;

(f) Other household items; and

(g) Vehicles for personal use.

(4)~~(3)~~ Forms for compliance with the full and public disclosure requirements of s. 8, Art. II of the State Constitution~~, and a current list of persons required to file full and public disclosure by s. 8, Art. II of the State Constitution, or other state law,~~ shall be *created* ~~provided~~ by the Commission on Ethics. *The commission* ~~to the Secretary of State, who~~ shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a) Not later than May 1 of each year, the commission ~~on Ethics~~ shall prepare a current list of the names and addresses of and the offices held by every person required to file full and public disclosure annually by s. 8, Art. II of the State Constitution, or other state law~~, and shall provide the Secretary of State with the mailing list~~. In compiling the list, the commission shall be assisted by each unit of government in providing at the request of the commission the name, address, and name of the office held by each public official within the respective unit of government.

(b) Not later than 30 days before July 1 of each year, the *commission* ~~Secretary of State~~ shall mail a copy of the form prescribed for compliance with full and public disclosure and a notice of the filing deadline to each person on the mailing list.

(c) Not later than 30 days after July 1 of each year, the *commission* ~~Secretary of State~~ shall determine which persons on the mailing list have failed to file full and public disclosure and shall send delinquency notices by certified mail to such persons. Each notice *must* ~~shall~~ state that a grace period is in effect until September 1 of the current year and that, if the statement is not filed by September 1 of the current year, *a $25 fine for each day late will be imposed, up to a maximum penalty of $1,500; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement within 60 days after September 1 of the current year, such person will also be subject to the penalties provided in s. 112.317* ~~the Secretary of State is required by law to notify the Commission on Ethics of the delinquency~~.

(d) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

~~(d) Not later than 30 days following September 1 of each year, the Secretary of State shall certify to the Commission on Ethics a list of the names and addresses of and the offices held by all persons on the mailing list who have failed to timely file full and public disclosure. The certification shall be on a form prescribed by the commission and shall indicate whether the Secretary of State has provided the disclosure forms and notice as required by this section to all persons named on the delinquency list.~~

(e) Any person who is required to file full and public disclosure of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of $25 per day for each day late up to a maximum of $1,500; however this $1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and the procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:

a. When a statement is actually received by the office.

b. When the statement is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

2. Upon receipt of the disclosure statement or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. Such fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys shall be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

(f)~~(e)~~ Any person subject to the annual filing of full and public disclosure under s. 8, Art. II of the State Constitution, or other state law, whose name is not on the *commission's* mailing list *of persons required to file full and public disclosure is* ~~provided to the Secretary of State shall~~ not *subject to the fines or penalties provided in this part* ~~be deemed delinquent~~ for failure to file full and public disclosure in any year in which the omission occurred, *but nevertheless is required to file the disclosure statement.*

(g)~~(f)~~ The notification requirements *and fines* of this subsection do not apply to candidates or to the first filing required of any person appointed to elective constitutional office *or other position required to file full and public disclosure, unless the person's name is on the commission's notification list and the person received notification from the commission.* The appointing official shall notify such newly appointed person of the obligation to file full and public disclosure by July 1. *The notification requirements and fines of this subsection do not apply to the final filing provided for in subsection (5).*

(h) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Banking and Finance as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such fine to a collection agent as provided in s. 17.20.

(5) Each person required to file full and public disclosure of financial interests shall file a final disclosure statement within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under s. 8 of Art. II of the State Constitution, or is otherwise required to file full and public disclosure for the final disclosure period. The head of the agency of each person required to file full and public disclosure for the final disclosure period shall notify such persons of their obligation to file the final disclosure

and may designate a person to be responsible for the notification requirements of this subsection.

(6) The commission shall adopt rules and forms specifying how a person who is required to file full and public disclosure of financial interests may amend his or her disclosure statement to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

Section 4. Section 112.3145, Florida Statutes, is amended to read:

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

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

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of *any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:*

a. The governing body of the political subdivision, if appointed;

b. An expressway authority or transportation authority established by general law;

c. A community college or junior college district board of trustees;

d. A board having the power to enforce local code provisions;

e. A planning or zoning board, board of adjustment, board of appeals, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards;

f. A pension board or retirement board having the power to invest pension or retirement funds or the power to make a binding determination of one's entitlement to or amount of a pension or other retirement benefit; or

g. Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board. ~~a board; commission; authority, including any expressway authority or transportation authority established by general law; community college district board of trustees; or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.~~

3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of any political subdivision of the state or any entity thereof.

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

(c) "State officer" means:

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

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

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

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he or she files, qualifying papers.

(b) Each state or local officer and each specified state employee shall file a statement of financial interests no later than July 1 of each year. *Each state officer, local officer, and specified state employee shall file a final statement of financial interests within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under this section or s. 8, Art. II of the State Constitution or otherwise is required to file full and public disclosure or a statement of financial interests for the final disclosure period.* Each state or local officer who is appointed and each specified state employee who is employed shall file a statement of financial interests within 30 days from the date of appointment or, in the case of a specified state employee, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(c) State officers~~, persons qualifying for a state office,~~ and specified state employees shall file their statements of financial interests with the *Commission on Ethics* ~~Secretary of State~~. Local officers shall file their statements of financial interests with the supervisor of elections of the county in which they permanently reside. Local officers who do not permanently reside in any county in the state shall file their statements of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters. Persons seeking to qualify as candidates for local public office shall file their statements of financial interests with the officer before whom they qualify.

(3) The statement of financial interests for state officers, specified state employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include*, at the filer's option, either*:

(a)*1.* All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;~~.~~

2.~~(b)~~ All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received an amount which was in excess of 10 percent of his or her gross income during the disclosure period and which exceeds $1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;~~.~~

3.~~(c)~~ The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph, indirect ownership does not include ownership by a spouse or minor child*; and*~~.~~

4.~~(d)~~ Every *individual* liability *that* ~~which in sum~~ equals more than the reporting person's net worth*; or*~~.~~

(b)1. All sources of gross income in excess of $2,500 received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received gross income exceeding $5,000 during the disclosure period. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residence and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of $10,000. For the purpose of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every liability in excess of $10,000.

(4) Each elected constitutional officer, state officer, local officer, and specified state employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his or her level of government. For the purposes of this part, agencies of government shall be classified as state-level agencies or agencies below state level. Each local officer shall file such report with the supervisor of elections of the county in which the officer is principally employed or is a resident. Each state officer, elected constitutional officer, and specified state employee shall file such report with the *commission* ~~Secretary of State~~. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than *the last day of each calendar quarter, for the previous calendar* ~~15 days after the last day of the~~ quarter. Representation before any agency shall be deemed to include representation by such officer or specified state employee or by any partner or associate of the professional firm of which he or she is a member and of which he or she has actual knowledge. For the purposes of this subsection, the term "representation before any agency" does not include appearances before any court or Chief Judges of Compensation Claims or judges of compensation claims or representations on behalf of one's agency in one's official capacity. Such term does not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(5) Each elected constitutional officer and each candidate for such office, any other public officer required pursuant to s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests, and each state officer, local officer, specified state employee, and candidate for elective public office who is or was during the disclosure period an officer, director, partner, proprietor, or agent, other than a resident agent solely for service of process, of, or owns or owned during the disclosure period a material interest in, any business entity which is granted a privilege to operate in this state shall disclose such facts as a part of the disclosure form filed pursuant to s. 8, Art. II of the State Constitution or this section, as applicable. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of that interest.

(6) Forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure shall be *created* ~~provided~~ by the commission ~~on Ethics to the Secretary of State~~ and *provided* to each supervisor of elections. *The commission and each supervisor of elections*~~, who~~ shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a)1. Not later than May 1 of each year, the commission ~~on Ethics~~ shall prepare a current list of the names and addresses of, and the offices or positions held by, every state officer, local officer, and specified employee. In compiling the list, the commission shall be assisted by each unit of government in providing, at the request of the commission, the name, address, and name of agency of, and the office or position held by, each state officer, local officer, or specified state employee within the respective unit of government.

2. Not later than May 15 of each year, the commission ~~shall provide the Secretary of State with a current mailing list of all state officers and specified employees and~~ shall provide each supervisor of elections with a current mailing list of all local officers required to file with such supervisor of elections.

(b) Not later than 30 days before July 1 of each year, the *commission* ~~Secretary of State~~ and each supervisor of elections*, as appropriate,* shall mail a copy of the form prescribed for compliance with subsection (3) and a notice of all applicable disclosure forms and filing deadlines to each person required to file a statement of financial interests.

(c) Not later than 30 days after July 1 of each year, the *commission* ~~Secretary of State~~ and each supervisor of elections shall determine which persons required to file a statement of financial interests in their respective offices have failed to do so and shall send delinquency notices by certified mail to such persons. Each notice shall state that a grace period is in effect until September 1 of the current year; that no

investigative or disciplinary action based upon the delinquency will be taken by the agency head or commission ~~on Ethics~~ if the statement is filed by September 1 of the current year; that, if the statement is not filed by September 1 of the current year, *a fine of $25 for each day late will be imposed, up to a maximum penalty of $1,500; for notices sent by a supervisor of elections, that* he or she is required by law to notify the commission ~~on Ethics~~ of the delinquency; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement *within 60 days after* ~~by~~ September 1 of the current year, such person *will also* ~~shall~~ be subject to the penalties provided in s. 112.317.

(d) *No later than November 15 of each year* ~~Not later than 30 days following September 1 of each year~~, ~~the Secretary of State and~~ the supervisor of elections in each county shall certify to the commission ~~on Ethics~~ a list of the names and addresses of, and the offices or positions held by, all persons who have failed to timely file the required statements of financial interests. *The certification must include the earliest of the dates described in subparagraph (f)1.* The certification shall be on a form prescribed by the commission and shall indicate whether the *supervisor of elections* ~~respective certifying official~~ has provided the disclosure forms and notice as required by this subsection to all persons named on the delinquency list.

(e) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

(f) Any person who is required to file a statement of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of $25 per day for each day late up to a maximum of $1,500; however, this $1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:

a. When a statement is actually received by the office.

b. When the statement is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

2. For a specified state employee or a state officer, upon receipt of the disclosure statement by the commission or upon accrual of the maximum penalty, whichever occurs first, and for a local officer upon receipt by the commission of the certification from the local officer's supervisor of elections pursuant to paragraph (d), the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys are to be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

(g)~~(e)~~ Any state officer, local officer, or specified employee whose name is not on the mailing list *of persons required to file an annual statement of financial interests* ~~provided to the Secretary of State or supervisor of elections~~ is not subject to the penalties provided in s. 112.317 *or the fine provided in this section* for failure to timely file a statement of financial interests in any year in which the omission occurred, *but nevertheless is required to file the disclosure statement.*

(h)~~(f)~~ The *notification* requirements *and fines* of this subsection do not apply to candidates or to the first *or final* filing required of any state officer, specified employee, or local officer *as provided in paragraph (2)(b).*

(i) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Banking and Finance as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such a fine to a collection agent as provided in s. 17.20.

(7)*(a)* The appointing official or body shall notify each newly appointed local officer, state officer, or specified state employee, not later than the date of appointment, of the officer's or employee's duty to comply with the disclosure requirements of this section. The agency head of each employing agency shall notify each newly employed local officer or specified state employee, not later than the day of employment, of the officer's or employee's duty to comply with the disclosure requirements of this section. The appointing official or body or employing agency head may designate a person to be responsible for the notification requirements of this *paragraph* ~~section~~.

(b) The agency head of the agency of each local officer, state officer, or specified state employee who is required to file a statement of financial interests for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this paragraph.

(8) A public officer who has filed a disclosure for any calendar or fiscal year shall not be required to file a second disclosure for the same year or any part thereof, notwithstanding any requirement of this act, except that any public officer who qualifies as a candidate for public office shall file a copy of the disclosure with the officer before whom he or she qualifies as a candidate at the time of qualification.

(9) The commission shall adopt rules and forms specifying how a state officer, local officer, or specified state employee may amend his or her statement of financial interests to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

Section 5. Section 112.3148, Florida Statutes, is amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(1) The provisions of this section do not apply to gifts solicited or accepted by a reporting individual or procurement employee from a relative.

(2) As used in this section:

(a) "Immediate family" means any parent, spouse, child, or sibling.

(b)1. "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any

proposal or recommendation by the reporting individual or procurement employee or his or her agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered as a lobbyist in accordance with such rule, ordinance, or law. At a minimum, such a registration system must require the registration of, or must designate, persons as "lobbyists" who engage in the same activities as require registration to lobby the Legislature pursuant to s. 11.045.

(c) "Person" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(d) "Reporting individual" means any individual*, including a candidate upon qualifying,* who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his or her financial interests *or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office. For purposes of implementing this section, the "agency" of a reporting individual who is not an officer or employee in public service is the agency to which the candidate seeks election, or in the case of an individual elected to but yet to formally take office, the agency in which the individual has been elected to serve.*

(e) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds $1,000 in any year.

(3) A reporting individual or procurement employee is prohibited from soliciting any gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, where such gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of $100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A political committee or a committee of continuous existence, as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of $100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of $100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of $25, but not in excess of $100, other than a gift which the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter, for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the *Commission on Ethics* ~~Secretary of State~~, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Division of Legislative Information Services in the Office of Legislative Services. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, when a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, Tri-County Commuter Rail Authority, *the Technological Research and Development Authority,* a county, a municipality, an airport authority, or a school board may give, either directly or indirectly, a gift having a value in excess of $100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of $100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, Tri-County Commuter Rail Authority, *the Technological Research and Development Authority,* a county, a municipality, an airport authority, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

(c) No later than March 1 of each year, each governmental entity or direct-support organization specifically authorized by law to support a governmental entity which has given a gift to a reporting individual or procurement employee under paragraph (a) shall provide the reporting individual or procurement employee with a statement of each gift having a value in excess of $100 given to such reporting individual or procurement employee by the governmental entity or direct-support organization during the preceding calendar year. Such report shall contain a description of each gift, the date on which the gift was given, and the value of the total gifts given by the governmental entity or direct-support organization to the reporting individual or procurement employee during the calendar year for which the report is made. A governmental entity may provide a single report to the reporting individual or procurement employee of gifts provided by the governmental entity and any direct-support organization specifically authorized by law to support such governmental entity.

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of $100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement

shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to such statement any report received by him or her in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the *Commission on Ethics* ~~Department of State~~.

(7)(a) The value of a gift provided to a reporting individual or procurement employee shall be *its fair market value* ~~determined using actual cost to the donor~~, less taxes and gratuities, *except as otherwise provided in this subsection,* and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a charitable nature, such expenses shall not be included in determining the value of the gift.

(b) Compensation provided by the donee to the donor, *if provided within 90 days after receipt of the gift,* shall be deducted from the value of the gift in determining the value of the gift.

(c) If the actual gift value attributable to individual participants at an event cannot be determined, the total costs shall be prorated among all invited persons, whether or not they are reporting individuals or procurement employees.

(d) Transportation shall be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses shall be considered a single gift. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance.

(e) Lodging provided on consecutive days shall be considered a single gift. Lodging in a private residence shall be valued at the per diem rate provided in s. 112.061(6)(a)1. less the meal allowance rate provided in s. 112.061(6)(b).

(f) Food and beverages which are not consumed at a single sitting or meal and which are provided on the same calendar day shall be considered a single gift, and the total value of all food and beverages provided on that date shall be considered the value of the gift. Food and beverage consumed at a single sitting or meal shall be considered a single gift and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(g) Membership dues paid to the same organization during any 12-month period shall be considered a single gift.

(h) Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.

(i) Except as otherwise specified in this section, a gift shall be valued on a per occurrence basis.

(j) The value of a gift provided to several individuals may be attributed on a pro rata basis among all of the individuals. If the gift is food, beverage, entertainment, or similar items, provided at a function for more than 10 people, the value of the gift to each individual shall be the total value of the items provided divided by the number of persons invited to the function, unless the items are purchased on a per person basis, in which case the value of the gift to each person is the per person cost.

(k) The value of a gift of an admission ticket shall not include that portion of the cost which represents a charitable contribution, if the gift is provided by the charitable organization.

(8)(a) Each reporting individual or procurement employee shall file a statement with the *Commission on Ethics* ~~Secretary of State~~ on the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of $100 in value, if any, accepted by him or her, *for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to $100 or less,* except the following:

1. Gifts from relatives.

2. Gifts prohibited by subsection (4) or s. 112.313(4).

3. Gifts otherwise required to be disclosed by this section.

(b) The statement shall include:

1. A description of the gift, the monetary value of the gift, the name and address of the person making the gift, and the dates thereof. If any of these facts, other than the gift description, are unknown or not applicable, the report shall so state.

2. A copy of any receipt for such gift provided to the reporting individual or procurement employee by the donor.

(c) The statement may include an explanation of any differences between the reporting individual's or procurement employee's statement and the receipt provided by the donor.

(d) The reporting individual's or procurement employee's statement shall be sworn to by such person as being a true, accurate, and total listing of all such gifts.

(e) If a reporting individual or procurement employee has not received any gifts described in paragraph (a) during a calendar quarter, he or she is not required to file a statement under this subsection for that calendar quarter.

(9) A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (5) commits a noncriminal infraction, punishable by a fine of not more than $5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to which the gift was given in violation of subsection (5), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(10) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he or she is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

Section 6. Subsection (6) of section 112.3149, Florida Statutes, is amended to read:

112.3149 Solicitation and disclosure of honoraria.—

(6) A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for such expenses received during the previous calendar year. The reporting individual or procurement employee shall attach to the annual

statement a copy of each statement received by him or her in accordance with subsection (5) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. Such attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual statement of a procurement employee shall be filed with the *Commission on Ethics* ~~Department of State~~.

Section 7. Subsections (1), (2), (6), (7), and (8) of section 112.317, Florida Statutes, are amended to read:

112.317 Penalties.—

(1) Violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, or violation of any provision of s. 8, Art. II of the State Constitution, in addition to any criminal penalty or other civil penalty involved, shall, pursuant to applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.

2. Removal from office.

3. Suspension from office.

4. Public censure and reprimand.

5. Forfeiture of no more than one-third salary per month for no more than 12 months.

6. A civil penalty not to exceed $10,000.

7. Restitution of any pecuniary benefits received because of the violation committed. *The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund of the state.*

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.

2. Suspension from employment for not more than 90 days without pay.

3. Demotion.

4. Reduction in salary level.

5. Forfeiture of no more than one-third salary per month for no more than 12 months.

6. A civil penalty not to exceed $10,000.

7. Restitution of any pecuniary benefits received because of the violation committed. *The commission may recommend that the restitution penalty be paid to the agency by which such employee was employed or by which such officer was deemed to be an employee or to the General Revenue Fund of the state.*

8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of this part or s. 8(a) and (h), Art. II of the State Constitution:

1. Disqualification from being on the ballot.

2. Public censure.

3. Reprimand.

4. A civil penalty not to exceed $10,000.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's leaving public office or employment:

1. Public censure and reprimand.

2. A civil penalty not to exceed $10,000.

3. Restitution of any pecuniary benefits received because of the violation committed. *The commission may recommend that the restitution penalty be paid to the agency of such public officer or employee or the General Revenue Fund of the state.*

(2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and *the proper disciplinary official or body under s. 112.324 imposes* ~~recommends~~ a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. *The Attorney General shall be entitled to collect any costs, attorney's fees, expert witness fees, or other costs of collection incurred in bringing such actions.*

~~(6) Any person who willfully discloses, or permits to be disclosed, his or her intention to file a complaint, the existence or contents of a complaint which has been filed with the commission, or any document, action, or proceeding in connection with a confidential preliminary investigation of the commission, before such complaint, document, action, or proceeding becomes a public record as provided herein commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(6)~~(7)~~ In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(7)~~(8)~~ In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part, the complainant shall be liable for costs plus reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Section 8. Section 112.3185, Florida Statutes, is amended to read:

112.3185 *Additional standards for state agency employees* ~~Contractual services.—~~

(1) For the purposes of this section:

(a) "Contractual services" shall be defined as set forth in chapter 287.

(b) "Agency" means any state officer, department, board, commission, or council of the executive or judicial branch of state government and includes the Public Service Commission.

(2) No agency employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services shall become or be, while an agency employee, the employee of a person contracting with the agency by whom the employee is employed.

(3) No agency employee shall, after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an officer or employee.

(4) No agency employee shall, within 2 years after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract for contractual services which was within his or her responsibility while an employee.

(5) The sum of money paid to a former agency employee during the first year after the cessation of his or her responsibilities, by the agency with whom he or she was employed, for contractual services provided to the agency, shall not exceed the annual salary received on the date of cessation of his or her responsibilities. The provisions of this subsection may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings for the state.

(6) No agency employee acting in an official capacity shall directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor or in which such officer or employee or his or her spouse or child, or any combination of them, has a material interest.

(7) No agency employee shall, after retirement or termination, represent or advise another person or entity, except the state, in any matter in which the employee participated personally and substantially in his or her official capacity through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an employee. The term "matter" includes any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular action involving a specific party or parties.

(8)~~(7)~~ A violation of any provision of this section is punishable in accordance with s. 112.317.

(9)~~(8)~~ This section is not applicable to any employee of the Public Service Commission who was so employed on or before December 31, 1994.

Section 9. Subsections (1) and (3) of section 112.3231, Florida Statutes, are amended to read:

112.3231 Time limitations.—

(1) ~~On or after October 1, 1993,~~ All sworn complaints alleging a violation of this part, or of any other breach of the public trust within the jurisdiction of the Commission on Ethics under s. 8, Art. II of the State Constitution, shall be filed with the commission within 5 years of the alleged violation or other breach of the public trust. *For information or referrals received by the Commission pursuant to s. 112.324, the determination by at least seven of the members that the information or referral is deemed sufficient to indicate a breach of the public trust shall be made within five years of the alleged violation.*

(3) The applicable period of limitation is tolled on the day a sworn complaint against the public officer, employee, or candidate is filed with the Commission on Ethics. *For information or referrals received by the Commission pursuant to s. 112.324, the applicable period of limitation is tolled upon a determination by at least seven members of the Commission that the information or referral is deemed sufficient.* If it can be concluded from the face of the complaint that the applicable period of limitation has run, the complaint shall be dismissed and the commission shall issue a public report.

Section 10. Subsection (1) of section 112.321, Florida Statutes, is amended to read:

112.321 Membership, terms; travel expenses; staff.—

(1) The commission shall be composed of nine members. Five of these members shall be appointed by the Governor, no more than three of whom shall be from the same political party, subject to confirmation by the Senate. One member appointed by the Governor shall be a former city or county official and may be a former member of a local planning or zoning board which has only advisory duties. Two members shall be appointed by the Speaker of the House of Representatives, and two members shall be appointed by the President of the Senate. Neither the Speaker of the House of Representatives nor the President of the Senate shall appoint more than one member from the same political party. *Of the nine members of the Commission, no more than five members shall be from the same political party at any one time. If any member of the Commission changes party affiliation and as a result more than five members are from the same political party, a vacancy in office shall be created as of the date of the party change. The official who appointed the member who changed parties shall fill the vacancy in accordance with the provisions of this subsection.* No member may hold any public employment. All members shall serve 2-year terms. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

Section 11. Section 112.324, Florida Statutes, is amended to read:

112.324 Procedures on complaints of violations.—

(1) ~~Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person,~~ The commission shall investigate any alleged violation of this part or any other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution in accordance with procedures set forth herein:~~.~~

(a) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person;

(b) Upon receipt of reliable and publicly disseminated information which at least seven of the members of the commission deem sufficient to indicate a breach of the public trust, provided that commission staff shall undertake no formal investigation other than collecting publicly disseminated information prior to a determination of sufficiency by at least seven members of the commission; or

(c) Upon receipt of a written referral of a possible violation of this part or other possible breach of the public trust from the Governor, the Comptroller, a State Attorney, the Executive Director of the Department of Law Enforcement, or the Statewide Prosecutor, which at least seven of the members of the commission deem sufficient to indicate a breach of the public trust.

Within 5 days after receipt of a complaint *or other information provided under paragraph (b) or paragraph (c),* by the commission a copy shall be transmitted to the alleged violator. All proceedings, the complaint, and other records relating to the preliminary investigation as provided herein, or as provided by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1), shall be confidential and exempt from the provisions of s. 119.07(1), and s. 24(a), Art. I of the State Constitution, either until the alleged violator requests in writing that such investigation and records be made public records or the preliminary investigation is completed, notwithstanding any provision of chapter 120 or s. 286.011 and s. 24(b), Art. I of the State Constitution. *The confidentiality requirements of this section shall not prohibit the commission or its staff from sharing investigative information with criminal investigative agencies.* In no event shall a complaint under this part against a candidate in any general, special, or primary election be filed or any intention of filing such a complaint be disclosed on the day of any such election or within the 5 days immediately preceding the date of the election. *The confidentiality provisions of* this subsection *are* ~~is~~ repealed October 2, 2002, and must be reviewed by the Legislature before that date in accordance with s. 119.15, the Open Government Sunset Review Act of 1995.

(2) A preliminary investigation shall be undertaken by the commission of each legally sufficient complaint, *information, or referral* over which the commission has jurisdiction to determine whether there

is probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, the commission shall dismiss the complaint *or proceeding* with the issuance of a public report to the complainant and the alleged violator, stating with particularity its reasons for dismissal ~~of the complaint~~. At that time, the complaint, *the proceeding,* and all materials relating to the complaint *and proceeding* shall become a matter of public record. If the commission finds from the preliminary investigation probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint *or proceeding* shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part or has committed any other breach of the public trust shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion, require a public hearing, may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interest of the State. The commission is without jurisdiction to, and no respondent may voluntarily or involuntarily, enter into a stipulation or settlement which imposes any penalty, including, but not limited to, a sanction or admonition or any other penalty contained in s. 112.317. Penalties shall be imposed only by the appropriate disciplinary authority as designated in this section.

(3) If, in cases pertaining to *current* members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, *irrespective of whether the violative act or omission occurred before or during the current member's term of office,* the commission shall forward a copy of the complaint, *information, or referral* and its findings by certified mail to the President of the Senate or the Speaker of the House of Representatives, whichever is applicable, who shall refer the *matter* ~~complaint~~ to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. It shall be the duty of the committee to report its final action upon the *matter* ~~complaint~~ to the commission within 90 days of the date of transmittal to the respective house. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed. In the case of a member of the Legislature, the house in which the member serves shall have the power to invoke the penalty provisions of this part.

(4) If, in cases pertaining to complaints *or proceedings* against impeachable officers, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, and the commission finds that the violation may constitute grounds for impeachment, the commission shall forward a copy of the complaint, *information, or referral* and its findings by certified mail to the Speaker of the House of Representatives, who shall refer the *matter* ~~complaint~~ to the appropriate committee for investigation and action which shall be governed by the rules of the House of Representatives. It shall be the duty of the committee to report its final action upon the *matter* ~~complaint~~ to the commission within 90 days of the date of transmittal.

(5) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by an impeachable officer other than the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the officer's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Governor, who shall have the power to invoke the penalty provisions of this part.

(6) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the Governor's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Attorney General, who shall have the power to invoke the penalty provisions of this part.

(7) If, in cases pertaining to *persons other than* ~~complaints other than complaints against~~ impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part, including the power to order the appropriate elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and *(i)* ~~(h)~~, Art. II of the State Constitution:

(a) The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission, members of the Public Service Commission Nominating Council, the Auditor General, members of the Legislative Committee on Intergovernmental Relations, or members of the Advisory Council on Environmental Education.

(b) The Supreme Court, in any case concerning an employee of the judicial branch.

(c) The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, Legislative Committee on Intergovernmental Relations, or Advisory Council on Environmental Education.

(d) Except as otherwise provided by this part, the Governor, in the case of any other public officer, public employee, former public officer or public employee, candidate, or former candidate.

(e) The President of the Senate or the Speaker of the House of Representatives, whichever is applicable, in any case concerning a former member of the Legislature who has violated a provision applicable to former members or whose violation occurred while a member of the Legislature.

(8) In addition to reporting its findings to the proper disciplinary body or official, the commission shall report these findings to the state attorney or any other appropriate official or agency having authority to initiate prosecution when violation of criminal law is indicated.

(9) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part or of s. 8, Art. II of the State Constitution shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall, after determining that there are sufficient grounds for review, appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The members shall elect a chair from among their number. If the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part or of s. 8, Art. II of the State Constitution has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chair thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court,

the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

(10)*(a)* Notwithstanding the provisions of subsections (1)-(7), the commission may, at its discretion, dismiss any complaint *or proceeding* at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal. The investigation of facts and parties materially related to a complaint, as provided in s. 112.322(1) and pursuant to the definitions contained in s. 112.312(11) and (18), and the amendment of s. 112.3143 shall apply only to alleged violations occurring after May 24, 1991.

(b) If the commission undertakes to investigate a reporting individual for failing to properly report under s. 8, Art. II of the State Constitution, s. 112.3144, or s. 112.3145 and the investigation reveals and the commission finds that the error was technical or minor in nature, the commission may notify the respondent of the error and may request that an amended report correcting the error be filed with the commission and the filing officer within 10 days after the respondent receives the notice. The commission shall dismiss the matter without further proceedings if:

1. The reporting individual timely files an amended report correcting the error;

2. The commission has not determined that the reporting individual has previously violated s. 8, Art. II of the State Constitution, s. 112.3144, or s. 112.3145; and

3. The reporting individual has not previously filed or been asked to file an amended report under this paragraph.

Section 12. Section 914.21, Florida Statutes, is amended to read:

914.21 Definitions.—As used in ss. 914.22-914.24, the term:

(1) "Bodily injury" means:

(a) A cut, abrasion, bruise, burn, or disfigurement;

(b) Physical pain;

(c) Illness;

(d) Impairment of the function of a bodily member, organ, or mental faculty; or

(e) Any other injury to the body, no matter how temporary.

(2) "Misleading conduct" means:

(a) Knowingly making a false statement;

(b) Intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact and thereby creating a false impression by such statement;

(c) With intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;

(d) With intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or

(e) Knowingly using a trick, scheme, or device with intent to mislead.

(3) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state, *or any investigation conducted by the Florida Commission on Ethics.*

(4) "Official proceeding" means:

(a) A proceeding before a judge or court or a grand jury;

(b) A proceeding before the Legislature; ~~or~~

(c) A proceeding before a federal agency which is authorized by law*; or*~~.~~

(d) A proceeding before the Florida Commission on Ethics.

(5) "Physical force" means physical action against another and includes confinement.

Section 13. *Subsection (9) of section 112.322, Florida Statutes, is repealed.*

Section 14. Subsection (6) of section 440.442, Florida Statutes, is amended to read:

440.442 Code of Judicial Conduct.—The Chief Judge, and judges of compensation claims shall observe and abide by the Code of Judicial Conduct as provided in this section. Any material violation of a provision of the Code of Judicial Conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of such Chief Judge, or judge of compensation claims by the Governor.

(6) *FISCAL MATTERS OF JUDGES.*—Fiscal matters of a judge should be conducted in a manner that will not give the appearance of influence or impropriety. A judge should regularly file public reports as required by s. 8, Art. II of the State Constitution, and should publicly report gifts.

(a) Compensation for quasi-judicial and extrajudicial services and reimbursement of expenses.—A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extrajudicial activities permitted by this section, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the impression of impropriety subject to the following restrictions:

1. Compensation: Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

2. Expense reimbursement: Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, to his or her spouse. Any payment in excess of such an amount is compensation.

(b) Public financial reporting.—

1. Income and assets: A judge shall file such public reports as may be required by law for all public officials to comply fully with the provisions of s. 8, Art. II of the State Constitution. The form for public financial disclosure shall be that recommended or adopted by the Florida Commission on Ethics for use by all public officials. The form shall be filed in the office of the *Commission on Ethics* ~~Secretary of State~~ on the date prescribed by law.

2. Gifts: A judge shall file a public report of all gifts which are required to be disclosed under *Canon 5D(5)(h) and Canon 6B(2)* ~~s. 112 [Canon 5C(4)(c)~~ of the Code of Judicial Conduct~~]~~. The report of gifts received in the preceding calendar year shall be filed in the office of the *Commission on Ethics* ~~Secretary of State~~ on or before July 1 of each year.

Section 15. *Sections 839.08, 839.09, 839.091, and 839.10, Florida Statutes, are repealed.*

Section 16. Section 112.3232, Florida Statutes, is created to read:

112.3232 Compelled testimony.—If any person called to give evidence in a commission proceeding shall refuse to give evidence because of a claim of possible self-incrimination, the commission, with the written authorization of the appropriate state attorney, may apply to the chief judge of the appropriate judicial circuit for a judicial grant of immunity ordering the testimony or other evidence of such person notwithstanding his or her objection, but in such case no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal proceeding.

Section 17. Section 112.31905, Florida Statutes, is created to read:

112.31905 Educational requirements for elected public officials.— Each elected public officer and each person appointed to hold elective public office shall, within the first year following his or her election or appointment to office and every 4 years thereafter:

(1) Complete a course of study of at least 3 hours regarding the requirements of this part, the public records law of chapter 119, the public meetings law in chapter 286, and chapter 838.

(2) Certify his or her completion of the course of study on a form promulgated by the commission and file the form with the commission, if he or she files full and public disclosure under s. 8 of Art. II, of the State Constitution, or with the supervisor of elections of the county of his or her residence, if he or she files a statement of financial interests under s. 112.3145.

Section 18. Subsection (7) of section 112.322, Florida Statutes, is amended to read:

112.322 Duties and powers of commission.—

(7) The commission may prepare materials designed to assist persons in complying with the provisions of this part and with s. 8, Art. II of the State Constitution, *and is authorized to work with other agencies of state and local government and private organizations to develop and disseminate ethics training materials and programs, including, but not limited to, the materials and programs necessary for public officials to comply with the education requirements of s. 112.31905.*

Section 19. *The provisions of this act requiring a person to file a final disclosure statement within 60 days after leaving his or her public position, including the notification requirements relating to final filings, apply to persons leaving office or employment on or after the date this act becomes a law.*

Section 20. Section 112.3147, Florida Statutes, is amended to read:

112.3147 Forms.—

(1) All information required to be furnished by ss. 112.313, 112.3143, *112.3144,* 112.3145, 112.3148, ~~and~~ 112.3149, *and 112.31905* and by s. 8, Art. II of the State Constitution shall be on forms prescribed by the Commission on Ethics.

(2)(a) With respect to reporting assets valued in excess of $1,000 on forms prescribed pursuant to s. 112.3144 which the reporting individual holds jointly with another person, the amount reported shall be based on the reporting individual's legal percentage of ownership in the property, except that assets held jointly with the reporting individual's spouse shall be reported at 100 percent of the value of the asset. For purposes of this subsection, a reporting individual is deemed to own an interest in a partnership which corresponds to the reporting individual's interest in the capital or equity of the partnership.

(2)(b)1. With respect to reporting liabilities valued in excess of $1,000 on forms prescribed pursuant to s. 112.3144 for which the reporting individual is jointly and severally liable, the amount reported shall be based upon the reporting individual's percentage of liability rather than the total amount of the liability, except, a joint and several liability with the reporting individual's spouse for a debt which relates to property owned by both as tenants by the entirety shall be reported at 100 percent of the total amount owed.

2. A separate section of the form shall be created to provide for the reporting of the amounts of joint and several liability of the reporting individual not otherwise reported in paragraph (a).

Section 21. *The sum of $193,950 is appropriated from the General Revenue Fund to the Commission on Ethics to administer the responsibilities imposed upon it by this act.*

Section 22. This act, except for this section and section 19, which shall take effect upon becoming law, shall take effect January 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to ethics; amending s. 112.312, F.S.; redefining the terms “gift” and “liability”; amending s. 112.313, F.S.; extending the prohibition against the use of certain confidential public information to former officers, employees, and local government attorneys; expanding the scope of post-employment lobbying restriction applicable to elected local officers; amending s. 112.3144, F.S.; transferring filing administration from the Secretary of State to the Commission on Ethics; modifying the filing location for officers from the Secretary of State to the commission; establishing an automatic fine system for delinquent filers and nonfilers; requiring former officers and employees to file a final disclosure of financial interests no later than 60 days following departure, with certain exceptions; requiring the Commission on Ethics to adopt rules and forms relating to filing amended full and public disclosure of financial interests; amending s. 112.3145, F.S.; redefining the term “local officer”; revising the reporting requirements for limited statutory disclosure of financial interests; transferring filing administration from the Secretary of State to the Commission on Ethics; modifying the filing location for state officers and specified state employees from the Secretary of State to the commission; modifying certification requirements of supervisors of elections with regard to delinquent filers and nonfilers; establishing an automatic fine system for delinquent filers and nonfilers; requiring former officers and employees to file a final statement of financial interests within 60 days after leaving office or employment, with certain exceptions; modifying reporting dates for filing quarterly reports of the names of clients represented before certain agencies for a fee; requiring the Commission on Ethics to adopt rules and forms relating to amended financial disclosure filings; amending s. 112.3148, F.S.; redefining the term “reporting individual”; establishing a reimbursement deadline with regard to the valuation of gifts received by reporting individuals; clarifying that the gifts law applies to candidates; extending the gifts law to include nonincumbents elected to office for the period immediately following election but before officially taking office; transferring the filing administration for gift disclosure from the Secretary of State to the Commission on Ethics; authorizing the Technological Research and Development Authority to make certain gifts under certain circumstances; amending s. 112.3149, F.S.; transferring filing administration for honoraria disclosure from the Department of State to the Commission on Ethics; amending s. 112.317, F.S.; authorizing the Commission on Ethics to recommend how restitution may be paid; entitling the Attorney General to reimbursement of fees and costs associated with collecting civil and restitution penalties imposed for ethics violations; removing a criminal penalty related to the disclosure of confidential information brought before the commission; amending s. 112.3185, F.S.; creating a post-employment restriction for certain agency employees; amending s. 112.3231, F.S.; relating to time limitations on ethics proceedings; amending s. 112.321, F.S.; regarding membership of the Ethics Commission; amending s. 112.324, F.S.; authorizing the Commission on Ethics to investigate potential ethics violations on its own authority under certain circumstances; clarifying that the proper sanction authority in the case of a current state legislator who commits an act in violation of the Ethics Code prior to joining the Legislature is vested in the house in which the legislator serves; allowing the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; amending s. 914.21, F.S.; redefining the terms “official proceeding” and “official investigation”; extending the witness-tampering laws to include Commission on Ethics investigations and proceedings; repealing s. 112.322(9), F.S., which requires the Commission on Ethics to report certain delinquent financial disclosure filers to the Department of Community Affairs; amending s. 440.442, F.S.; transferring the filing location for public financial reporting by judges of compensation claims from the Secretary of State to the Commission on Ethics; clarifying that the Code of Judicial Conduct governs the reporting of gifts for judges of compensation claims; repealing ss. 839.08, 839.09, 839.091, and 839.10, F.S., which provide criminal penalties for offenses by public officers and employees relating to the purchase of supplies or materials and the bidding for public work;

creating s. 112.3232, F.S.; authorizing the Commission on Ethics to seek immunity for certain witnesses; creating s. 112.31905, F.S.; mandating educational requirements for elected public officials; amending s. 112.322, F.S.; authorizing the Commission on Ethics to develop and disseminate ethics training materials and programs; amending s. 112.3147, F.S.; authorizing the Commission on Ethics to prescribe forms relating to the public official education requirements and full and public financial disclosure; prescribing requirements for reporting certain assets and liabilities on the full and public disclosure form; appropriating funds to the Commission on Ethics; providing an effective date.

Representative(s) Arnall offered the following:

(Amendment Bar Code: 560969)

House Amendment 1 to Senate Amendment 1 (with title amendment)—Beginning on page 1, line 17 through page 56, line 25 remove from the amendment: all of said lines

and insert in lieu thereof:

Section 1. Subsections (12) and (14) of section 112.312, Florida Statutes, are amended to read:

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(12)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given *within 90 days*, including:

1. Real property.

2. The use of real property.

3. Tangible or intangible personal property.

4. The use of tangible or intangible personal property.

5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.

6. Forgiveness of an indebtedness.

7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.

8. Food or beverage.

9. Membership dues.

10. Entrance fees, admission fees, or tickets to events, performances, or facilities.

11. Plants, flowers, or floral arrangements.

12. Services provided by persons pursuant to a professional license or certificate.

13. Other personal services for which a fee is normally charged by the person providing the services.

14. Any other similar service or thing having an attributable value not already provided for in this section.

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

(c) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(d) For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.

(14) "Liability" means any monetary debt or obligation owed by the reporting person to another person, *entity, or governmental entity,* except for credit card and retail installment accounts, taxes owed *unless reduced to a judgment*, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

Section 2. Section 112.3144, Florida Statutes, is amended to read:

112.3144 Full and public disclosure of financial interests.—

(1) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests for any calendar or fiscal year shall file the disclosure with the Florida Commission on Ethics.

(2)~~(1)~~ *A* ~~No~~ person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year shall *not* be required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part, except that a candidate for office shall file a copy of his or her disclosure with the officer before whom he or she qualifies.

(3)~~(2)~~ For purposes of full and public disclosure under s. 8(a), Art. II of the State Constitution, the following items, if not held for investment purposes and if valued at over $1,000 in the aggregate, may be reported in a lump sum and identified as "household goods and personal effects":

(a) Jewelry;

(b) Collections of stamps, guns, and numismatic properties;

(c) Art objects;

(d) Household equipment and furnishings;

(e) Clothing;

(f) Other household items; and

(g) Vehicles for personal use.

(4)~~(3)~~ Forms for compliance with the full and public disclosure requirements of s. 8, Art. II of the State Constitution~~, and a current list of persons required to file full and public disclosure by s. 8, Art. II of the State Constitution, or other state law,~~ shall be *created* ~~provided~~ by the Commission on Ethics. *The commission* ~~to the Secretary of State, who~~ shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a) Not later than May 1 of each year, the commission ~~on Ethics~~ shall prepare a current list of the names and addresses of and the offices held by every person required to file full and public disclosure annually by s. 8, Art. II of the State Constitution, or other state law~~, and shall provide the Secretary of State with the mailing list~~. In compiling the list, the commission shall be assisted by each unit of government in providing at the request of the commission the name, address, and name of the office held by each public official within the respective unit of government.

(b) Not later than 30 days before July 1 of each year, the *commission* ~~Secretary of State~~ shall mail a copy of the form prescribed for compliance with full and public disclosure and a notice of the filing deadline to each person on the mailing list.

(c) Not later than 30 days after July 1 of each year, the *commission* ~~Secretary of State~~ shall determine which persons on the mailing list have failed to file full and public disclosure and shall send delinquency notices by certified mail to such persons. Each notice *must* ~~shall~~ state that a grace period is in effect until September 1 of the current year and that, if the statement is not filed by September 1 of the current year, *a $25 fine for each day late will be imposed, up to a maximum penalty of $1,500; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement within 60 days after September 1 of the current year, such person will also be subject to the penalties provided in s. 112.317* ~~the Secretary of State is required by law to notify the Commission on Ethics of the delinquency~~.

(d) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

~~(d) Not later than 30 days following September 1 of each year, the Secretary of State shall certify to the Commission on Ethics a list of the names and addresses of and the offices held by all persons on the mailing list who have failed to timely file full and public disclosure. The certification shall be on a form prescribed by the commission and shall indicate whether the Secretary of State has provided the disclosure forms and notice as required by this section to all persons named on the delinquency list.~~

(e) Any person who is required to file full and public disclosure of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of $25 per day for each day late up to a maximum of $1,500; however this $1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and the procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:

a. When a statement is actually received by the office.

b. When the statement is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

2. Upon receipt of the disclosure statement or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. Such fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys shall be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

(f)~~(e)~~ Any person subject to the annual filing of full and public disclosure under s. 8, Art. II of the State Constitution, or other state law, whose name is not on the *commission's* mailing list *of persons required to file full and public disclosure is* ~~provided to the Secretary of State shall~~ not *subject to the fines or penalties provided in this part* ~~be deemed delinquent~~ for failure to file full and public disclosure in any year in which the omission occurred, *but nevertheless is required to file the disclosure statement.*

(g)~~(f)~~ The notification requirements *and fines* of this subsection do not apply to candidates or to the first filing required of any person appointed to elective constitutional office *or other position required to file full and public disclosure, unless the person's name is on the commission's notification list and the person received notification from the commission.* The appointing official shall notify such newly appointed person of the obligation to file full and public disclosure by July 1. *The notification requirements and fines of this subsection do not apply to the final filing provided for in subsection (5).*

(h) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Banking and Finance as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such fine to a collection agent as provided in s. 17.20.

(5) Each person required to file full and public disclosure of financial interests shall file a final disclosure statement within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under s. 8 of Art. II of the State Constitution, or is otherwise required to file full and public disclosure for the final disclosure period. The head of the agency of each person required to file full and public disclosure for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this subsection.

(6) The commission shall adopt rules and forms specifying how a person who is required to file full and public disclosure of financial interests may amend his or her disclosure statement to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

Section 3. Section 112.3145, Florida Statutes, is amended to read:

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

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

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of *any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:*

a. The governing body of the political subdivision, if appointed;

b. An expressway authority or transportation authority established by general law;

c. A community college or junior college district board of trustees;

d. A board having the power to enforce local code provisions;

e. A planning or zoning board, board of adjustment, board of appeals, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards;

f. A pension board or retirement board having the power to invest pension or retirement funds or the power to make a binding determination of one's entitlement to or amount of a pension or other retirement benefit; or

g. Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board. ~~a board; commission; authority, including any expressway authority or transportation authority established by general law; community college district board of trustees; or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.~~

3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of any political subdivision of the state or any entity thereof.

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

(c) "State officer" means:

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

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

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

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he or she files, qualifying papers.

(b) Each state or local officer and each specified state employee shall file a statement of financial interests no later than July 1 of each year. *Each state officer, local officer, and specified state employee shall file a final statement of financial interests within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under this section or s. 8, Art. II of the State Constitution or otherwise is required to file full and public disclosure or a statement of financial interests for the final disclosure period.* Each state or local officer who is appointed and each specified state employee who is employed shall file a statement of financial interests within 30 days from the date of appointment or, in the case of a specified state employee, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(c) State officers~~, persons qualifying for a state office,~~ and specified state employees shall file their statements of financial interests with the *Commission on Ethics* ~~Secretary of State~~. Local officers shall file their statements of financial interests with the supervisor of elections of the county in which they permanently reside. Local officers who do not permanently reside in any county in the state shall file their statements of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters. Persons seeking to qualify as candidates for local public office shall file their statements of financial interests with the officer before whom they qualify.

(3) The statement of financial interests for state officers, specified state employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case

the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include, *at the filer's option, either*:

(a)*1.* All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;~~.~~

2.~~(b)~~ All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received an amount which was in excess of 10 percent of his or her gross income during the disclosure period and which exceeds $1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;~~.~~

3.~~(c)~~ The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph, indirect ownership does not include ownership by a spouse or minor child*; and*~~.~~

4.~~(d)~~ Every *individual* liability *that* ~~which in sum~~ equals more than the reporting person's net worth*; or*~~.~~

(b)1. All sources of gross income in excess of $2,500 received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received gross income exceeding $5,000 during the disclosure period. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residence and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of $10,000. For the purpose of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every liability in excess of $10,000.

(4) Each elected constitutional officer, state officer, local officer, and specified state employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his or her level of government. For the purposes of this part, agencies of government shall be classified as state-level agencies or agencies below state level. Each local officer shall file such report with the supervisor of elections of the county in which the officer is principally employed or is a resident. Each state officer, elected constitutional officer, and specified state employee shall file such report with the *commission* ~~Secretary of State~~. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than *the last day of each calendar quarter, for the previous calendar* ~~15 days after the last day of the~~ quarter. Representation before any agency shall be deemed to include representation by such officer or specified state employee or by any partner or associate of the professional firm of which he or she is a member and of which he or she has actual knowledge. For the purposes of this subsection, the term "representation before any agency" does not include appearances before any court or Chief Judges of Compensation Claims or judges of compensation claims or representations on behalf of one's agency in one's official capacity. Such term does not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(5) Each elected constitutional officer and each candidate for such office, any other public officer required pursuant to s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests, and each state officer, local officer, specified state employee, and candidate for elective public office who is or was during the disclosure period an officer, director, partner, proprietor, or agent, other than a resident agent solely for service of process, of, or owns or owned during the disclosure period a material interest in, any business entity which is granted a privilege to operate in this state shall disclose such facts as a part of the disclosure form filed pursuant to s. 8, Art. II of the State Constitution or this section, as applicable. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of that interest.

(6) Forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure shall be *created* ~~provided~~ by the commission ~~on Ethics to the Secretary of State~~ and *provided* to each supervisor of elections. *The commission and each supervisor of elections*~~, who~~ shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a)1. Not later than May 1 of each year, the commission ~~on Ethics~~ shall prepare a current list of the names and addresses of, and the offices or positions held by, every state officer, local officer, and specified employee. In compiling the list, the commission shall be assisted by each unit of government in providing, at the request of the commission, the name, address, and name of agency of, and the office or position held by, each state officer, local officer, or specified state employee within the respective unit of government.

2. Not later than May 15 of each year, the commission ~~shall provide the Secretary of State with a current mailing list of all state officers and specified employees and~~ shall provide each supervisor of elections with a current mailing list of all local officers required to file with such supervisor of elections.

(b) Not later than 30 days before July 1 of each year, the *commission* ~~Secretary of State~~ and each supervisor of elections, *as appropriate*, shall mail a copy of the form prescribed for compliance with subsection (3) and a notice of all applicable disclosure forms and filing deadlines to each person required to file a statement of financial interests.

(c) Not later than 30 days after July 1 of each year, the *commission* ~~Secretary of State~~ and each supervisor of elections shall determine which persons required to file a statement of financial interests in their respective offices have failed to do so and shall send delinquency notices by certified mail to such persons. Each notice shall state that a grace period is in effect until September 1 of the current year; that no investigative or disciplinary action based upon the delinquency will be taken by the agency head or commission ~~on Ethics~~ if the statement is filed by September 1 of the current year; that, if the statement is not filed by September 1 of the current year, *a fine of $25 for each day late will be imposed, up to a maximum penalty of $1,500; for notices sent by a supervisor of elections, that* he or she is required by law to notify the commission ~~on Ethics~~ of the delinquency; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement *within 60 days after* ~~by~~ September 1 of the current year, such person *will also* ~~shall~~ be subject to the penalties provided in s. 112.317.

(d) *No later than November 15 of each year* ~~Not later than 30 days following September 1 of each year~~, ~~the Secretary of State and~~ the supervisor of elections in each county shall certify to the commission ~~on~~

~~Ethics~~ a list of the names and addresses of, and the offices or positions held by, all persons who have failed to timely file the required statements of financial interests. *The certification must include the earliest of the dates described in subparagraph (f)1.* The certification shall be on a form prescribed by the commission and shall indicate whether the *supervisor of elections* ~~respective certifying official~~ has provided the disclosure forms and notice as required by this subsection to all persons named on the delinquency list.

(e) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

(f) Any person who is required to file a statement of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of $25 per day for each day late up to a maximum of $1,500; however, this $1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:

a. When a statement is actually received by the office.

b. When the statement is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

2. For a specified state employee or a state officer, upon receipt of the disclosure statement by the commission or upon accrual of the maximum penalty, whichever occurs first, and for a local officer upon receipt by the commission of the certification from the local officer's supervisor of elections pursuant to paragraph (d), the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys are to be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

(g)~~(e)~~ Any state officer, local officer, or specified employee whose name is not on the mailing list *of persons required to file an annual statement of financial interests* ~~provided to the Secretary of State or supervisor of elections~~ is not subject to the penalties provided in s. 112.317 *or the fine provided in this section* for failure to timely file a statement of financial interests in any year in which the omission occurred, *but nevertheless is required to file the disclosure statement.*

(h)~~(f)~~ The *notification* requirements *and fines* of this subsection do not apply to candidates or to the first *or final* filing required of any state officer, specified employee, or local officer *as provided in paragraph (2)(b).*

(i) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Banking and Finance as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such a fine to a collection agent as provided in s. 17.20.

(7)*(a)* The appointing official or body shall notify each newly appointed local officer, state officer, or specified state employee, not later than the date of appointment, of the officer's or employee's duty to comply with the disclosure requirements of this section. The agency head of each employing agency shall notify each newly employed local officer or specified state employee, not later than the day of employment, of the officer's or employee's duty to comply with the disclosure requirements of this section. The appointing official or body or employing agency head may designate a person to be responsible for the notification requirements of this *paragraph* ~~section~~.

(b) The agency head of the agency of each local officer, state officer, or specified state employee who is required to file a statement of financial interests for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this paragraph.

(8) A public officer who has filed a disclosure for any calendar or fiscal year shall not be required to file a second disclosure for the same year or any part thereof, notwithstanding any requirement of this act, except that any public officer who qualifies as a candidate for public office shall file a copy of the disclosure with the officer before whom he or she qualifies as a candidate at the time of qualification.

(9) The commission shall adopt rules and forms specifying how a state officer, local officer, or specified state employee may amend his or her statement of financial interests to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

Section 4. Section 112.3148, Florida Statutes, is amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(1) The provisions of this section do not apply to gifts solicited or accepted by a reporting individual or procurement employee from a relative.

(2) As used in this section:

(a) "Immediate family" means any parent, spouse, child, or sibling.

(b)1. "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered as a lobbyist in accordance with such rule, ordinance, or law. At a minimum, such a registration system must require the

registration of, or must designate, persons as "lobbyists" who engage in the same activities as require registration to lobby the Legislature pursuant to s. 11.045.

(c) "Person" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(d) "Reporting individual" means any individual, *including a candidate upon qualifying,* who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his or her financial interests *or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office. For purposes of implementing this section, the "agency" of a reporting individual who is not an officer or employee in public service is the agency to which the candidate seeks election, or in the case of an individual elected to but yet to formally take office, the agency in which the individual has been elected to serve.*

(e) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds $1,000 in any year.

(3) A reporting individual or procurement employee is prohibited from soliciting any gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, where such gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of $100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A political committee or a committee of continuous existence, as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of $100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of $100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of $25, but not in excess of $100, other than a gift which the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter, for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the *Commission on Ethics* ~~Secretary of State~~, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Division of Legislative Information Services in the Office of Legislative Services. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, when a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, Tri-County Commuter Rail Authority, *the Technological Research and Development Authority,* a county, a municipality, an airport authority, or a school board may give, either directly or indirectly, a gift having a value in excess of $100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of $100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, Tri-County Commuter Rail Authority, *the Technological Research and Development Authority,* a county, a municipality, an airport authority, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

(c) No later than March 1 of each year, each governmental entity or direct-support organization specifically authorized by law to support a governmental entity which has given a gift to a reporting individual or procurement employee under paragraph (a) shall provide the reporting individual or procurement employee with a statement of each gift having a value in excess of $100 given to such reporting individual or procurement employee by the governmental entity or direct-support organization during the preceding calendar year. Such report shall contain a description of each gift, the date on which the gift was given, and the value of the total gifts given by the governmental entity or direct-support organization to the reporting individual or procurement employee during the calendar year for which the report is made. A governmental entity may provide a single report to the reporting individual or procurement employee of gifts provided by the governmental entity and any direct-support organization specifically authorized by law to support such governmental entity.

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of $100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to such statement any report received by him or her in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s.

112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the *Commission on Ethics* ~~Department of State~~.

(7)(a) The value of a gift provided to a reporting individual or procurement employee shall be determined using actual cost to the donor, less taxes and gratuities, *except as otherwise provided in this subsection,* and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a charitable nature, such expenses shall not be included in determining the value of the gift.

(b) Compensation provided by the donee to the donor, *if provided within 90 days after receipt of the gift,* shall be deducted from the value of the gift in determining the value of the gift.

(c) If the actual gift value attributable to individual participants at an event cannot be determined, the total costs shall be prorated among all invited persons, whether or not they are reporting individuals or procurement employees.

(d) Transportation shall be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses shall be considered a single gift. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance.

(e) Lodging provided on consecutive days shall be considered a single gift. Lodging in a private residence shall be valued at the per diem rate provided in s. 112.061(6)(a)1. less the meal allowance rate provided in s. 112.061(6)(b).

(f) Food and beverages which are not consumed at a single sitting or meal and which are provided on the same calendar day shall be considered a single gift, and the total value of all food and beverages provided on that date shall be considered the value of the gift. Food and beverage consumed at a single sitting or meal shall be considered a single gift and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(g) Membership dues paid to the same organization during any 12-month period shall be considered a single gift.

(h) Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.

(i) Except as otherwise specified in this section, a gift shall be valued on a per occurrence basis.

(j) The value of a gift provided to several individuals may be attributed on a pro rata basis among all of the individuals. If the gift is food, beverage, entertainment, or similar items, provided at a function for more than 10 people, the value of the gift to each individual shall be the total value of the items provided divided by the number of persons invited to the function, unless the items are purchased on a per person basis, in which case the value of the gift to each person is the per person cost.

(k) The value of a gift of an admission ticket shall not include that portion of the cost which represents a charitable contribution, if the gift is provided by the charitable organization.

(8)(a) Each reporting individual or procurement employee shall file a statement with the *Commission on Ethics* ~~Secretary of State~~ on the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of $100 in value, if any, accepted by him or her, *for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to $100 or less,* except the following:

1. Gifts from relatives.

2. Gifts prohibited by subsection (4) or s. 112.313(4).

3. Gifts otherwise required to be disclosed by this section.

(b) The statement shall include:

1. A description of the gift, the monetary value of the gift, the name and address of the person making the gift, and the dates thereof. If any of these facts, other than the gift description, are unknown or not applicable, the report shall so state.

2. A copy of any receipt for such gift provided to the reporting individual or procurement employee by the donor.

(c) The statement may include an explanation of any differences between the reporting individual's or procurement employee's statement and the receipt provided by the donor.

(d) The reporting individual's or procurement employee's statement shall be sworn to by such person as being a true, accurate, and total listing of all such gifts.

(e) If a reporting individual or procurement employee has not received any gifts described in paragraph (a) during a calendar quarter, he or she is not required to file a statement under this subsection for that calendar quarter.

(9) A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (5) commits a noncriminal infraction, punishable by a fine of not more than $5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to which the gift was given in violation of subsection (5), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(10) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he or she is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

Section 5. Subsection (6) of section 112.3149, Florida Statutes, is amended to read:

112.3149 Solicitation and disclosure of honoraria.—

(6) A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for such expenses received during the previous calendar year. The reporting individual or procurement employee shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (5) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. Such attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual statement of a procurement employee shall be filed with the *Commission on Ethics* ~~Department of State~~.

Section 6. Subsection (1) of section 112.321, Florida Statutes, is amended to read:

112.321 Membership, terms; travel expenses; staff.—

(1) The commission shall be composed of nine members. Five of these members shall be appointed by the Governor, no more than three of whom shall be from the same political party, subject to confirmation by the Senate. One member appointed by the Governor shall be a former city or county official and may be a former member of a local planning or zoning board which has only advisory duties. Two members shall be appointed by the Speaker of the House of Representatives, and two members shall be appointed by the President of the Senate. Neither the Speaker of the House of Representatives nor the President of the Senate shall appoint more than one member from the same political party. *Of the nine members of the Commission, no more than five members shall be from the same political party at any one time.* No member may hold any public employment. All members shall serve 2-year terms. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

Section 7. *Subsection (9) of section 112.322, Florida Statutes, is repealed.*

Section 8. Subsection (6) of section 440.442, Florida Statutes, is amended to read:

440.442 Code of Judicial Conduct.—The Chief Judge, and judges of compensation claims shall observe and abide by the Code of Judicial Conduct as provided in this section. Any material violation of a provision of the Code of Judicial Conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of such Chief Judge, or judge of compensation claims by the Governor.

(6) *FISCAL MATTERS OF JUDGES.*—Fiscal matters of a judge should be conducted in a manner that will not give the appearance of influence or impropriety. A judge should regularly file public reports as required by s. 8, Art. II of the State Constitution, and should publicly report gifts.

(a) Compensation for quasi-judicial and extrajudicial services and reimbursement of expenses.—A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extrajudicial activities permitted by this section, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the impression of impropriety subject to the following restrictions:

1. Compensation: Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

2. Expense reimbursement: Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, to his or her spouse. Any payment in excess of such an amount is compensation.

(b) Public financial reporting.—

1. Income and assets: A judge shall file such public reports as may be required by law for all public officials to comply fully with the provisions of s. 8, Art. II of the State Constitution. The form for public financial disclosure shall be that recommended or adopted by the Florida Commission on Ethics for use by all public officials. The form shall be filed in the office of the *Commission on Ethics* ~~Secretary of State~~ on the date prescribed by law.

2. Gifts: A judge shall file a public report of all gifts which are required to be disclosed under *Canon 5D(5)(h) and Canon 6B(2)* ~~s. 112 [Canon 5C(4)(c)~~ of the Code of Judicial Conduct~~]~~. The report of gifts received in the preceding calendar year shall be filed in the office of the *Commission on Ethics* ~~Secretary of State~~ on or before July 1 of each year.

Section 9. *Sections 839.08, 839.09, 839.091, and 839.10, Florida Statutes, are repealed.*

Section 10. Section 112.3232, Florida Statutes, is created to read:

112.3232 Compelled testimony.—If any person called to give evidence in a commission proceeding shall refuse to give evidence because of a claim of possible self-incrimination, the commission, with the written authorization of the appropriate state attorney, may apply to the chief judge of the appropriate judicial circuit for a judicial grant of immunity ordering the testimony or other evidence of such person notwithstanding his or her objection, but in such case no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal proceeding.

Section 11. *The provisions of this act requiring a person to file a final disclosure statement within 60 days after leaving his or her public position, including the notification requirements relating to final filings, apply to persons leaving office or employment on or after the date this act becomes a law.*

Section 12. Section 112.3147, Florida Statutes, is amended to read:

112.3147 Forms.—

(1) All information required to be furnished by ss. 112.313, 112.3143, *112.3144,* 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II of the State Constitution shall be on forms prescribed by the Commission on Ethics.

(2)(a) With respect to reporting assets valued in excess of $1,000 on forms prescribed pursuant to s. 112.3144 which the reporting individual holds jointly with another person, the amount reported shall be based on the reporting individual's legal percentage of ownership in the property, except that assets held jointly with the reporting individual's spouse shall be reported at 100 percent of the value of the asset. For purposes of this subsection, a reporting individual is deemed to own an interest in a partnership which corresponds to the reporting individual's interest in the capital or equity of the partnership.

(2)(b)1. With respect to reporting liabilities valued in excess of $1,000 on forms prescribed pursuant to s. 112.3144 for which the reporting individual is jointly and severally liable, the amount reported shall be based upon the reporting individual's percentage of liability rather than the total amount of the liability, except, a joint and several liability with the reporting individual's spouse for a debt which relates to property owned by both as tenants by the entirety shall be reported at 100 percent of the total amount owed.

2. A separate section of the form shall be created to provide for the reporting of the amounts of joint and several liability of the reporting individual not otherwise reported in paragraph (a).

Section 13. *The Commission on Ethics is directed to develop a plan to implement a course of study regarding the requirements of the Sunshine Amendment and Code of Ethics for Public Officers and Employees in chapter 119, the public records law of chapter 119, the public meetings law in chapter 286 and chapter 838, for each elected public officer and each person appointed to hold elective public office. The Commission is further directed to submit to the President of the Senate, and the Speaker of the House of Representatives, by the 2001 Legislative Session, a report outlining the implementation of a course of study which shall include the cost estimates for developing, implementing and sustaining the course of study set forth herein.*

Section 14. This act shall take effect January 1, 2001.

And the title is amended as follows:

On page 57, line 2 through page 61, line 1 of the amendment
remove: all of said lines

and insert: A bill to be entitled An act relating to ethics; amending s. 112.312, F.S.; redefining the terms “gift” and “liability”; amending s. 112.3144, F.S.; transferring filing administration from the Secretary of State to the Commission on Ethics; modifying the filing location for officers from the Secretary of State to the commission; establishing an automatic fine system for delinquent filers and nonfilers; requiring former officers and employees to file a final disclosure of financial interests no later than 60 days following departure, with certain

exceptions; requiring the Commission on Ethics to adopt rules and forms relating to filing amended full and public disclosure of financial interests; amending s. 112.3145, F.S.; redefining the term "local officer"; revising the reporting requirements for limited statutory disclosure of financial interests; transferring filing administration from the Secretary of State to the Commission on Ethics; modifying the filing location for state officers and specified state employees from the Secretary of State to the commission; modifying certification requirements of supervisors of elections with regard to delinquent filers and nonfilers; establishing an automatic fine system for delinquent filers and nonfilers; requiring former officers and employees to file a final statement of financial interests within 60 days after leaving office or employment, with certain exceptions; modifying reporting dates for filing quarterly reports of the names of clients represented before certain agencies for a fee; requiring the Commission on Ethics to adopt rules and forms relating to amended financial disclosure filings; amending s. 112.3148, F.S.; redefining the term "reporting individual"; establishing a reimbursement deadline with regard to the valuation of gifts received by reporting individuals; clarifying that the gifts law applies to candidates; extending the gifts law to include nonincumbents elected to office for the period immediately following election but before officially taking office; transferring the filing administration for gift disclosure from the Secretary of State to the Commission on Ethics; authorizing the Technological Research and Development Authority to make certain gifts under certain circumstances; amending s. 112.3149, F.S.; transferring filing administration for honoraria disclosure from the Department of State to the Commission on Ethics; amending s. 112.321, F.S.; regarding membership of the Ethics Commission; repealing s. 112.322(9), F.S., which requires the Commission on Ethics to report certain delinquent financial disclosure filers to the Department of Community Affairs; amending s. 440.442, F.S.; transferring the filing location for public financial reporting by judges of compensation claims from the Secretary of State to the Commission on Ethics; clarifying that the Code of Judicial Conduct governs the reporting of gifts for judges of compensation claims; repealing ss. 839.08, 839.09, 839.091, and 839.10, F.S., which provide criminal penalties for offenses by public officers and employees relating to the purchase of supplies or materials and the bidding for public work; creating s. 112.3232, F.S.; authorizing the Commission on Ethics to seek immunity for certain witnesses; amending s. 112.3147, F.S.; authorizing the Commission on Ethics to prescribe forms relating to full and public financial disclosure; prescribing requirements for reporting certain assets and liabilities on the full and public disclosure form; providing for a report by the Commission on Ethics on the implementation of educational requirements for public officials; appropriating funds to the Commission on Ethics; providing an effective date.

Rep. Arnall moved the adoption of the amendment to the amendment.

Representative(s) Cosgrove offered the following:

(Amendment Bar Code: 870593)

Amendment 1 to House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 1, between lines 18 and 19, of the amendment

insert:

Section 1. Section 112.3155, Florida Statutes, is created to read:

112.3155 Legislators and Cabinet members as candidates for public office; disclosure violations; penalties.—

(1) It is a violation of this part for:

(a) Any legislator or Cabinet member who is a candidate for public office who uses campaign funds exceeding $10,000 for a personal business debt and fails to disclose such payments with respect to a vote on any legislation or issue before the Cabinet that would inure to the special private benefit of an individual if the individual was involved in a business relationship with such elected official within the last 5 years.

(b) Any legislator or Cabinet member seeking statewide office who receives campaign contributions bundled in an amount exceeding the limit of $500 within 30 days before a legislative session from any individual or industry for which a tax break vote is made, to fail to disclose such special interest nexus; or, if such officeholder has had a personal business relationship with a registered lobbyist in the last 5 years who represents such special interest, to fail to disclose that relationship.

(c) Any legislator who is a candidate for a Cabinet office, and who serves for compensation on a board of directors of an entity regulated by the Cabinet office sought, to fail to disclose such relationship in each vote made with respect to legislation that would inure to the special private benefit of that entity, to resign from his or her office or the board effective not less than 6 months prior to qualifying, or to return such compensation to the regulated entity.

(2) Disclosures required under this section must be filed with the appropriate officer responsible for receiving such disclosures.

(3) Failure to make a disclosure required by this section shall constitute grounds for removal from office and disqualification from being on the ballot as provided in s. 112.317.

Section 2. Section 112.3157, Florida Statutes, is created to read:

112.3157 Additional disclosures required of legislators, Cabinet members, and lobbyists; penalties.—

(1)(a) Any legislator or Cabinet member who has in his or her employ any person whose spouse is a registered lobbyist must file a conflict of interest disclosure for any issue for which that lobbyist is registered for a time period within 4 years from such relationship.

(b) Any legislator who expends more than $10,000 for any campaign expense shall be required to produce records, receipts, and other proof of such services or purchases as part of the public records required of this state.

(c) Any legislator or Cabinet member who, within the past 5 years, has had a business relationship with a registered lobbyist, must disclose such relationship for every issue and every bill for which that lobbyist is registered.

(d) Any legislator or Cabinet member who has received payment in any form or received services from any registered lobbyist who has solicited campaign funds on behalf of such legislator or Cabinet member shall disclose such payments or services, including payments on behalf of any business interest with said lobbyist in the last 5 years.

(e) Any lobbyist who receives direct compensation in excess of $25,000 from any entity contributing to a legislator or Cabinet member within the last 5 years shall disclose such interest for every vote for which that lobbyist is registered.

(2) Failure to comply with any provision of this section constitutes a violation of this part and a felony of the third degree, punishable as provided in s. 775.083, by a fine of $5,000, and by removal from office. If the violation is by a lobbyist, such person may no longer lobby the Legislature or the Cabinet.

And the title is amended as follows:

Beginning on page 39, line 29, of the amendment

after the semicolon insert: creating s. 106.0705, F.S.; requiring campaign treasurer's reports that are to be filed with the Division of Elections to be filed electronically when aggregate contributions or expenditures exceed a specified amount; providing filing requirements; providing penalties; providing rulemaking authority; amending s. 106.04, F.S., relating to committees of continuous existence, to conform; removing requirement for duplicate copies of reports; amending s. 106.07, F.S., relating to campaign treasurer's reports; removing requirement for duplicate reports; revising reporting periods and requirements; amending s. 106.12, F.S.; providing for a petty cash fund based on the revised reporting periods; amending s. 106.29, F.S., relating to reports by political parties; removing requirement for duplicate reports; revising reporting periods and requirements, to

conform; amending ss. 105.08, 106.025, 106.08, and 106.18, F.S., relating to reporting requirements applicable to candidates for retention to judicial office, campaign fund raisers held on behalf of a political party by its state or county executive committee, nonallocable, in-kind contributions by candidates and political parties, and the granting of certificates of election, to conform; creating s. 112.3155, F.S.; providing disclosure requirements for legislators and Cabinet members who are candidates for public office; providing penalties; creating s. 112.3157, F.S.; requiring certain disclosure by legislators, Cabinet members, and lobbyists; providing penalties;

Rep. Cosgrove moved the adoption of the amendment to the amendment.

Subsequently, **Amendment 1 to House Amendment 1 to Senate Amendment 1** was withdrawn.

The question recurred on the adoption of **House Amendment 1 to Senate Amendment 1**, which was adopted.

On motion by Rep. Arnall, the House concurred in Senate Amendment 1, as amended. The question recurred on the passage of CS/CS/HB 181. The vote was:

Session Vote Sequence: 542

Yeas—116

The Chair	Crady	Johnson	Ritchie
Albright	Crow	Jones	Ritter
Alexander	Detert	Kelly	Roberts
Andrews	Diaz de la Portilla, R.	Kilmer	Rojas
Argenio	Dockery	Kosmas	Rubio
Argenziano	Edwards	Lacasa	Russell
Arnall	Effman	Lawson	Ryan
Bainter	Farkas	Lee	Sanderson
Ball	Fasano	Levine	Sembler
Barreiro	Feeney	Littlefield	Smith, C.
Bense	Fiorentino	Logan	Smith, K.
Betancourt	Flanagan	Lynn	Sobel
Bilirakis	Frankel	Maygarden	Sorensen
Bitner	Fuller	Melvin	Spratt
Bloom	Futch	Merchant	Stafford
Boyd	Garcia	Miller, J.	Stansel
Bradley	Gay	Miller, L.	Starks
Bronson	Goode	Minton	Suarez
Brown	Goodlette	Morroni	Sublette
Brummer	Gottlieb	Murman	Trovillion
Bucher	Green, C.	Ogles	Tullis
Bullard	Greene, A.	Patterson	Turnbull
Bush	Greenstein	Peaden	Villalobos
Byrd	Hafner	Posey	Wallace
Cantens	Harrington	Prieguez	Wasserman Schultz
Casey	Henriquez	Pruitt	Waters
Chestnut	Heyman	Putnam	Wiles
Constantine	Hill	Rayson	Wilson
Cosgrove	Jacobs	Reddick	Wise

Nays—None

Votes after roll call:
Yeas—Hart, Kyle

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

Motions Relating to Committee References

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 637 was withdrawn from the Committee on Finance & Taxation and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS for SB 210 was withdrawn from the Committee on General Appropriations and placed on the appropriate Calendar.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 946, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senator Sebesta—

CS for SB 946—A bill to be entitled An act relating to offenses by public servants; amending s. 16.56, F.S.; authorizing the Statewide Prosecutor to prosecute violations of ch. 838, F.S.; amending s. 287.133, F.S.; redefining the term "public entity crime"; providing criteria for the placement and removal of names on the convicted vendor list; amending s. 837.02, F.S.; providing for an exception to perjury in official proceedings; creating s. 838.0105, F.S.; providing a short title; amending s. 838.014, F.S.; redefining the terms "benefit," "corruptly," "harm," and "public servant"; amending ss. 838.015, 838.016, F.S.; increasing penalties; creating ss. 838.022, 838.20, 838.21, 838.22, 838.23, 838.24, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, bid-tampering, and perjury by a public servant in an official proceeding; providing for evidence of governmental function or service; creating s. 838.25, F.S.; providing status of confidential informants or confidential sources; creating s. 838.30, F.S.; authorizing public servants who are subjected to an investigation for official misconduct to recover attorney's fees; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code; 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; providing an effective date.

—was read the first time by title. On motion by Rep. Ball, the rules were suspended and the bill was read the second time by title.

Representative(s) Ball offered the following:

(Amendment Bar Code: 790079)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (1) of section 16.56, Florida Statutes, is amended to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

1. Bribery, *any violation of chapter 838,* burglary, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, carjacking, and home-invasion robbery;

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

4. Any violation of the provisions of the Florida Anti-Fencing Act;

5. Any violation of the provisions of the Florida Antitrust Act of 1980, as amended;

6. Any crime involving, or resulting in, fraud or deceit upon any person; or

7. Any violation of s. 847.0135, relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135,

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits.

Section 2. *This act may be cited as the "Citizens' Right to Honest Government Act."*

Section 3. Section 838.014, Florida Statutes, is amended to read:

838.014 Definitions.—*As used in* ~~For the purposes of~~ this chapter, *the term* ~~unless a different meaning plainly is required~~:

(1) "Benefit" means gain or advantage, or anything regarded by the person to be benefited as a gain or advantage, including the doing of an act beneficial to any person in whose welfare he or she is interested, *including any commission, gift, gratuity, property, commercial interest, or any other thing of economic value.*

(2) "Corruptly" or "corrupt intent" means done with knowledge that the act is wrongful.

(3) "Harm" means pecuniary or other loss, disadvantage, or injury to the person affected, including loss, disadvantage, or injury to any other person in whose welfare he or she is interested.

(4) "Public servant" means:

(a) Any officer or employee of a state, county, municipal, or special district agency or entity;

(b) Any legislative or judicial officer or employee;

(c) Any officer, director, partner, manager, representative, or employee of a nongovernmental entity that is authorized by law or contract to perform a governmental function or provide a governmental service on behalf of a state, county, municipal, or special district agency or entity;

(d) Any person who holds an office in a political party or political party committee;

(e) Any person, except a witness, who acts as a master, receiver, auditor, juror, arbitrator, umpire, referee, consultant, or hearing officer while performing a governmental function; or

(f) A candidate for election or appointment to any of the positions listed in this subsection, or an individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

~~(2) "Pecuniary benefit" is benefit in the form of any commission, gift, gratuity, property, commercial interest, or any other thing of economic value.~~

~~(3) "Harm" means loss, disadvantage, or injury to the person affected, including loss, disadvantage, or injury to any other person in whose welfare he or she is interested.~~

~~(4) "Public servant" means any public officer, agent, or employee of government, whether elected or appointed, including, but not limited to, any executive, legislative, or judicial officer; any person who holds an office or position in a political party or political party committee, whether elected or appointed; and any person participating as a special master, receiver, auditor, juror, arbitrator, umpire, referee, consultant, administrative law judge, hearing officer, or hearing examiner, or person acting on behalf of any of these, in performing a governmental function; but the term does not include witnesses. Such term shall include a candidate for election or appointment to any such office, including any individual who seeks or intends to occupy any such office. It shall include any person appointed to any of the foregoing offices or employments before and after he or she qualifies.~~

~~(5) "Government" includes the state government and any city or county government or any branch, political subdivision, or agency of the state, county, or city government.~~

~~(6) "Corruptly" means done with a wrongful intent and for the purpose of obtaining or compensating or receiving compensation for any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.~~

Section 4. Subsection (3) of section 838.015, Florida Statutes, is amended to read:

838.015 Bribery.—

(3) Any person who commits bribery *commits* ~~is guilty of~~ a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Subsection (4) of section 838.016, Florida Statutes, is amended to read:

838.016 Unlawful compensation or reward for official behavior.—

(4) Whoever violates the provisions of this section *commits* ~~shall be guilty of~~ a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Sections 838.022, 838.20, 838.21, and 838.23, Florida Statutes, are created to read:

838.022 Official misconduct.—

(1) It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause harm to another, to:

(a) Falsify, or cause another person to falsify, any official record or official document;

(b) Conceal, cover up, destroy, mutilate, or alter any official record or official document or cause another person to perform such an act;

(c) Obstruct, delay, or prevent the communication of information relating to the commission of a felony that directly involves or affects the public agency or public entity served by the public servant; or

(2) For the purposes of this section:

(a) A candidate shall not be included in the term "public servant."

(b) An official record or official document includes only public records.

(3) Any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

838.20 Criminal misuse of official position.—

(1) It is unlawful for any public officer or public employee to corruptly use or attempt to use his or her official position, or any public property or public resource that is within his or her trust, to:

(a) Establish any business relationship between the public officer's or public employee's own agency and any business entity in which the public officer or public employee receives or has an expectation of receiving a benefit; or

(b) Perform his or her official duties to secure for himself or herself a benefit that is not generally available to the public.

(2) Any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

838.21 Disclosure or use of confidential criminal justice information.—It is unlawful for a public servant, with intent to obstruct, impede, or prevent a criminal investigation or a criminal prosecution, to

disclose active criminal investigative or intelligence information as defined in chapter 119 or to disclose or use information regarding either the efforts to secure or the issuance of a warrant, subpoena, or other court process or court order relating to a criminal investigation or criminal prosecution when such information is not available to the general public and is gained by reason of the public servant's official position. 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.

838.23 Bid tampering.—

(1) As used in this section, the term:

(a) "Bid" includes a response to an "invitation to bid" or "request for proposals" as those terms are defined in s. 287.012.

(b) "Commodity" means any goods, merchandise, wares, produce, chose in action, land, article of commerce, or other tangible or intangible property, real, personal, or mixed, for use, consumption, production, enjoyment, or resale.

(c) "Service" means any kind of activity performed in whole or in part for economic benefit.

(2) It is unlawful for a public servant, with corrupt intent to influence or attempt to influence the competitive bidding process undertaken by any state, county, municipal, or special district agency, or any other public entity, for the procurement of commodities or services, to:

(a) Disclose material information concerning a bid or other aspects of the competitive bidding process when such information is not publicly disclosed.

(b) Establish a bid specification, contract specification, request for proposal, invitation to bid, or other material aspect of the competitive bidding process that provides an unfair competitive advantage to any person who submits a bid.

(c) Alter or amend a submitted bid, documents or other materials supporting a submitted bid, or bid results for the purpose of providing an unfair competitive advantage to any person who submits a bid.

(3) It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause unlawful harm to another, to circumvent a competitive bidding process required by law or rule by using a sole-source contract for commodities or services.

(4) It is unlawful for any person to knowingly agree, conspire, combine, or confederate, directly or indirectly, with a public servant to violate subsection (2) or subsection (3).

(5) It is unlawful for any person to knowingly enter into a contract for commodities or services which was secured by a public servant acting in violation of subsection (2) or subsection (3).

(6) Any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Section 837.02, Florida Statutes, is amended to read:

837.02 Perjury in official proceedings.—

(1) Except as provided in *subsections* ~~subsection~~ (2) *and (3),* whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding that relates to the prosecution of a capital felony, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any public servant, as defined in s. 838.014, who makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter that relates to his or her duties or actions as a public servant commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)~~(3)~~ Knowledge of the materiality of the statement is not an element of the crime of perjury under subsection (1), ~~or~~ subsection (2), *or subsection (3)* and the defendant's mistaken belief that the statement was not material is not a defense.

Section 8. Section 838.25, Florida Statutes, is created to read:

838.25 Status of confidential informants and confidential sources. Any person who provides information regarding suspected criminal violations committed by a public servant as defined in s. 838.014 shall be considered a confidential informant or confidential source pursuant to s. 119.07(3)(c).

Section 9. Section 838.30, Florida Statutes, is created to read:

838.30 Attorney's fees.—If a public servant is arrested or prosecuted for any alleged violation of this chapter and either the criminal charges are dismissed or the public servant is acquitted, the public servant may petition the employing public agency to award attorney's fees for the cost of defending against those charges. The employing public agency shall award attorney's fees to the public servant upon a finding that the public servant's actions arose out of or in connection with the performance of his or her official duties and served a public purpose.

Section 10. Paragraphs (a), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than $300 but less than $20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
322.212(5)(a)	3rd	False application for driver's license or identification card.
370.13(3)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
372.663(1)	3rd	Poach any alligator or crocodilia.
414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than $200.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.

Florida Statute	Felony Degree	Description
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
458.327(1)(a)	3rd	Unlicensed practice of medicine.
466.026(1)(a)	3rd	Unlicensed practice of dentistry or dental hygiene.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than $300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than $50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05 (2)(b)&(4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
~~838.015(3)~~	~~3rd~~	~~Bribery.~~
~~838.016(1)~~	~~3rd~~	~~Public servant receiving unlawful compensation.~~
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(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.
784.08(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 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.
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.

Florida Statute	Felony Degree	Description
812.014(2)(b)	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
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.
838.21	*3rd*	*Disclosure of confidential criminal justice information.*
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.
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.
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.
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.
784.08(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.
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; property stolen while causing other property damage; 1st degree grand theft.

Florida Statute	Felony Degree	Description
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.
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.
837.02(3)	*2nd*	*Perjury by a public servant in an official proceeding.*
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	*2nd*	*Bribery.*
838.016	*2nd*	*Unlawful compensation or reward for official behavior.*
838.021(3)(a)	*2nd*	*Unlawful harm to a public servant.*
838.022	*2nd*	*Official misconduct.*
838.20	*2nd*	*Criminal misuse of official position.*
838.23	*2nd*	*Bid tampering.*
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), or (2)(b)) within 1,000 feet of a child care facility or school.
893.13(1)(e)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b), 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), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 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.

Section 11. *Sections 838.15, 838.16 and 839.25, Florida Statutes, are repealed.*

Section 12. This act shall take effect October 1, 2000.

And the title is amended as follows:

On page 1,
remove from the title of the bill: the entire title

and insert in lieu thereof: An act relating to offenses by public servants; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; providing a short title; amending s. 838.014, F.S.; redefining the terms "benefit," "corruptly," "harm," and "public servant"; deleting definitions; amending ss. 838.015 and 838.016, F.S.; increasing penalties; creating ss. 838.022, 838.20, 838.21, and 838.23, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; creating s. 838.25, F.S.; providing status of confidential informants or confidential sources; creating s. 838.30, F.S.; authorizing public servants who are subjected to an investigation for official misconduct to recover attorney's fees; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code; 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; providing an effective date.

Rep. Ball moved the adoption of the amendment.

Representative(s) Sobel and Levine offered the following:

(Amendment Bar Code: 475993)

Amendment 1 to Amendment 1—On page 6, between lines 21 and 22

insert: *(2) It is unlawful for any elected public official to corruptly use his or her official position to influence, or attempt to influence, any lobbyist by coercion, intimidation or threat, from supporting, either financially or with in-kind benefits, one political party or candidate as opposed to another.*

Rep. Sobel moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 543

Yeas—47

Betancourt	Eggelletion	Lee	Smith, K.
Bloom	Frankel	Levine	Sobel
Boyd	Gottlieb	Logan	Spratt
Brown	Greene, A.	Melvin	Stafford
Bucher	Greenstein	Miller, L.	Stansel
Bullard	Hafner	Posey	Suarez
Bush	Henriquez	Rayson	Turnbull
Chestnut	Heyman	Reddick	Wasserman Schultz
Cosgrove	Hill	Ritchie	Waters
Crist	Jacobs	Ritter	Wiles
Edwards	Kosmas	Ryan	Wilson
Effman	Lawson	Smith, C.	

Nays—70

The Chair	Barreiro	Casey	Feeney
Albright	Bense	Constantine	Fiorentino
Alexander	Bilirakis	Crady	Flanagan
Andrews	Bitner	Crow	Fuller
Argenio	Bradley	Detert	Futch
Argenziano	Bronson	Diaz de la Portilla, R.	Garcia
Arnall	Brummer	Dockery	Gay
Bainter	Byrd	Farkas	Goode
Ball	Cantens	Fasano	Goodlette

Green, C.	Littlefield	Peaden	Starks
Harrington	Lynn	Prieguez	Sublette
Hart	Maygarden	Pruitt	Trovillion
Johnson	Merchant	Putnam	Tullis
Jones	Miller, J.	Rojas	Villalobos
Kelly	Morroni	Rubio	Wallace
Kilmer	Murman	Sanderson	Wise
Kyle	Ogles	Sembler	
Lacasa	Patterson	Sorensen	

The question recurred on the adoption of **Amendment 1**, which was adopted.

On motion by Rep. Ball, the rules were suspended and CS for SB 946, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 544

Yeas—118

Albright	Crow	Jones	Ritter
Alexander	Detert	Kelly	Roberts
Andrews	Diaz de la Portilla, R.	Kilmer	Rojas
Argenio	Dockery	Kosmas	Rubio
Argenziano	Edwards	Kyle	Russell
Arnall	Effman	Lacasa	Ryan
Bainter	Farkas	Lawson	Sanderson
Ball	Fasano	Lee	Sembler
Barreiro	Feeney	Levine	Smith, C.
Bense	Fiorentino	Littlefield	Smith, K.
Betancourt	Flanagan	Logan	Sobel
Bilirakis	Frankel	Lynn	Sorensen
Bitner	Fuller	Maygarden	Spratt
Bloom	Futch	Melvin	Stafford
Boyd	Garcia	Merchant	Stansel
Bradley	Gay	Miller, J.	Starks
Bronson	Goode	Miller, L.	Suarez
Brown	Goodlette	Minton	Sublette
Brummer	Gottlieb	Morroni	Trovillion
Bucher	Green, C.	Murman	Tullis
Bullard	Greene, A.	Ogles	Turnbull
Bush	Greenstein	Patterson	Villalobos
Byrd	Hafner	Peaden	Wallace
Cantens	Harrington	Posey	Wasserman Schultz
Casey	Hart	Prieguez	Waters
Chestnut	Henriquez	Pruitt	Wiles
Constantine	Heyman	Putnam	Wilson
Cosgrove	Hill	Rayson	Wise
Crady	Jacobs	Reddick	
Crist	Johnson	Ritchie	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 701, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 701—A bill to be entitled An act relating to public school funding; creating the Citizens Commission on Funding K-12 Education; providing legislative intent; providing composition, organization, and duties of the commission; assigning the commission to the Office of Legislative Services for fiscal and administrative purposes; authorizing reimbursement to members for per diem and travel expenses incurred in the performance of commission duties; providing for appointment of a director and employment of staff; authorizing entering into contracts or agreements for required expertise; authorizing application for and acceptance of funds and services from public and private sources; requiring submission of draft and final recommendations to improve the system of funding K-12 education to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education, and providing for termination of the commission upon submission of the final recommendations; providing for public hearings around the state prior to submission of the final recommendations; amending s. 236.025, F.S.; revising funding for exceptional student education programs; amending s. 236.081, F.S.; revising funding for exceptional student education programs; amending s. 237.34, F.S.; revising reporting requirements for exceptional student education programs; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. *(1) The Task Force on Public School Funding is created to examine and make recommendations to the Governor and the Legislature on the funding of the state system of public schools. The task force is assigned to the Office of Legislative Services, created by section 11.147, Florida Statutes, for administrative and fiscal accountability purposes.*

(2) The task force shall consist of 15 members selected from among business and community leaders and the Lieutenant Governor and Commissioner of Education, who shall serve as voting ex officio members. By June 30, 2000, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint 5 members to serve for the duration of the task force. If a vacancy occurs, the official who had appointment jurisdiction for the vacated position shall appoint a member to fill the vacancy. Each appointing authority may remove his or her appointee for cause, and shall remove an appointee who, without cause, fails to attend three consecutive meetings. Members of the task force shall serve without compensation but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in section 112.061, Florida Statutes.

(3) The task force shall hold its organizational meeting by September 1, 2000; and, thereafter, shall meet at the call of the chair, but shall meet at least monthly before submitting its final recommendations. The task force shall be chaired by a member designated by the Governor. The task force shall elect a vice chair to serve in the absence of the chair. The task force shall adopt procedures or bylaws necessary for its efficient operation and may appoint subcommittees from its membership.

(4) The task force shall examine the funding of the state system of public schools as provided by the Florida Education Finance Program created by section 236.081, Florida Statutes, and implemented by the general appropriations acts. The task force shall consider at least the following:

(a) The funding of public schools based on their performance in educating students as evidenced by the achieving of equitable outcomes that meet the state academic achievement standards for all students.

(b) The relationship between state funding and local funding for public schools.

(c) The maintenance of funding equity in the allocation of dollars among school districts and schools.

(d) The acquisition and support of technology to assist in the instructional process.

(e) The funding support for parental choice in the selection of educational services for children.

(f) The results and recommendations of public school funding studies conducted by nationally recognized experts, groups, and other states.

(5) The task force:

(a) Shall appoint an executive director, who shall be the chief administrative officer of the task force. With approval of the chair, the

director may employ research and support staff to serve the needs of the task force. All members of the task force staff are exempt from the Career Service System and shall be employed in accordance with the legislative personnel plan administered by the Office of Legislative Services.

(b) The task force is authorized to enter into contracts or agreements with individuals, organizations, or firms to provide expertise required by the task force to perform its duties.

(c) The task force is authorized to apply for and accept funds, grants, donations, expenses, in-kind services, or other valued goods or services from any public or private source, including in-kind services of employees of the state Department of Education, the school districts, and the state universities.

(d) By September 1, 2001, shall submit draft recommendations and, by February 1, 2002, shall submit final recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Before adopting final recommendations, the task force shall conduct at least one public hearing in each of the five service regions of the Department of Education. The recommendations of the task force must include proposed legislation.

(6) This section expires June 30, 2003.

Section 2. *Section 236.081, Florida Statutes, is repealed effective June 30, 2004, subject to prior review by the Task Force on Public School Funding.*

Section 3. Section 236.025, Florida Statutes, is amended to read:

236.025 Revised funding model for exceptional student education programs.—

(1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models; simplify funding by utilizing *two* ~~five~~ weighted cost factors *and a guaranteed allocation*; provide fiscal support for exceptional students in general education classes; be outcome driven; ~~and~~ be revenue neutral*; and reduce the paperwork burden associated with state funding.* This funding model is designed to support both traditional and new service delivery models along the continuum of services required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.

(2)(a) The revised funding model uses *existing basic, at-risk, and vocational* ~~five~~ Florida Education Finance Program cost factors*, two exceptional education cost factors, and a guaranteed allocation* for exceptional student education programs. *Exceptional education* cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual education plan.

(b) *In order to generate funds using one of the two weighted cost factors,* a matrix of services must be completed at *the time of the student's initial placement into an exceptional student education program and at least once every 3 years* ~~least once each year~~ by ~~public school~~ personnel who have received approved training. ~~Additionally, each time an exceptional student's individual education plan, family support plan, or education plan is reviewed, the matrix of services must also be reviewed.~~ Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

(c) Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in paragraph (b) shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subsection (3).

(3)(a) For students identified as exceptional who do not have a matrix of services, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 230.23(4)(m) and rules of the state board, which shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of full-time-equivalent student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated during the year. These funds shall be used to provide special education and related services for exceptional students.

(b) The exceptional student education guaranteed allocation shall be determined annually by the Legislature based upon district's program enrollment and program costs.

(4)~~(3)~~ The Department of Education shall revise its monitoring systems for exceptional student education programs to include a review of delivery of services as indicated on the matrix of services.

(5)~~(4)~~ The Department of Education shall *adopt* ~~promulgate~~ rules necessary to implement the revised funding model.

~~(5) The funding level in the 1997-1998 FEFP for exceptional student education shall be guaranteed for 3 years so that no district will have a financial uncertainty during the initial implementation of the revised funding model.~~

Section 4. Section 229.05371, Florida Statutes, is amended to read:

229.05371 ~~Pilot program;~~ Scholarships to public or private school of choice for students with disabilities.—

(1) *SCHOLARSHIP* ~~PILOT~~ PROGRAM.—There is established a ~~pilot~~ program, which is separate and distinct from the Opportunity Scholarship Program, ~~in the Sarasota school district,~~ to provide scholarships to a public or private school of choice for students with disabilities whose academic progress in at least two areas has not met expected levels for the previous year, as determined by the student's individual education plan. Student participation in the ~~pilot~~ program is limited to 5 percent of the students with disabilities in the school district during the first year, 10 percent of students with disabilities during the second year, ~~and~~ 20 percent of students with disabilities during the third *year*, and *no caps in* subsequent years. The following applies to the ~~pilot~~ program:

(a) To be eligible to participate in the ~~pilot~~ program, a private school must meet all requirements of s. 229.0537(4), except for the accreditation requirements of s. 229.0537(4)(f). For purposes of the ~~pilot~~ program, notification under s. 229.0537(4)(b) must be separate from the notification under the Opportunity Scholarship Program.

(b) The school district ~~that participates in the pilot program~~ must comply with the requirements in s. 229.0537(3)(a)2., (c), and (d).

(c) The amount of the scholarship in the ~~pilot~~ program shall be equal to the amount the student would have received under the Florida Education Finance Program in the public school to which he or she is assigned.

(d) To be eligible for a scholarship under the ~~pilot~~ program, a student or parent must:

1. Comply with the eligibility criteria in s. 229.0537(2)(b) and all provisions of s. 229.0537 which apply to students with disabilities;

2. For the school year immediately prior to the year in which the scholarship will be in effect, have documented the student's failure to meet specific performance levels identified in the individual education plan; or, absent specific performance levels identified in the individual education plan, the student must have performed below grade level on state or local assessments and the parent must believe that the student is not progressing adequately toward the goals in the individual education plan; and

3. Have requested the scholarship prior to the time at which the number of valid requests exceeds the district's cap for the year in which the scholarship will be awarded.

(2) The provisions of s. 229.0537(6) and (8) shall apply to the ~~pilot~~ program authorized in this section. This ~~pilot~~ program is not intended to affect the eligibility of the state or school district to receive federal funds for students with disabilities.

Section 5. Section 236.08103, Florida Statutes, is created to read:

236.08103 Equity in School-Level Funding Act.—

(1) This section may be cited as the "Equity in School-Level Funding Act."

(2)(a) Beginning in the 2000-2001 fiscal year, district school boards shall allocate to each school within the district at least 50 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

(b) Beginning in the 2001-2002 fiscal year, district school boards shall allocate to each school within the district at least 65 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

(c) Beginning in the 2002-2003 fiscal year, district school boards shall allocate to each school within the district at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

(d) Beginning in the 2003-2004 fiscal year, district school boards shall allocate to each school within the district at least 90 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

Total funding for each school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the school during the full-time equivalent student survey periods designated by the Commissioner of Education. If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in the schools in the district shall be provided federal funds. Only those districts that initially applied for charter school district status, pursuant to s. 228.058, and have been approved by the State Board of Education are exempt from the provisions of this section.

(3) Funds allocated to a school pursuant to this section that are unused at the end of the fiscal year shall not revert to the district, but shall remain with the school. These carryforward funds may be used for any purpose provided by law at the discretion of the principal of the school.

(4) Recommendations made by the Governor's Equity in Educational Opportunity Task Force shall be reviewed to identify potential categorical funds to be included in the district allocation methodology required in subsection (2).

(5) Funds appropriated in the General Appropriations Act for supplemental academic instruction to be used for the purposes described in s. 236.08104 are excluded from the school-level allocation under this section.

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to public school funding; creating the Task Force on Public School Funding; providing for the appointment and organization of the task force; specifying powers and duties; specifying duties of the Department of Education; requiring certain reports and public hearings; repealing s. 236.081, F.S., relating to the Florida Education Finance; amending s. 236.025, F.S.; revising funding for exceptional student education programs; amending s. 229.05371, F.S.; converting a pilot program for scholarships for students with disabilities to statewide application; creating s. 236.08103, F.S., the "Equity in School-Level Funding Act"; requiring school districts to allocate to each school within the district a specified minimum percentage of the funds generated by the school based on the Florida Education Finance Program; providing for graduated increases in such percentage; providing exemptions; providing for carryforward of unused funds allocated to the schools; providing for review of certain task force recommendations for potential inclusion of certain funds in the allocation methodology; providing that funds for supplemental academic instruction are excluded from the school-level allocation; providing an effective date.

Representative(s) Wise offered the following:

(Amendment Bar Code: 875793)

House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 4, line 7 through page 6, line 21,
remove from the amendment: all of said lines

and insert in lieu thereof:

Section 3. Section 236.025, Florida Statutes, is amended to read:

236.025 Revised funding model for exceptional student education programs.—

(1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models; simplify funding by utilizing *two* ~~five~~ weighted cost factors *and a guaranteed allocation*; provide fiscal support for exceptional students in general education classes; be outcome driven; ~~and~~ be revenue neutral*; and reduce the paperwork burden associated with state funding*. This funding model is designed to support both traditional and new service delivery models along the continuum of services required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.

(2)(a) The revised funding model uses *existing basic, at-risk, and vocational* ~~five~~ Florida Education Finance Program cost factors*, two exceptional education cost factors, and a guaranteed allocation* for exceptional student education programs. *Exceptional education* cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual education plan.

(b) *In order to generate funds using one of the two weighted cost factors,* a matrix of services must be completed at *the time of the student's initial placement into an exceptional student education program and at least once every 3 years* ~~least once each year~~ by ~~public school~~ personnel who have received approved training. ~~Additionally, each time an exceptional student's individual education plan, family support plan, or education plan is reviewed, the matrix of services must also be reviewed.~~ Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

(c) Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in paragraph (b) shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subsection (3).

(3) For students identified as exceptional who do not have a matrix of services, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 230.23(4)(m) and rules of the state board, which shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of full-time-equivalent student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated during the year. These funds shall be used to provide special education and related services for exceptional students.

(4)~~(3)~~ The Department of Education shall revise its monitoring systems for exceptional student education programs to include a review of delivery of services as indicated on the matrix of services.

(5)~~(4)~~ The Department of Education shall *adopt* ~~promulgate~~ rules necessary to implement the revised funding model.

~~(5) The funding level in the 1997-1998 FEFP for exceptional student education shall be guaranteed for 3 years so that no district will have a financial uncertainty during the initial implementation of the revised funding model.~~

Section 4. Paragraphs (c), (d), and (h) of subsection (1) and paragraph (d) of subsection (4) of section 236.081, Florida Statutes, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of *the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.* ~~funding support for each exceptional student. The funding support level for each exceptional student shall fund the exceptional student's total education program.~~

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

~~a. Support Level I.~~

~~b. Support Level II.~~

~~c. Support Level III.~~

a.~~d.~~ Support Level IV.

b.~~e.~~ Support Level V.

3. Secondary career education programs.—

~~4. Students-at-risk programs.—~~

~~a. Dropout prevention and teenage parents.~~

4.~~b.~~ English for Speakers of Other Languages.—

(d) Annual allocation calculation.—

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, *English for Speakers of Other Languages* ~~students-at-risk~~ programs, all basic programs other than the programs in group 1, and all vocational programs in grades 7-12.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3. This adjustment shall be calculated beginning with the third calculation of the 1998-1999 FEFP.

(h) *Coenrollment* ~~Instruction outside required number of school days. Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required school days or year if such instruction counts as credit toward high school graduation. However,~~ If a high school student wishes to earn high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the community college shall be reimbursed for the costs incurred because of the high school student's coenrollment as provided in the General Appropriations Act.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(d) Exclusion.—

1. In those instances in which:

a.~~1.~~ There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll, and

b.~~2.~~ The assessed value of the property in contest involves more than 6 percent of the total nonexempt assessment roll, *the plaintiff shall provide to the district school board of the county in which the property is located and to the Department of Education a certified copy of the petition and receipt for the good faith payment at the time they are filed with the court.*

~~the assessed value of the property in contest shall be excluded from the taxable value for school purposes for purposes of computing the district required local effort.~~

2. For purposes of computing the required local effort for each district affected by such petition, the Department of Education shall exclude from the district's total nonexempt assessment roll the assessed value of the property in contest and shall add the amount of the good faith payment to the district's required local effort.

Section 5. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 237.34, Florida Statutes, are amended to read:

237.34 Cost accounting and reporting.—

(2) COST REPORTING.—

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program funded in s. 236.081(1)(c)~~, except that programs for exceptional students shall be reported on an aggregate basis~~.

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) Each district shall expend at least the percent of the funds generated by each of the programs listed herein on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.

2. Grades 4, 5, 6, 7, and 8, 80 percent.

3. Grades 9, 10, 11, and 12, 80 percent.

4. Programs for exceptional students, on an aggregate program basis, *90* ~~80~~ percent.

5. Grades 7 through 12 vocational education programs, on an aggregate program basis, 80 percent.

6. Students-at-risk programs, on an aggregate program basis, 80 percent.

7. Juvenile justice programs, on an aggregate program basis, 80 percent.

8. Any new program established and funded under s. 236.081(1)(c), that is not included under subparagraphs 1. through 6., on an aggregate basis as appropriate, 80 percent.

And the title is amended as follows:

On page 11, line 2 after the first semicolon through line 4, of the amendment
remove: all of said lines

and insert in lieu thereof: amending s. 236.025, F.S.; revising funding for exceptional student education programs; amending s. 236.081, F.S.; revising funding for exceptional student education programs; revising provisions relating to instruction outside the required number of school days; revising the exclusion provisions of the computation of district required local effort; requiring plaintiffs to provide the district school board and the Department of Education certain documentation in litigation affecting the assessed value of real property above a specified amount; amending s. 237.34, F.S.; revising reporting requirements of exceptional student education programs; amending s. 229.05371,

Rep. Wise moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Rayson offered the following:

(Amendment Bar Code: 774393)

House Amendment 2 to Senate Amendment 1—On page 6, line 22 through page 8, line 12
remove from the amendment: all of said lines

Rep. Rayson moved the adoption of the amendment to the amendment.

On motion by Rep. Wise, the amendment to the amendment was laid on the table. The vote was:

Session Vote Sequence: 545

Yeas—69

The Chair	Byrd	Garcia	Merchant
Albright	Cantens	Gay	Miller, J.
Alexander	Constantine	Goode	Minton
Andrews	Crady	Goodlette	Morroni
Argenio	Crist	Green, C.	Murman
Argenziano	Crow	Harrington	Ogles
Arnall	Detert	Jones	Patterson
Bainter	Dockery	Kelly	Peaden
Ball	Farkas	Kilmer	Posey
Bense	Fasano	Kyle	Prieguez
Bilirakis	Feeney	Lacasa	Pruitt
Bitner	Flanagan	Littlefield	Putnam
Bronson	Fuller	Maygarden	Rojas
Brummer	Futch	Melvin	Rubio

Russell	Sorensen	Sublette	Wallace
Sanderson	Spratt	Trovillion	Waters
Sembler	Starks	Tullis	Wise
Smith, K.			

Nays—45

Betancourt	Effman	Kosmas	Smith, C.
Bloom	Eggelletion	Lawson	Sobel
Boyd	Fiorentino	Lee	Stafford
Brown	Frankel	Levine	Stansel
Bucher	Gottlieb	Logan	Suarez
Bullard	Greene, A.	Lynn	Turnbull
Bush	Greenstein	Miller, L.	Wasserman Schultz
Casey	Hafner	Rayson	Wiles
Chestnut	Henriquez	Reddick	Wilson
Cosgrove	Heyman	Ritchie	
Diaz de la Portilla, R.	Hill	Ritter	
Edwards	Jacobs	Ryan	

Votes after roll call:
Yeas—Barreiro

Rep. Wise moved that the House concur in Senate Amendment 1, as amended, which was agreed to. The vote was:

Session Vote Sequence: 546

Yeas—70

The Chair	Detert	Kilmer	Rojas
Albright	Diaz de la Portilla, R.	Kyle	Rubio
Alexander	Dockery	Lacasa	Russell
Andrews	Farkas	Littlefield	Sanderson
Argenio	Fasano	Maygarden	Sembler
Arnall	Feeney	Melvin	Smith, K.
Bainter	Flanagan	Merchant	Sorensen
Ball	Fuller	Miller, J.	Spratt
Bense	Futch	Minton	Starks
Bitner	Garcia	Morroni	Sublette
Bronson	Gay	Murman	Trovillion
Brummer	Goode	Ogles	Tullis
Byrd	Goodlette	Patterson	Villalobos
Cantens	Green, C.	Peaden	Wallace
Constantine	Harrington	Posey	Waters
Crady	Johnson	Prieguez	Wise
Crist	Jones	Pruitt	
Crow	Kelly	Putnam	

Nays—47

Argenziano	Cosgrove	Hill	Ritter
Barreiro	Edwards	Jacobs	Ryan
Betancourt	Effman	Kosmas	Smith, C.
Bloom	Eggelletion	Lawson	Sobel
Boyd	Fiorentino	Lee	Stafford
Bradley	Frankel	Levine	Stansel
Brown	Gottlieb	Logan	Suarez
Bucher	Greene, A.	Lynn	Turnbull
Bullard	Greenstein	Miller, L.	Wasserman Schultz
Bush	Hafner	Rayson	Wiles
Casey	Henriquez	Reddick	Wilson
Chestnut	Heyman	Ritchie	

The question recurred on the passage of CS/HB 701. The vote was:

Session Vote Sequence: 547

Yeas—71

The Chair	Argenio	Bense	Byrd
Albright	Arnall	Bitner	Cantens
Alexander	Bainter	Bronson	Constantine
Andrews	Ball	Brummer	Crady
Crist	Harrington	Morroni	Sembler
Crow	Johnson	Murman	Smith, K.
Diaz de la Portilla, R.	Jones	Ogles	Sorensen
Dockery	Kelly	Patterson	Spratt
Farkas	Kilmer	Peaden	Starks
Fasano	Kyle	Posey	Sublette
Feeney	Lacasa	Prieguez	Trovillion
Flanagan	Littlefield	Pruitt	Tullis
Fuller	Lynn	Putnam	Villalobos
Futch	Maygarden	Roberts	Wallace
Garcia	Melvin	Rojas	Waters
Gay	Merchant	Rubio	Wilson
Goode	Miller, J.	Russell	Wise
Goodlette	Minton	Sanderson	

Nays—46

Argenziano	Detert	Heyman	Ritter
Betancourt	Edwards	Hill	Ryan
Bilirakis	Effman	Jacobs	Smith, C.
Bloom	Fiorentino	Kosmas	Sobel
Boyd	Frankel	Lawson	Stafford
Bradley	Gottlieb	Lee	Stansel
Brown	Green, C.	Levine	Suarez
Bucher	Greene, A.	Logan	Turnbull
Bullard	Greenstein	Miller, L.	Wasserman Schultz
Bush	Hafner	Rayson	Wiles
Casey	Hart	Reddick	
Chestnut	Henriquez	Ritchie	

Votes after roll call:
Yeas—Barreiro

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

REPRESENTATIVE FULLER IN THE CHAIR

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 154 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senators Campbell and Saunders—

CS for SB 154—A bill to be entitled An act relating to vexatious litigants; providing a short title; providing definitions; providing for a court order to require certain plaintiffs to furnish security for certain purposes; providing procedures and requirements; providing limitations; providing exceptions; providing for effect of such court order; prohibiting clerks of court from filing certain actions under certain circumstances; providing procedures; providing for dismissal of certain actions under certain circumstances; requiring clerks of court to file copies of certain court orders with the Florida Supreme Court; providing for cumulative relief; providing an effective date.

—was read the first time by title. On motion by Rep. Goodlette, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 548

Yeas—115

The Chair	Ball	Bradley	Cantens
Albright	Barreiro	Bronson	Casey
Alexander	Bense	Brown	Chestnut
Andrews	Betancourt	Brummer	Constantine
Argenio	Bilirakis	Bucher	Crady
Argenziano	Bitner	Bullard	Crist
Arnall	Bloom	Bush	Crow
Bainter	Boyd	Byrd	Detert

Diaz de la Portilla, R.	Hart	Miller, J.	Sanderson
Dockery	Henriquez	Miller, L.	Smith, C.
Edwards	Heyman	Minton	Smith, K.
Effman	Hill	Morroni	Sobel
Farkas	Jacobs	Murman	Sorensen
Fasano	Johnson	Ogles	Spratt
Feeney	Jones	Patterson	Stafford
Fiorentino	Kelly	Peaden	Stansel
Flanagan	Kilmer	Posey	Starks
Frankel	Kosmas	Prieguez	Suarez
Futch	Kyle	Pruitt	Sublette
Garcia	Lacasa	Putnam	Trovillion
Gay	Lawson	Rayson	Tullis
Goode	Lee	Reddick	Turnbull
Goodlette	Levine	Ritchie	Villalobos
Gottlieb	Littlefield	Ritter	Wallace
Green, C.	Logan	Roberts	Wasserman Schultz
Greene, A.	Lynn	Rojas	Waters
Greenstein	Maygarden	Rubio	Wiles
Hafner	Melvin	Russell	Wilson
Harrington	Merchant	Ryan	

Nays—None

Votes after roll call:
Yeas—Eggelletion

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 386, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Policy and Natural Resources—

CS for CS for SB 386—A bill to be entitled An act relating to licenses issued by the Fish and Wildlife Conservation Commission; amending s. 372.105, F.S.; providing that the proceeds from the sale of all lifetime licenses be deposited into the Lifetime Fish and Wildlife Trust Fund; amending s. 372.16, F.S.; revising license fees for private game preserves; amending s. 372.57, F.S.; providing for noncommercial saltwater fishing licenses; providing for exceptions; providing for a combination license to hunt and take freshwater and saltwater fish; providing for a combination freshwater and saltwater fishing license; providing for a 3-day saltwater fishing license; coordinating the exemption requirements for licenses for retired residents to the retirement-age eligibility requirements of the United States Social Security Administration; authorizing the commission to issue temporary saltwater fishing licenses for special events in management areas for certain persons; providing that no fee is charged for such temporary licenses; providing for lifetime and 5-year saltwater fishing licenses; deleting duplicate provision dealing with fishing licenses for residents 64 years of age or older; providing for fishing rod licenses and fees; providing for a turkey permit for nonresidents; providing for a snook permit; providing for a crawfish permit; providing for use of such funds; creating s. 372.5701, F.S.; providing for the deposit and allocation of revenues received from the annual saltwater license fees; amending s. 372.561, F.S.; requiring the commission to issue licenses and permits to take wild animal life or freshwater or saltwater aquatic life upon proof of the applicant that he or she is entitled to such a permit or license; providing that licenses and permits for hunting, saltwater fishing, and freshwater fishing must be issued, without fee, to certain disabled persons; specifying portion of license fees to be retained by tax collectors; amending s. 372.574, F.S.; providing for a fee for electronic license sales; providing for the replacement of a lost or destroyed license or permit; providing a fee; amending s. 372.66, F.S.; deleting the nonresident fur dealer agent license, the resident fur dealer agent license, and the resident local fur dealer license; amending ss. 372.571, 372.5712, 372.5715, 372.573, 372.661, F.S.; conforming cross-references; creating s. 372.579, F.S.; authorizing the commission to adopt license or processing fees; increasing a fee; amending s. 372.83, F.S.; providing that it is unlawful to make, forge, or counterfeit any hunting or fishing license; providing penalties; providing that it is a noncriminal infraction to violate specified provisions relating to snook permits or crawfish permits; providing penalties; amending ss. 328.72, 328.76, F.S.; revising provisions relating to the remission of service fees to the Department of Highway Safety and Motor Vehicles and relating to the distribution and use of certain portions of the registration certificate fees; amending s. 370.06, F.S.; deleting obsolete provisions relating to gill nets; repealing ss. 370.0605, 370.0615, 370.0608, 370.062, 370.1111, and s. 370.14(10), (11), F.S., relating to saltwater fishing licenses; creating s. 372.5702, F.S.; providing a license program for tarpon; providing for fees; providing for deposit of such fees; amending s. 372.87, F.S.; revising venomous reptile license fees; amending s. 372.921, F.S.; revising wildlife exhibition permit fees; amending s. 372.922, F.S.; revising the classifications and permit fees for wildlife; providing an effective date.

—was read the first time by title. On motion by Rep. Alexander, the rules were suspended and the bill was read the second time by title.

Representative(s) Alexander offered the following:

(Amendment Bar Code: 431061)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (b) of subsection (1) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(1) MANATEE LICENSE PLATES.—

(b) The manatee license plate annual use fee must be deposited into the Save the Manatee Trust Fund, created within the Fish and Wildlife Conservation Commission, *and shall be used only for the purposes specified in s. 370.12(4)*~~. The funds deposited in the Save the Manatee Trust Fund may be used only for manatee-related environmental education; manatee research; facilities, as provided in s. 370.12(4)(b); and manatee protection and recovery.~~

Section 2. Section 327.02, Florida Statutes, is amended to read:

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(1) "Alien" means a person who is not a citizen of the United States.

(2) "Boating accident" means a collision, accident, or casualty involving a vessel in or upon, or entering into or exiting from, the water, including capsizing, collision with another vessel or object, sinking, personal injury, death, disappearance of any person from on board under circumstances which indicate the possibility of death or injury, or property damage to any vessel or dock.

(3) "Canoe" means a light, narrow vessel with curved sides and with both ends pointed. A canoe-like vessel with a transom may not be excluded from the definition of a canoe if the width of its transom is less than 45 percent of the width of its beam or it has been designated as a canoe by the United States Coast Guard.

(4) "Commercial vessel" means:

(a) Any vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or any vessel licensed pursuant to s. 370.06 from which commercial quantities of saltwater products are harvested, from within and without the waters of this state for sale either to the consumer, retail dealer, or wholesale dealer.

(b) Any *other* vessel, *except a recreational vessel as defined in this section* ~~engaged in any activity wherein a fee is paid by the user, either directly or indirectly, to the owner, operator, or custodian of the vessel~~.

(5) "Commission" means the Fish and Wildlife Conservation Commission.

(6) "Dealer" means any person authorized by the Department of Revenue to buy, sell, resell, or otherwise distribute vessels. Such person shall 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.

(7) "Division" means the Division of Law Enforcement of the Fish and Wildlife Conservation Commission.

(8) "Documented vessel" means a vessel for which a valid certificate of documentation is outstanding pursuant to 46 C.F.R. part 67.

(9) "Floating structure" means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term "floating structure" includes, but is not limited to, each entity used as a residence, place of business or office with public access, hotel or motel, restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" provided in this section. Incidental movement upon water or resting partially or entirely on the bottom shall not, in and of itself, preclude an entity from classification as a floating structure.

(10) "Florida Intracoastal Waterway" means the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section (using Gulf of Mexico); the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida.

(11) "Homemade vessel" means any vessel built after October 31, 1972, for which a federal hull identification number is not required to be assigned by the manufacturer pursuant to federal law, or any vessel constructed or assembled prior to November 1, 1972, by other than a licensed manufacturer for his or her own use or the use of a specific person. A vessel assembled from a manufacturer's kit or constructed from an unfinished manufactured hull shall be considered to be a homemade vessel if such a vessel is not required to have a hull identification number assigned by the United States Coast Guard. A rebuilt or reconstructed vessel shall in no event be construed to be a homemade vessel.

(12) "Houseboat" means any vessel which is used primarily as a residence for a minimum of 21 days during any 30-day period, in a county of this state, and this residential use of the vessel is to the preclusion of the use of the vessel as a means of transportation.

(13) "Length" means the measurement from end to end over the deck parallel to the centerline excluding sheer.

(14) "Lien" means a security interest which is reserved or created by a written agreement recorded with the Department *of Highway Safety and Motor Vehicles pursuant to s. 328.15* which secures payment or performance of an obligation and is generally valid against third parties.

(15) "Lienholder" means a person holding a security interest in a vessel, which interest is recorded with the Department *of Highway Safety and Motor Vehicles pursuant to s. 328.15.*.

(16) "Live-aboard vessel" means:

(a) Any vessel used solely as a residence; or

(b) Any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence.

A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

(17) "Livery vessel" means any vessel leased, rented, or chartered to another for consideration.

(18)~~(17)~~ "Manufactured vessel" means any vessel built after October 31, 1972, for which a federal hull identification number is required pursuant to federal law, or any vessel constructed or assembled prior to November 1, 1972, by a duly licensed manufacturer.

(19)~~(18)~~ "Marina" means a licensed commercial facility which provides secured public moorings or dry storage for vessels on a leased basis. A commercial establishment authorized by a licensed vessel manufacturer as a dealership shall be considered a marina for nonjudicial sale purposes.

(20)~~(19)~~ "Marine sanitation device" means any equipment other than a toilet, for installation on board a vessel, which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. Marine sanitation device Types I, II, and III shall be defined as provided in 33 C.F.R. part 159.

(21) "Marker" means any channel mark or other aid to navigation, information or regulatory mark, isolated danger mark, safe water mark, special mark, inland waters obstruction mark, or mooring buoy in, on, or over the waters of the state or the shores thereof, and includes, but is not limited to, a sign, beacon, buoy, or light.

(22)~~(20)~~ "Motorboat" means any vessel *equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation* ~~which is propelled or powered by machinery and which is used or capable of being used as a means of transportation on water~~.

(23)~~(21)~~ "Navigation rules" means the International Navigational Rules Act of 1977, *33 U.S.C. appendix following s. 1602, as amended, including the annexes thereto* ~~in effect on June 1, 1983~~, for vessels on waters outside of established navigational lines of demarcation as specified in 33 C.F.R. part 80 or the Inland Navigational Rules Act of 1980, *33 U.S.C. s. 2001 et seq., as amended, including the annexes thereto* ~~in effect on December 24, 1981~~, for vessels on all waters not outside of such lines of demarcation.

~~(22) "Noncommercial vessel" means any vessel other than a commercial vessel as defined in this section.~~

(24)~~(23)~~ "Nonresident" means a citizen of the United States who has not established residence in this state and has not continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

(25)~~(24)~~ "Operate" means to be in charge of or in command of or in actual physical control of a vessel upon the waters of this state, or to exercise control over or to have responsibility for a vessel's navigation or safety while the vessel is underway upon the waters of this state, or to control or steer a vessel being towed by another vessel upon the waters of the state~~; provided, however, that this definition shall not apply to a person on a vessel that is docked or otherwise made fast to the shore and shall not apply to a vessel owner or operator who designates a driver pursuant to s. 327.35~~.

(26)~~(25)~~ "Owner" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in 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.

(27)~~(26)~~ "Person" means an individual, partnership, firm, corporation, association, or other entity.

(28)~~(27)~~ "Personal watercraft" means a ~~small class A-1 or A-2~~ vessel *less than 16 feet in length* which uses an ~~outboard motor, or an~~ inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on~~, or being towed behind~~ the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(29)~~(28)~~ "Portable toilet" means a device consisting of a lid, seat, containment vessel, and support structure that is specifically designed to receive, retain, and discharge human waste and that is capable of being removed from a vessel by hand.

(30)~~(29)~~ "Prohibited activity" means such activity as will impede or disturb navigation or creates a safety hazard on waterways of this state.

(31)~~(30)~~ "Racing shell," "rowing scull," or "racing kayak" means a manually propelled vessel which is recognized by national or international racing associations for use in competitive racing and in which all occupants, with the exception of a coxswain, if one is provided, row, scull, or paddle and which is not designed to carry and does not carry any equipment not solely for competitive racing.

(32) "Recreational vessel" means any vessel:

(a) Manufactured and used primarily for noncommercial purposes; or

(b) Leased, rented, or chartered to a person for the person's noncommercial use.

(33)~~(31)~~ "Registration" means a state operating license on a vessel which is issued with an identifying number, an annual certificate of registration, and a decal designating the year for which a registration fee is paid.

~~(32) "Regulatory marker" means any anchored or fixed marker in, on, or over the water, or anchored platform on the surface of the water, other than a marker provided in s. 327.40, and includes, but is not limited to, a bathing beach marker, speed zone marker, information marker, restricted zone marker, congested area marker, or warning marker.~~

(34)~~(33)~~ "Resident" means a citizen of the United States who has established residence in this state and has continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

(35)~~(34)~~ "Sailboat" means any vessel whose sole source of propulsion is the *wind* ~~natural element (i.e., wind)~~.

(36)~~(35)~~ "Unclaimed vessel" means any undocumented vessel, including its machinery, rigging, and accessories, which is in the physical possession of any marina, garage, or repair shop for repairs, improvements, or other work with the knowledge of the vessel owner and for which the costs of such services have been unpaid for a period in excess of 90 days from the date written notice of the completed work is given by the marina, garage, or repair shop to the vessel owner.

(37)~~(36)~~ "Vessel" is synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(38)~~(37)~~ "Waters of this state" means any navigable waters of the United States within the territorial limits of this state, and the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state.

Section 3. Section 327.04, Florida Statutes, is amended to read:

327.04 Rules.—The *commission* ~~department~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring powers or duties upon it.

Section 4. Subsection (1) of section 327.22, Florida Statutes, is amended to read:

327.22 Regulation of vessels by municipalities or counties.—

(1) Nothing in this chapter shall be construed to prohibit any municipality or county that expends money for the patrol, regulation, and maintenance of any lakes, rivers, or waters, and for other boating-related activities in such municipality or county, from regulating vessels resident in such municipality or county. Any county or municipality may adopt ordinances which provide for enforcement of noncriminal violations of *restricted areas* ~~s. 327.33 relating to the careless operation of a vessel~~ which results in the endangering or damaging of property, by citation mailed to registered owner of the vessel. Any such ordinance shall apply only in *legally established* ~~designated~~ restricted areas which are properly marked *as permitted pursuant to ss. 327.40 and 327.41* ~~and in need of shoreline protection~~. Any county and the municipalities located within the county may jointly regulate vessels.

Section 5. Effective October 1, 2000, section 327.302, Florida Statutes, is created to read:

327.302 Accident report forms.—

(1) The commission shall prepare and, upon request, supply to police departments, sheriffs, and other appropriate agencies or individuals forms for accident reports as required in this chapter, suitable with respect to the persons required to make such reports and the purposes to be served. The forms must call for sufficiently detailed information to disclose, with reference to a boating accident, the cause and conditions existing at the time of the accident and the persons and vessels involved. Accident report forms may call for the policy numbers of liability insurance and the names of carriers covering any vessel involved in an accident required to be reported under this chapter.

(2) Every accident report required to be made in writing must be made on the appropriate form approved by the commission and must contain all the information required therein unless not available. Notwithstanding any other provisions of this section, an accident report produce electronically by a law enforcement officer must, at a minimum, contain the same information as is required on those forms approved by the commission.

Section 6. Effective October 1, 2000, subsections (1) and (2) of section 327.33, Florida Statutes, are amended to read:

327.33 Reckless or careless operation of vessel.—

(1) It is unlawful to operate a vessel in a reckless manner. A person is guilty of reckless operation of a vessel who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure any person. *Reckless operation of a vessel includes, but is not limited to, a violation of s. 327.331(6).* Any person who violates a provision of this subsection *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person operating a vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, ~~the presence of a divers-down flag as defined in s. 861.065,~~ and all other attendant circumstances so as not to endanger the life, limb, or property of any person. ~~Any person operating a vessel on a river, inlet, or navigation channel shall make a reasonable effort to maintain a distance of 100 feet from any divers-down flag.~~ The failure to operate a vessel in a manner described in this subsection constitutes careless operation. However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property. Any person who violates the provisions of this subsection *commits* ~~is guilty of~~ a noncriminal violation as defined in s. 775.08.

Section 7. Effective October 1, 2000, section 861.065, Florida Statutes, is renumbered as section 327.331, Florida Statutes, and amended to read:

327.331 ~~861.065~~ Divers; definitions; divers-down flag required; obstruction to navigation of certain waters; penalty.—

(1) *As used in this section:*

(a) "Diver" means any person who is wholly or partially submerged in the waters of the state and is equipped with a face mask and snorkel or underwater breathing apparatus.

(b)~~(2)~~ "Underwater breathing apparatus" *means* ~~shall mean~~ any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is enabled to obtain or reuse air or any other gas or gases for breathing without returning to the surface of the water.

(c)~~(3)~~ "Divers-down flag" *means* ~~shall mean~~ a flag that *meets the following specifications:* ~~is either square or rectangular, to approximately 4 units high by 5 units long, with a 1-unit diagonal stripe. The divers-down flag shall have a white diagonal stripe on a red background. The stripe shall begin at the top staff-side of the flag and extend diagonally to the opposite lower corner. The flag shall be free-flying and shall be lowered when all divers are aboard or ashore. The minimum size shall be 12 by 12 inches.~~

1. The flag must be square or rectangular. If rectangular, the length must not be less than the height, or more than 25 percent longer than the height. The flag must have a wire or other stiffener to hold it fully unfurled and extended in the absence of a wind or breeze.

2. The flag must be red with a white diagonal stripe that begins at the top staff-side of the flag and extends diagonally to the lower opposite corner. The width of the stripe must be 25 percent of the height of the flag.

3. The minimum size for any divers-down flag displayed on a buoy or float towed by the diver is 12 inches by 12 inches. The minimum size for any divers-down flag displayed from a vessel or structure is 20 inches by 24 inches.

4. Any divers-down flag displayed from a vessel must be displayed from the highest point of the vessel or such other location which provides that the visibility of the divers-down flag is not obstructed in any direction.

(2)~~(4)~~ All divers *must* ~~shall~~ prominently display a divers-down flag in the area in which the diving occurs, other than when diving in an area customarily used for swimming only.

(3)~~(5)~~ No diver or group of divers shall display one or more divers-down flags on a river, inlet, or navigation channel, except in case of emergency, in a manner which shall unreasonably constitute a navigational hazard.

(4)~~(6)~~ Divers shall make reasonable efforts to stay within 100 feet of the divers-down flag on rivers, inlets, and navigation channels. *Any person operating a vessel on a river, inlet, or navigation channel must make a reasonable effort to maintain a distance of at least 100 feet from any divers-down flag.*

(5) Divers must make reasonable efforts to stay within 300 feet of the divers-down flag on all waters other than rivers, inlets, and navigation channels. Any person operating a vessel on waters other than a river, inlet, or navigation channel must make a reasonable effort to maintain a distance of at least 300 feet from any divers-down flag.

(6) Any vessel other than a law enforcement or rescue vessel that approaches within 100 feet of a divers-down flag on a river, inlet, or navigation channel, or within 300 feet of a divers-down flag on waters other than a river, inlet, or navigation channel, must proceed no faster than is necessary to maintain headway and steerageway.

(7) The divers-down flag must be lowered once all divers are aboard or ashore. No person may operate any vessel displaying a divers-down flag unless the vessel has one or more divers in the water.

(8)~~(7)~~ Any willful violation of this section shall be a misdemeanor of the second degree punishable as provided by s. 775.082 or s. 775.083.

Section 8. Effective October 1, 2001, subsection (8) of section 327.331, Florida Statutes, as amended by this act, is amended to read:

327.331 Divers; definitions; divers-down flag required; obstruction to navigation of certain waters; penalty.—

(8) *Except as provided in s. 327.33,* any ~~willful~~ violation of this section shall be a *noncriminal infraction punishable as provided in s. 327.73* ~~misdemeanor of the second degree punishable as provided by s. 775.082 or s. 775.083~~.

Section 9. Paragraph (a) of subsection (1) of section 327.355, Florida Statutes, is amended to read:

327.355 Operation of vessels by persons under 21 years of age who have consumed alcoholic beverages.—

(1)(a) Notwithstanding s. 327.35, it is unlawful for a person under the age of 21 who has a breath-alcohol level of 0.02 ~~percent~~ or higher to operate or be in actual physical control of a vessel.

Section 10. Paragraph (a) of subsection (2) of section 327.36, Florida Statutes, is amended to read:

327.36 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

(2)(a) No trial judge may accept a plea of guilty to a lesser offense from a person who is charged with a violation of s. 327.35, manslaughter resulting from the operation of a vessel, or vessel homicide and who has been given a breath or blood test to determine blood or breath alcohol content, the results of which show a *blood-alcohol level or breath-alcohol level* ~~blood or breath alcohol content by weight~~ of 0.16 ~~percent~~ or more.

Section 11. Effective October 1, 2000, paragraphs (a) and (b) of subsection (2) of section 327.37, Florida Statutes, are amended to read:

327.37 Water skis, parasails, and aquaplanes regulated.—

(2)(a) A person may not engage in water skiing, parasailing, aquaplaning, or *any* similar activity at any time between the hours from one-half hour after sunset to one-half hour before sunrise.

(b) A person may not engage in water skiing, parasailing, aquaplaning, or any similar activity unless such person is wearing a *noninflatable* type I, type II, type III, or ~~noninflatable~~ type V personal flotation device approved by the United States Coast Guard.

Section 12. Effective October 1, 2000, subsections (1), (4), (5), and (6) of section 327.39, Florida Statutes, are amended to read:

327.39 Personal watercraft regulated.—

(1) A person may not operate a personal watercraft unless each person riding on or being towed behind such vessel is wearing a type I, type II, type III, or type V personal flotation device, *other than an inflatable device,* approved by the United States Coast Guard.

(4) A personal watercraft must at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb, or property, including, but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed, and swerving at the last possible moment to avoid collision shall constitute reckless operation of a vessel, as provided in s. 327.33(1). *Any person operating a personal watercraft must comply with the provisions of s. 327.33.*

(5) No person under the age of 14 shall operate *any* ~~a~~ personal watercraft on the waters of this state.

(6)*(a)* It is unlawful for the owner of any personal watercraft or any person having charge over or control of a personal watercraft to authorize or knowingly permit the same to be operated by a person under 14 years of age in violation of this section.

(b)1. It is unlawful for the owner of any leased, hired, or rented personal watercraft, or any person having charge over or control of a leased, hired, or rented personal watercraft, to authorize or knowingly permit the watercraft to be operated by any person who has not received instruction in the safe handling of personal watercraft, in compliance with rules established by the commission.

2. Any person receiving instruction in the safe handling of personal watercraft pursuant to a program established by rule of the commission must provide the owner of, or person having charge of or control over, a

leased, hired, or rented personal watercraft with a written statement attesting to the same.

3. The commission shall have the authority to establish rules pursuant to chapter 120 prescribing the instruction to be given, which shall take into account the nature and operational characteristics of personal watercraft and general principles and regulations pertaining to boating safety.

(c) Any person who violates this subsection *commits* ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 13. Effective October 1, 2000, subsections (3) through (10) of section 327.395, Florida Statutes, are renumbered as subsections (4) through (11), respectively, and a new subsection (3) is added to said section, to read:

327.395 Boating safety identification cards.—

(3) Any commission-approved boater education or boater safety course, course-equivalency examination developed or approved by the commission, or temporary certificate examination developed or approved by the commission must include a component regarding diving vessels, awareness of divers in the water, divers-down flags, and the requirements of s. 327.331.

Section 14. Subsections (1) and (2) of section 327.40, Florida Statutes, are amended to read:

327.40 Uniform waterway markers for safety and navigation.—

(1) Waterways in Florida~~, unmarked by the Coast Guard,~~ which need marking for safety or navigation purposes~~,~~ shall be marked under the *United States Aids to Navigation System, 33 C.F.R. part 62. Until December 31, 2003, channel markers and obstruction markers conforming to the Uniform State Waterway Marking System, 33 C.F.R. subpart 66.10, may continue to be used on waters of this state that are not navigable waters of the United States.* ~~Uniform Safety and Navigation System adopted by the advisory panel of state officials to the Merchant Marine Council of the United States Coast Guard.~~

(2)*(a)* Application for marking inland lakes and state waters and any navigable waters under concurrent jurisdiction of the Coast Guard and the division shall be made to the division, accompanied by a map locating the approximate placement of markers, *a list of the markers to be placed, a statement of the specification of the markers,* a statement *of* ~~concerning~~ the purpose of marking, and the names of persons responsible for the placement and upkeep of such markers. The division will *assist the applicant to* secure the proper permission from the Coast Guard where required, make such investigations as needed, and issue a permit. The division shall furnish the applicant with the information concerning the system adopted and *the rules* ~~regulations~~ existing for placing and maintaining the ~~uniform safety and navigation~~ markers. The division shall keep records of all approvals given and counsel with individuals, counties, municipalities, motorboat clubs, or other groups desiring to mark waterways for safety and navigation purposes in Florida.

(b) No person or municipality, county, or other governmental entity shall place any safety or navigation markers in, on, or over the waters or shores of the state without a permit from the division.

(c) The commission is authorized to adopt rules pursuant to chapter 120 to implement this section.

Section 15. Section 327.41, Florida Statutes, is amended to read:

327.41 Uniform waterway regulatory markers.—

(1) The ~~Fish and Wildlife Conservation~~ commission shall adopt rules ~~and regulations~~ pursuant to chapter 120 establishing a uniform system of regulatory markers for the *waters of the state* ~~Florida Intracoastal Waterway~~, compatible with the system of regulatory markers prescribed by the United States Coast Guard *in the United States Aids to Navigation System, 33 C.F.R. part 62*~~, and shall give due regard to the System of Uniform Waterway Markers approved by the Advisory Panel of State Officials to the Merchant Marine Council, United States Coast Guard~~.

(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)(o), or any other governmental entity which has legally established a restricted area,* may apply to the ~~Fish and Wildlife Conservation~~ commission for permission to place regulatory markers within the restricted area.

(3) Application for placing regulatory markers *in the waters of the state* ~~on the Florida Intracoastal Waterway~~ shall be made to the division *as provided in s. 327.40* ~~of Marine Resources, accompanied by a map locating the approximate placement of the markers, a statement of the specification of the markers, a statement of purpose of the markers, and a statement of the city or county responsible for the placement and upkeep of the markers~~.

(4) No person or municipality, county, or other governmental entity shall place any regulatory markers in, on, or over the *waters of the state or the shores thereof* ~~Florida Intracoastal Waterway~~ without a permit from the division *pursuant to s. 327.40* ~~of Marine Resources~~.

(5) Aquaculture leaseholds shall be marked as required by this section, and the commission may approve alternative marking requirements as a condition of the lease pursuant to s. 253.68. The provisions of this section notwithstanding, no permit shall be required for the placement of markers required by such a lease.

(6) The commission is authorized to adopt rules pursuant to chapter 120 to implement ~~the provisions of~~ this section.

Section 16. Section 327.46, Florida Statutes, is amended to read:

327.46 Restricted areas.—

(1)*(a)* The commission *has* ~~shall have~~ the authority *to establish* ~~for establishing,~~ by rule, pursuant to chapter 120, restricted areas on the waters of the state for any purpose deemed necessary for the safety of the public, including, but not limited to, *vessel* ~~boat~~ speeds and *vessel* ~~boat~~ traffic, where such restrictions are deemed necessary based on boating accidents, visibility, *hazardous currents or water levels* ~~tides~~, *vessel traffic* congestion, or other navigational hazards. Each such restricted area shall be developed in consultation and coordination with the governing body of the county or municipality in which the restricted area is located and, where required, with *the United States Coast Guard and* the United States Army Corps of Engineers. ~~Restricted areas shall be established in accordance with procedures under chapter 120.~~

(2) It is unlawful for any person to operate a vessel *in a prohibited manner* or to carry on any prohibited activity, as defined in this chapter, deemed a safety hazard or interference with navigation as provided above within a restricted water area which has been clearly marked by *regulatory markers* ~~buoys or some other distinguishing device as a bathing or otherwise restricted area in accordance with and marked~~ as authorized under this chapter.~~; provided, that~~

(3) This section shall not apply in the case of an emergency or to *a law enforcement, firefighting,* ~~patrol~~ or rescue *vessel owned or operated by a governmental entity* ~~craft~~.

Section 17. Section 327.49, Florida Statutes, is created to read:

327.49 Testing vessels and vessel motors.—Subject to reasonable rules adopted by the commission, manufacturers of vessels and vessel motors that operate vessel and vessel motor test facilities may be authorized to test such vessels, vessel motors, or combinations thereof, on the waters of the state to ensure that they meet generally accepted boating safety standards.

Section 18. Subsection (2) of section 327.53, Florida Statutes, is amended to read:

327.53 Marine sanitation.—

(2)~~(a)~~ Every houseboat shall be equipped with at least one permanently installed toilet which shall be properly connected to a United States Coast Guard certified or labeled Type III marine sanitation device. If the toilet is simultaneously connected to both a Type III marine sanitation device and to another approved marine sanitation device, the valve or other mechanism selecting between the two marine sanitation devices shall be set to direct all sewage to the Type III marine sanitation device and, while the vessel is on the waters of the state, shall be locked or otherwise secured by the boat operator, so as to prevent resetting.

~~(b) A houseboat on which a Type I marine sanitation device was installed before January 30, 1980, need not install a Type III device until October 1, 1996. A houseboat on which a Type II marine sanitation device was installed before July 1, 1994, need not install a Type III device until October 1, 1996.~~

Section 19. Effective October 1, 2000, section 327.54, Florida Statutes, is amended to read:

327.54 Liveries; safety regulations; penalty.—

(1) A livery may not knowingly lease, hire, or rent a vessel to any person:

(a) When the number of persons intending to use the vessel exceeds the number considered to constitute a maximum safety load for the vessel as specified on the authorized persons capacity plate of the vessel.

(b) When the horsepower of the motor exceeds the capacity of the vessel.

(c) When the vessel does not contain the required safety equipment required under s. 327.50.

(d) When the vessel is not seaworthy.

(e) When the vessel is equipped with a motor of 10 horsepower or greater, unless *the livery provides* ~~there is a~~ prerental or preride instruction *that includes, but need not be limited to:* ~~in the safe operation of the vessel by the livery.~~

1. Operational characteristics of the vessel to be rented.

2. Safe vessel operation and vessel right-of-way.

3. The responsibility of the vessel operator for the safe and proper operation of the vessel.

4. Local characteristics of the waterway where the vessel will be operated.

Any person delivering the information specified in this paragraph must have successfully completed a boater safety course approved by the National Association of State Boating Law Administrators and this state.

(f) Unless the livery displays boating safety information in a place visible to the renting public. The commission shall prescribe by rule pursuant to chapter 120, the contents and size of the boating safety information to be displayed.

(2) A livery may not knowingly lease, hire, or rent any vessel powered by a motor of 10 horsepower or greater to any person who is required to comply with s. 327.395, unless such person presents a valid boater safety identification card to the livery.

(3) If a vessel is unnecessarily overdue, the livery shall notify the proper authorities.

(4)*(a)* A livery may not *knowingly* lease, hire, or rent a personal watercraft to any person who is under *18* ~~16~~ years of age.~~,~~

(b) A livery may not knowingly ~~nor may it~~ lease, hire, or rent *a personal* ~~such~~ watercraft *to any person who has not received instruction in the safe handling of personal watercraft, in compliance with rules established by the commission pursuant to chapter 120* ~~or other vessel to any other person, unless the livery displays boating safety information about the safe and proper operation of vessels and requires a signature by the lessee that he or she has received instruction in the safe handling of the personal watercraft in compliance with standards established by the department~~.

(c) Any person receiving instruction in the safe handling of personal watercraft pursuant to a program established by rule of the commission must provide the livery with a written statement attesting to the same.

(5) A livery may not lease, hire, or rent any personal watercraft or offer to lease, hire, or rent any personal watercraft unless the livery first obtains and carries in full force and effect a policy from a licensed insurance carrier in this state, insuring against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the personal watercraft. The insurance policy shall provide coverage of at least $500,000 per person and $1 million per event. The livery must have proof of such insurance available for inspection at the location where personal watercraft are being leased, hired, or rented, or offered for lease, hire, or rent, and shall provide to each renter the insurance carrier's name and address and the insurance policy number.

(6)~~(5)~~ Any person convicted of violating this section *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(6) When the livery has complied with subsections (1), (2), (3), and (4), its liability ceases and the person leasing the vessel from the livery is liable for any violations of this chapter and is personally liable for any accident or injury occurring while in charge of such vessel.~~

Section 20. Subsection (1) of section 327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.—

(1) The provisions of ss. 327.01, 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56, 327.65, 328.40-328.48, 328.52-328.58, 328.62, and 328.64 shall govern the operation, equipment, and all other matters relating thereto whenever any vessel shall be operated upon the waterways or when any activity regulated hereby shall take place thereon. Nothing in these sections shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, except that no such ordinance or local law may apply to the Florida Intracoastal Waterway and except that such ordinances or local laws shall be operative only when they are not in conflict with this chapter or any amendments thereto or regulations thereunder. *Any ordinance or local law which has been adopted pursuant to this section or to any other state law may not discriminate against personal watercraft as defined in s. 327.02.*

Section 21. Effective October 1, 2000, section 327.72, Florida Statutes, is amended to read:

327.72 Penalties.—Any person failing to comply with the provisions of this chapter or chapter 328 not specified in s. 327.73 or not paying the *civil penalty* ~~fine~~ specified in said section within *30* ~~10~~ days, except as otherwise provided in this chapter or chapter 328, *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 22. Effective October 1, 2000, paragraph (k) of subsection (1) and subsection (4) of section 327.73, Florida Statutes, are amended, subsections, (9), (10), and (11) are added to said section, and paragraph (p) of subsection (1) of said section is reenacted for the purpose of incorporating the amendments to section 327.39, Florida Statutes, in a reference, to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(k) Violations relating to restricted areas and speed limits:

1. Established by the *commission* ~~department~~ pursuant to s. 327.46.

2. Established by local governmental authorities pursuant to s. 327.22 or s. 327.60.

3. Speed limits established pursuant to s. 370.12(2).

(p) Section 327.39(1), (2), (3), and (5), relating to personal watercraft.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is $50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

(4) Any person charged with a noncriminal infraction under this section may:

(a) Pay the civil penalty, either by mail or in person, within *30* ~~10~~ days of the date of receiving the citation; or,

(b) If he or she has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he or she shall be deemed to have admitted the *noncriminal* infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings.

(9)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 327.72 must pay an additional court cost of $12, which shall be used by the clerks of the courts to defray the costs of tracking unpaid uniform boating citations.

(b) Any person who fails to comply with the court's requirements as to civil penalties specified in this section due to demonstrated financial hardship shall be authorized to satisfy such civil penalties by public works or community service. Each hour of such service shall be applied, at the rate of the minimum wage, toward payment of the person's civil penalties; provided, however, that if the person has a trade or profession for which there is a community service need and application, the rate for each hour of such service shall be the average standard wage for such trade or profession. Any person who fails to comply with the court's requirements as to such civil penalties who does not demonstrate financial hardship may also, at the discretion of the court, be authorized to satisfy such civil penalties by public works or community service in the same manner.

(c) If the noncriminal infraction has caused or resulted in the death of another, the court may require the person who committed the infraction to perform 120 community service hours in addition to any other penalties.

(10) Any person cited for any noncriminal infraction which results in an accident that causes the death of another, or which results in an accident that causes "serious bodily injury" of another as defined in s. 327.353(1), shall not have the provisions of subsection (4) available to him or her but must appear before the designated official at the time and location of the scheduled hearing.

(11)(a) Court costs that are to be in addition to the stated civil penalty shall be imposed by the court in an amount not less than the following:

1. For swimming or diving infractions, $3.

2. For nonmoving boating infractions, $6

3. For boating infractions listed in s. 327.731(1), $10.

(b) In addition to the court cost assessed under paragraph (a), the court shall impose a $3 court cost for each noncriminal infraction, to be distributed as provided in s. 938.01, and a $2 court cost as provided in s. 938.15 when assessed by a municipality or county.

Court costs imposed under this subsection may not exceed $30. A criminal justice selection center or both local criminal justice access and assessment centers may be funded from these court costs.

Section 23. Effective October 1, 2001, paragraph (u) is added to subsection (1) of section 327.73, Florida Statutes, to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(u) Section 327.331, relating to divers-down flags, except for violations meeting the requirements of s. 327.33.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is $50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 24. Effective October 1, 2001, subsection (1) of section 327.731, Florida Statutes, is amended to read:

327.731 Mandatory education for violators.—

(1) Every person convicted of a criminal violation of this chapter, every person convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, and every person convicted of two noncriminal infractions as defined in s. 327.73(1)(h) through (k), (m) through (p), *and (s) through (u)* ~~(s), and (t)~~, said infractions occurring within a 12-month period, must:

(a) Enroll in, attend, and successfully complete, at his or her own expense, a boating safety course that meets minimum standards established by the commission by rule; however, the commission may provide by rule pursuant to chapter 120 for waivers of the attendance requirement for violators residing in areas where classroom presentation of the course is not available;

(b) File with the commission within 90 days proof of successful completion of the course;

(c) Refrain from operating a vessel until he or she has filed the proof of successful completion of the course with the commission.

Any person who has successfully completed an approved boating course shall be exempt from these provisions upon showing proof to the commission as specified in paragraph (b).

Section 25. Subsections (1) and (3) of section 327.803, Florida Statutes, are amended to read:

327.803 Boating Advisory Council.—

(1) The Boating Advisory Council is created within the Fish and Wildlife Conservation Commission and shall be composed of *17* ~~16~~ members. The members include:

(a) One representative from the Fish and Wildlife Conservation Commission, who shall serve as the chair of the council.

(b) One representative each from the Department of Environmental Protection, the United States Coast Guard Auxiliary, the United States Power Squadron, and the inland navigation districts.

(c) One representative of manatee protection interests, one representative of the marine industries, two representatives of water-

related environmental groups, one representative of marine manufacturers, one representative of commercial vessel owners or operators, one representative of sport boat racing, *one representative actively involved and working full-time in the scuba diving industry who has experience in recreational boating,* and two representatives of the boating public, each of whom shall be nominated by the executive director of the Fish and Wildlife Conservation Commission and appointed by the Governor to serve staggered 2-year terms.

(d) One member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives.

(e) One member of the Senate, who shall be appointed by the President of the Senate.

(3) The purpose of the council is to make recommendations to the Fish and Wildlife Conservation Commission and the Department of Community Affairs regarding issues affecting the boating community, including, but not limited to, issues related to:

(a) Boating *and diving* safety education.

(b) Boating-related facilities, including marinas and boat testing facilities.

(c) Boat usage.

Section 26. Subsection (2) of section 328.48, Florida Statutes, is amended to read:

328.48 Vessel registration, application, certificate, number, decal, duplicate certificate.—

(2) All vessels *used* ~~operated~~ on the waters of the state must be registered, either commercial or *recreational* ~~noncommercial~~ as defined *in this chapter* ~~herein~~, except as follows:

(a) A vessel used exclusively on private lakes and ponds.

(b) A vessel owned by the United States Government.

(c) A vessel used exclusively as a ship's lifeboat.

(d) A non-motor-powered vessel.

Section 27. Section 328.56, Florida Statutes, is amended to read:

328.56 Vessel registration number.—Each vessel that is *used* ~~operated~~ on the waters of the state must display a commercial or *recreational* ~~noncommercial~~ Florida registration number, unless it is:

(1) A vessel used exclusively on private lakes and ponds.

(2) A vessel owned by the United States *Government.*

(3) A vessel used exclusively as a ship's lifeboat.

(4) A non-motor-powered vessel.

(5) A federally documented vessel.

(6) A vessel already covered by a registration number in full force and effect which has been awarded to it pursuant to a federally approved numbering system of another state or by the United States Coast Guard in a state without a federally approved numbering system, if the vessel has not been within this state for a period in excess of 90 consecutive days.

(7) A vessel operating under a valid temporary certificate of number.

(8) A vessel from a country other than the United States temporarily using the waters of this state.

(9) An undocumented vessel used exclusively for racing.

Section 28. Subsection (1) of section 328.66, Florida Statutes, is amended to read:

328.66 County and municipality optional registration fee.—

(1) Any county may impose an annual registration fee on vessels registered, operated, or stored in the water within its jurisdiction. This fee shall be 50 percent of the applicable state registration fee. However, the first $1 of every registration imposed under this subsection shall be remitted to the state for deposit in the Save the Manatee Trust Fund *created within the Fish and Wildlife Conservation Commission, and shall be used only for the purposes specified in s. 370.12(4)* ~~for expenditure solely on activities related to the preservation of manatees~~. All other moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of such municipality or county. A municipality that was imposing a registration fee before April 1, 1984, may continue to levy such fee, notwithstanding the provisions of this section.

Section 29. Section 328.70, Florida Statutes, is amended to read:

328.70 Legislative intent with respect to uniform registration fee, classification of vessels.—

(a) It is declared to be the intent of the Legislature that all vessels in the state be subject to a uniform registration fee at a rate based on the length of the vessels. It is also declared to be the intent of the Legislature that all vessels be classified as either "commercial" or "*recreational* ~~noncommercial~~" and that all such vessels be registered according to the provisions of s. 328.72.

(b) Any vessel which is required to be registered and meets the definition of a commercial vessel shall be classified and registered as a "commercial vessel."

(c) Any vessel which is required to be registered and is not *used* ~~operated~~ for commercial purposes shall be classified and registered as a "*recreational* ~~noncommercial~~ vessel."

(d) Livery vessels shall be classified as "commercial" or "recreational" based on the manner in which they are used.

Section 30. Subsections (2), (6), (7), and (11) of section 328.72, Florida Statutes, are amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(2) ANTIQUE VESSEL REGISTRATION FEE.—

(a) A vessel that is at least 30 years old, used only for *recreational* ~~noncommercial~~ purposes, and powered by the vessel's original-type power plant may be registered as an antique vessel. When applying for registration as an antique vessel, the owner of such a vessel shall submit certification, as prescribed by the Department of Highway Safety and Motor Vehicles or from a marine surveyor that the vessel meets the requirements of this paragraph.

(b) The registration number for an antique vessel shall be *permanently attached to each side of the forward half of the vessel* ~~displayed~~ as provided in ss. 328.48 and 328.54.

(c) The Department of Highway Safety and Motor Vehicles may issue a decal identifying the vessel as an antique vessel. The decal shall be displayed as provided in ss. *328.48* ~~327.11~~ and *328.54* ~~327.14~~.

(6) CHANGE OF CLASSIFICATION.—If the classification of a vessel changes from *recreational* ~~noncommercial~~ to commercial, or from commercial to *recreational* ~~noncommercial,~~ and a current registration certificate has been issued to the owner, the owner shall within 30 days forward his or her certificate to the county tax collector with a fee of $2.25 and a new certificate shall be issued.

(7) SERVICE FEE.—In addition to other registration fees, the vessel owner shall pay the tax collector a $2.25 service fee for each registration issued, replaced, or renewed. *Except as provided in subsection (15),* all fees, other than the service charge, collected by a tax collector must be remitted to the department not later than 7 working days following the last day of the week in which the money was remitted. Vessels may travel in salt water or fresh water.

(11) VOLUNTARY CONTRIBUTIONS.—The application form for boat registration shall include a provision to allow each applicant to indicate a desire to pay an additional voluntary contribution to the Save the Manatee Trust Fund *to be used for the purposes specified in s. 370.12(4).* ~~for manatee and marine mammal research, protection, recovery, rescue, rehabilitation, and release.~~ This contribution shall be in addition to all other fees and charges. The amount of the request for a voluntary contribution solicited shall be $2 or $5 per registrant. A registrant who provides a voluntary contribution of $5 or more shall be given a sticker or emblem by the tax collector to display, which signifies support for the Save the Manatee Trust Fund. All voluntary contributions shall be deposited in the Save the Manatee Trust Fund *and shall be used for the purposes specified in s. 370.12(4).* ~~for use according to this subsection. The first $2 of voluntary contribution by a vessel registrant shall be available for the manatee protection and recovery effort pursuant to s. 370.12(4)(a). Any additional amount of voluntary contribution by a vessel registrant shall also be for the purpose of the manatee protection and recovery effort, except that any voluntary contribution in excess of the first $2 voluntary contribution by a vessel registrant but not exceeding $2 shall be available for manatee rehabilitation by those facilities approved to rescue, rehabilitate, and release manatees pursuant to s. 370.12(4)(b).~~ The form shall also include language permitting a voluntary contribution of $5 per applicant, which contribution shall be transferred into the Election Campaign Financing Trust Fund. A statement providing an explanation of the purpose of the trust fund shall also be included.

Section 31. Effective July 1, 2001, subsection (15) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(15) DISTRIBUTION OF FEES.—*Moneys designated for the use of the counties, as specified in subsection (1), shall be distributed by the tax collector to the board of county commissioners for use as provided in this section. Such* moneys ~~deposited pursuant to s. 328.76~~ to be returned to the counties are for the sole purposes of providing recreational channel marking and public launching facilities and other boating-related activities, for removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53, and for manatee and marine mammal protection and recovery. ~~The department shall ascertain, as a guideline in determining the amounts of distributions each county may receive, the number of noncommercial vessels registered in the county during the preceding fiscal year according to the fee schedule provided in subsection (1) and shall promulgate rules to effectuate this. Each fiscal year, prior to determination of distributions to the counties under this section, an amount equal to $1 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund for manatee and marine mammal research, protection, and recovery.~~

Section 32. Paragraphs (a) and (b) of subsection (1) of section 328.76, Florida Statutes, are amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less any administrative costs, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to *$1.50* ~~$1~~ for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund *and shall be used only for the purposes specified in s. 370.12(4).* ~~for manatee and marine mammal research, protection, and recovery in accordance with the provisions of s. 370.12(4)(a).~~

~~(b) In addition, in each fiscal year, an amount equal to 50 cents for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund in accordance with the provisions of s. 370.12(4)(b) for use by those facilities approved to rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior.~~

Section 33. Effective July 1, 2001, subsection (1) of section 328.76, Florida Statutes, is amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less any administrative costs, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state, *except for those funds designated for the use of the counties pursuant to s. 328.72(1),* shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to $1.50 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4) for manatee and marine mammal research, protection, and recovery in accordance with the provisions of s. 370.12(4)(a).

(b) In addition, in each fiscal year, an amount equal to 50 cents for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund in accordance with the provisions of s. 370.12(4)(b) for use by those facilities approved to rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior.

(c) Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Invasive Plant Control Trust Fund for aquatic weed research and control.

(d) Forty percent of the registration fees from commercial vessels shall be transferred to the Invasive Plant Control Trust Fund for aquatic plant research and control.

(e) Forty percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles, on a monthly basis, to the General Inspection Trust Fund of the Department of Agriculture and Consumer Service. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 34. Paragraph (a) of subsection (2) and subsection (3) of section 370.06, Florida Statutes, are amended to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(a) Every person, firm, or corporation that sells, offers for sale, barters, or exchanges for merchandise any saltwater products, or which harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license, except that the holder of an aquaculture certificate under s. 597.004 is not required to purchase and possess a saltwater products license in order to possess, transport, or sell marine aquaculture products. Each saltwater products license allows the holder to engage in any of the activities for which the license is required. The license must be in the possession of the licenseholder or aboard the vessel and shall be subject to inspection at any time that harvesting activities for which a license is required are being conducted. A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as “restricted species.” This endorsement may be issued only to a person who is at least 16 years of age, or to a firm certifying that over 25 percent of its

income or $5,000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. This endorsement may also be issued to a for-profit corporation if it certifies that at least $5,000 of its income is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. However, if at least 50 percent of the annual income of a person, firm, or for-profit corporation is derived from charter fishing, the person, firm, or for-profit corporation must certify that at least $2,500 of the income of the person, firm, or corporation is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state, in order to be issued the endorsement. Such income attribution must apply to at least 1 year out of the last 3 years. For the purpose of this section "income" means that income which is attributable to work, employment, entrepreneurship, pensions, retirement benefits, and social security benefits. To renew an existing restricted species endorsement, a marine aquaculture producer possessing a valid saltwater products license with a restricted species endorsement may apply income from the sale of marine aquaculture products to licensed wholesale dealers.

1. The ~~Fish and Wildlife Conservation~~ commission is authorized to require verification of such income. Acceptable proof of income earned from the sale of saltwater products shall be:

a. Copies of trip ticket records generated pursuant to this subsection (marine fisheries information system), documenting qualifying sale of saltwater products;

b. Copies of sales records from locales other than Florida documenting qualifying sale of saltwater products;

c. A copy of the applicable federal income tax return, including Form 1099 attachments, verifying income earned from the sale of saltwater products;

d. Crew share statements verifying income earned from the sale of saltwater products; or

e. A certified public accountant's notarized statement attesting to qualifying source and amount of income.

Any provision of this section or any other section of the Florida Statutes to the contrary notwithstanding, any person who owns a retail seafood market or restaurant at a fixed location for at least 3 years who has had an occupational license for 3 years prior to January 1, 1990, who harvests saltwater products to supply his or her retail store and has had a saltwater products license for 1 of the past 3 years prior to January 1, 1990, may provide proof of his or her verification of income and sales value at the person's retail seafood market or restaurant and in his or her saltwater products enterprise by affidavit and shall thereupon be issued a restricted species endorsement.

2. Exceptions from income requirements shall be as follows:

a. A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 out of the last 5 years.

b. Active military duty time shall be excluded from consideration of time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.

c. Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible for a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after purchase of the vessel.

d. Upon the death or permanent disablement of a person possessing a restricted species endorsement, an immediate family member wishing to carry on the fishing operation shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after the death or disablement.

e. A restricted species endorsement may be issued on an individual saltwater products license to a person age 62 or older who documents that at least $2,500 is attributable to the sale of saltwater products pursuant to the provisions of this paragraph.

f. A permanent restricted species endorsement may also be issued on an individual saltwater products license to a person age 70 or older who has held a saltwater products license for at least 3 of the last 5 license years.

g.*(I)* Any resident who is certified to be totally and permanently disabled by ~~a verified written statement, based upon the criteria for permanent total disability in chapter 440 from a physician licensed in this state, by any branch of the United States Armed Services, by the Social Security Administration, or by~~ the United States Department of Veterans Affairs or its predecessor*, or by any branch of the United States Armed Forces, or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17, upon proof of the same, or any resident certified to be totally disabled by the United States Social Security Administration, upon proof of the same,* ~~or any resident who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17,~~ shall be exempted from the income requirements if he or she also has held a saltwater products license for at least 3 of the last 5 license years prior to the date of the disability.

(II) A Disability Award Notice issued by the United States Social Security Administration is not sufficient certification for a resident to obtain the income exemption unless the notice certifies that the resident is totally ~~and permanently~~ disabled.

At least one saltwater products license bearing a restricted species endorsement shall be aboard any vessel harvesting restricted species in excess of any bag limit or when fishing under a commercial quota or in commercial quantities, and such vessel shall have a commercial vessel registration. This subsection does not apply to any person, firm, or corporation licensed under s. 370.07(1)(a)1. or (b) for activities pursuant to such licenses. A saltwater products license may be issued in the name of an individual or a valid boat registration number. Such license is not transferable. A decal shall be issued with each saltwater products license issued to a valid boat registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 328.48(5) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state. A resident shall pay an annual license fee of $50 for a saltwater products license issued in the name of an individual or $100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of $200 for a saltwater products license issued in the name of an individual or $400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of $300 for a saltwater products license issued in the name of an individual or $600 for a saltwater products license issued to a valid boat registration number. Any person who sells saltwater products pursuant to this license may sell only to a licensed wholesale dealer. A saltwater products license must be presented to the licensed wholesale dealer each time saltwater products are sold, and an imprint made thereof. The wholesale dealer shall keep records of each transaction in such detail as may be required by rule of the ~~Fish and Wildlife Conservation~~ commission not in conflict with s. 370.07(6), and shall provide the holder of the saltwater products license with a copy of the record. It is unlawful for any licensed wholesale dealer to buy saltwater products from any unlicensed person under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. It is unlawful for any licensed wholesale dealer to buy saltwater products designated as "restricted species" from any person, firm, or corporation not possessing a restricted species endorsement on his or her saltwater products license under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. The commission shall be the licensing agency, may contract with

private persons or entities to implement aspects of the licensing program, and shall establish by rule a marine fisheries information system in conjunction with the licensing program to gather fisheries data.

(3) NET LICENSES.—Except for cast nets and bait seines which are 100 feet in length or less and which have a mesh that is ⅜ inch or less, all nets used to take finfish, including, but not limited to, gill nets, trammel nets, and beach seines, must be licensed or registered. Each net used to take finfish for commercial purposes, or by a nonresident, must be licensed under a saltwater products license issued pursuant to subsection (2) and must bear the number of such license. ~~A noncommercial resident net registration must be issued to each net used to take finfish for noncommercial purposes and may only be issued to residents of the state. Each net so registered must bear the name of the person in whose name the net is registered.~~

Section 35. Paragraph (a) of subsection (2), and subsections (4), (6), and (12) of section 370.0605, F.S., are amended to read:

370.0605 Saltwater fishing license required; fees.—

(2) Saltwater fishing license fees are as follows:

(a)1. For a resident ~~of the state~~, $12 for a 1-year license.

2. For a resident ~~of the state~~, $60 for 5 consecutive years from the date of purchase.

3. For a nonresident ~~of the state~~, $5 for a 3-day license, $15 for a 7-day license~~,~~ and $30 for a 1-year license.

4. For a combination license for a resident to take freshwater fish and saltwater fish, $24 for a 1-year license.

5. For a combination license for a resident to hunt and to take freshwater fish and saltwater fish, $34 for a 1-year license.

6.~~4.~~ For purposes of this section, "resident" has the same meaning as that found in s. 372.001.

(4) A saltwater fishing license must be issued, without license fee, to any resident who is certified*:*

(a) To be totally and permanently disabled ~~by the verified written statement which is based upon the criteria for permanent total disability in chapter 440 of a physician licensed in this state, by any branch of the United States Armed Services, by the Social Security Administration, or~~ by the United States Department of Veterans Affairs or its predecessor*, or by any branch of the United States Armed Forces, or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17, upon proof of same. Any license issued under this paragraph after January 1, 1997, expires after 5 years. Upon request, the license shall be reissued for a 5 year period and shall be reissued every 5 years thereafter;* or ~~who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17.~~

(b) To be totally disabled ~~A Disability Award Notice issued~~ by the United States Social Security Administration*, upon proof of same. Any license issued under this paragraph after October 1, 1999, expires September 30, 2001. Upon proof of certification as provided in this paragraph, the license shall be reissued for a 2-year period and shall be reissued every 2 years thereafter.* ~~is not sufficient certification for obtaining a permanent fishing license under this section unless the notice certifies a resident is totally and permanently disabled. Any license issued after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.~~

(c) Notwithstanding any other provision of this subsection, any person who has received after July 1, 1997, and before July 1, 2000, a valid disability license under this subsection retains the rights vested thereunder until the license has expired.

(6)(a) The Fish and Wildlife Conservation Commission, all county tax collectors, or any appointed subagent may sell licenses and permits and collect fees pursuant to this section. *A fee for electronic license sales may be established by competitive-bid procedures that are overseen by the commission.*

(b) The commission is the issuing department for the purpose of issuing licenses and permits and collecting fees pursuant to this section.

(c) In addition to the license and permit fee collected, the sum of $1.50 shall be charged for each license. Such charge shall be for the purpose of, and the source from which is subtracted, all administrative costs of issuance, including, but not limited to, printing, distribution, and credit card fees. Tax collectors may retain $1.50 for each license sold.

(d)1. Each county tax collector shall maintain records of all such licenses, permits, and stamps that are sold, voided, stolen, or lost. Licenses and permits must be issued and reported, and fees must be remitted, in accordance with the procedures established in chapter 372.

2. Not later than August 15 of each year, each county tax collector shall submit to the Fish and Wildlife Conservation Commission *a written audit report, on forms prescribed or approved by the commission, as to the numbers of* all unissued *licenses and permits* ~~stamps~~ for the previous fiscal year along with *all unissued pictorial permits* ~~a written audit report, on forms prescribed or approved by the Fish and Wildlife Conservation Commission, as to the numbers of the unissued stamps~~.

(e) A license or permit to replace a lost or destroyed license or permit may be obtained by submitting an application for replacement. The fee is $10 for each application for replacement of a lifetime license and $2 for each application for replacement for any other license or permit. Such fees shall be for the purpose of, and the source from which is subtracted, all administrative costs of issuing the license or permit, including, but not limited to, printing, distribution, and credit card fees. Tax collectors may retain $1 for each application for a replacement license or permit processed.

(12) The ~~Fish and Wildlife Conservation~~ commission may designate by rule no more than 2 consecutive or nonconsecutive days in each year as *free saltwater fishing days.* ~~"Disabled Angler Fishing Days."~~ Notwithstanding any other provision of this chapter, any ~~disabled~~ person may take *saltwater* ~~marine~~ fish for noncommercial purposes on a *free saltwater fishing day* ~~Disabled Angler Fishing Day~~ without obtaining or possessing a license or paying a license fee as prescribed in this section. A ~~disabled~~ person who takes *saltwater* ~~marine~~ fish on a *free saltwater fishing day* ~~Disabled Angler Fishing Day~~ without obtaining a license or paying a fee must comply with all laws*, rules,* and regulations governing holders of a *fishing* license and all other conditions and limitations regulating the taking of *saltwater* ~~marine~~ fish as are imposed by law or rule.

Section 36. Section 372.561, Florida Statutes, is amended to read:

372.561 Issuance of licenses to take wild animal life or freshwater aquatic life; costs; reporting.—

(1) ~~The provisions of~~ This section *applies* ~~shall apply~~ to such licenses or permits as are established in s. 372.57.

(2) The commission shall issue licenses and permits to take wild animal life or freshwater aquatic life upon proof by the applicant for licensure that she or he is entitled to such license or permit. The commission shall establish the forms for such licenses and permits. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement and use by the commission, and as otherwise provided by law.

(3) Licenses and permits for the state may be sold by the commission, by any tax collector in this state, or by any appointed subagent.

(4)(a) In addition to any license or permit fee, the sum of $1.50 shall be charged for each license or management area permit sold. Such charge is for the purpose of, and the source from which is subtracted, all

administrative costs of issuing a license or permit, including, but not limited to, printing, distribution, and credit card fees.

(b) Tax collectors may retain $1 for each license or management area permit sold.

(5)*(a)* Hunting and fishing licenses and permits shall be issued, without fee, to any resident who is certified*:*

1. To be totally and permanently disabled by the United States Department of Veterans Affairs or its predecessor *or*~~, by the United States Social Security Administration,~~ by any branch of the United States Armed Forces~~, or by the verified written statement which is based upon the criteria for permanent and total disability in chapter 440 of a physician licensed in this state~~ or who holds a valid identification card issued under the provisions of s. 295.17, upon proof of *the* same. Any license issued *under this provision* after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.

2. To be totally disabled ~~A Disability Award Notice issued~~ by the United States Social Security Administration *upon proof of the same. Any license issued under this provision after October 1, 1999, expires after 2 years and must be reissued, upon proof of certification as provided in this subsection, every 2 years thereafter* ~~is not sufficient certification for obtaining a permanent hunting and fishing license under this section unless said form certifies a resident is totally and permanently disabled~~.

(b) Notwithstanding any other provisions of this section, any person who has received after July 1, 1997, and before July 1, 2000, a valid disability license issued under this subsection, retains the rights vested thereunder until the license has expired.

(6)(a) Tax collectors shall remit license and permit moneys, along with a report of funds collected and other required documentation, to the commission within 7 days following the last business day of the week in which the fees were received by the tax collector. The tax collector shall maintain records of all such licenses and permits which are sold, ~~and all stamps issued~~ voided, stolen, or lost. The tax collector is responsible to the commission for the fee for all licenses and permits sold and for the value of all *licenses and permits* ~~stamps~~ reported as lost. The tax collector shall report stolen *licenses and* permits to the appropriate law enforcement agency. The tax collector shall submit a written report and a copy of the law enforcement agency's report to the commission within 5 days after discovering the theft. ~~The value of a validation stamp is $5~~.

(b) Tax collectors are also responsible for fees for all licenses and permits sold by their subagents and for the value of all *licenses and permits* ~~stamps~~ reported as lost. The commission may adopt rules to implement this section.

(c) Not later than August 15 of each year, each county tax collector shall submit to the commission *a written audit report, on forms prescribed or approved by the commission, as to the numbers of* all unissued *licenses and permits* ~~stamps~~ for the previous year along with *all unissued pictorial permits* ~~a written audit report, on forms prescribed or approved by the commission, of the numbers of the unissued stamps~~.

(7) Within 30 days after the submission of the annual audit report, each county tax collector shall provide the commission with a written audit report on unissued, sold, and voided licenses, permits, and stamps with a certified reconciliation statement prepared by a certified public accountant. Concurrent with the submission of the certification, the county tax collector shall remit to the commission the monetary value of all licenses, permits, and stamps that are unaccounted for. Each tax collector is also responsible for fees for all licenses, permits, and stamps distributed by him or her to subagents, sold by him or her, or reported by him or her as lost.

Section 37. New paragraphs (i) and (j) are created in subsection (2), of section 372.57, F.S., and current paragraph (i) is renumbered as paragraph (k) and amended, to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, ~~the~~ date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany *each application* ~~all applications~~ for a lifetime license for *a resident* ~~residents~~ 12 years of age *or* ~~and~~ younger. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D child support enforcement program and use by the commission, and as otherwise provided by law.

(2) For residents and nonresidents, the license and fees for noncommercial fishing and for hunting and trapping in this state, and the activity authorized thereby, are as follows:

(i) A combination license for a resident to hunt and to take freshwater fish and saltwater fish is $34 for a 1-year license.

(j) A permanent hunting and freshwater fishing license for a resident 64 years of age or older is $12.

(k)~~(i)~~ A sportsman's license for a resident is $66. The sportsman's license authorizes the holder to take freshwater fish and game, subject to state and federal *laws, rules, and* regulations, *including* ~~and~~ rules of the commission, in effect at the time of taking, and authorizes the same activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, and an archery permit. A nonresident may not purchase a sportsman's license.

Section 38. Section 372.574, Florida Statutes, is amended to read:

372.574 Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.—

(1) A county tax collector who elects to sell licenses and permits may appoint any person as a subagent for the sale of fishing, hunting, and trapping licenses and permits that the tax collector is allowed to sell. The following are requirements for subagents:

(a) Each subagent must serve at the pleasure of the county tax collector.

(b) Neither an employee of the county tax collector nor her or his relative or next of kin, by blood or otherwise, may be appointed as a subagent.

(c) The tax collector may require each subagent to post an appropriate bond as determined by the tax collector, using an insurance company acceptable to the tax collector. In lieu of such bond, the tax collector may purchase blanket bonds covering all or selected subagents or may allow a subagent to post such other security as is required by the tax collector.

(d) A subagent may sell licenses and permits as are determined by the tax collector at such specific locations within the county and in states contiguous to Florida as will best serve the public interest and convenience in obtaining licenses and permits. The commission may uniformly prohibit subagents from selling certain licenses or permits.

(e) It is unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless she or he has been appointed as a subagent.

(f) Any person who willfully violates any of the provisions of this law is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(g) A subagent may charge and receive as her or his compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit.

(h) A subagent shall submit payment for and report the sale of licenses and permits to the tax collector as prescribed by the tax collector but no less frequently than monthly.

(i) Subagents shall submit an activity report for sales made during the reporting period on forms prescribed or approved by the commission. Periodic audits may be performed at the discretion of the commission.

(2) If a tax collector elects not to appoint subagents, the commission may appoint subagents within that county. Subagents shall serve at the pleasure of the commission. The commission may establish, by rule, procedures for selection of subagents. The following are requirements for subagents so appointed:

(a) The commission may require each subagent to post an appropriate bond as determined by the commission, using an insurance company acceptable to the commission. In lieu of the bond, the commission may purchase blanket bonds covering all or selected subagents or may allow a subagent to post other security as required by the commission.

(b) A subagent may sell licenses and permits as authorized by the commission at specific locations within the county and in states as will best serve the public interest and convenience in obtaining licenses and permits. The commission may prohibit subagents from selling certain licenses or permits.

(c) It is unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless he or she has been appointed as a subagent.

(d) Any person who willfully violates any of the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A subagent may charge and receive as his or her compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit. In addition, no later than July 1, 1997, a subagent fee for the sale of licenses over the telephone by credit card shall be established by competitive bid procedures which are overseen by the Fish and Wildlife Conservation Commission. *A fee for electronic license sales may be established by competitive-bid procedures that are overseen by the Fish and Wildlife Conservation Commission.*

(f) A subagent shall submit payment for and report the sale of licenses and permits to the commission as prescribed by the commission.

(g) Subagents shall maintain records of all licenses and permits sold ~~and all stamps issued~~, voided, stolen, or lost. Subagents are responsible to the commission for the fees for all licenses and permits sold and for the value of all *licenses and permits* ~~stamps~~ reported as lost. Subagents must report all stolen *licenses and permits* ~~validation stamps~~ to the appropriate law enforcement agency. The subagent shall submit a written report and a copy of the law enforcement agency's report to the commission within 5 days after discovering the theft. ~~The value of a lost validation stamp is $5.~~

(h) Subagents shall submit an activity report for sales made during the reporting period on forms prescribed or approved by the commission. Periodic audits may be performed at the discretion of the commission.

(i) By July 15 of each year, each subagent shall submit to the commission all unissued stamps for the previous year along with a written audit report, on forms prescribed or approved by the commission, on the numbers of the unissued stamps.

(3) The Fish and Wildlife Conservation Commission or any other law enforcement agency may carry out any investigation necessary to secure information required to carry out and enforce this section.

(4)~~(3)~~ All social security numbers *that* ~~which~~ are provided pursuant to ss. 372.561 and 372.57 and are contained in records of any subagent appointed *under* ~~pursuant to~~ this section are confidential as provided in those sections.

Section 39. Section 372.66, Florida Statutes, is amended to read:

372.66 License required for fur and hide dealers.—

(1) It is unlawful for any person to engage in the business of a dealer or buyer in alligator skins or green or dried furs in the state or purchase such skins within the state until such person has been licensed as herein provided.

(2) Any resident dealer or buyer who solicits business through the mails, or by advertising, or who travels to buy or employs or has other agents or buyers, shall be deemed a resident state dealer and *must* ~~shall be required to~~ pay a license fee of $100 per annum ~~and shall pay an agent's license fee of $5 per annum for each agent or traveling buyer employed by or buying for such licensed state dealer~~.

~~(3) Any resident dealer or buyer who does not solicit by mail, advertise, travel to buy or employ or have agents or traveling buyers shall be deemed a resident local dealer and shall be required to pay a license fee of $10 per annum.~~

(3)~~(4)~~ A nonresident dealer or buyer *must* ~~shall be required to~~ pay a license fee of $500 per annum ~~and shall pay a license fee of $100 per annum for each agent, resident buyer or traveling buyer employed by or buying for or acting as agent for such nonresident buyer~~.

~~(5) All agents' licenses shall be applied for by, and issued to, a resident state dealer or nonresident dealer and shall show name and residence of such agent and shall be in possession of such agent at all times when engaged in buying furs or hides. Application for such licenses shall be made to the Fish and Wildlife Conservation Commission on blanks furnished by it.~~

(4)~~(6)~~ All dealers and buyers shall forward to the Fish and Wildlife Conservation Commission each 2 weeks during open season a report showing number and kind of hides bought and name of trapper from whom bought and the trapper's license number, or if trapper is exempt from license under any of the provisions of this chapter, such report shall show the nature of such exemption. *A* ~~No~~ common carrier *may not* ~~shall~~ knowingly ship or transport or receive for transportation any hides or furs unless such shipments have marked thereon name of shipper and the number of her or his fur-animal license or fur dealer's license.

Section 40. Section 372.83, Florida Statutes, is amended to read:

372.83 Noncriminal infractions; criminal penalties; suspension and revocation of licenses and permits.—

(1) A person is guilty of a noncriminal infraction, punishable as provided in s. 372.711, if she or he violates any of the following provisions:

(a) Rules, regulations, or orders relating to the filing of reports or other documents required of persons who are licensed or who hold permits issued by the commission.

(b) Rules, regulations, or orders relating to fish management areas.

(c) Rules, regulations, or orders relating to quota hunt permits, daily use permits, hunting zone assignments, camping restrictions, the use of alcoholic beverages, vehicle use, and check station requirements within wildlife management areas or other areas managed by the commission.

(d) Rules, regulations, or orders requiring permits free of charge to possess captive wildlife for personal use.

(e) Rules, regulations, or orders establishing size or slot limits for freshwater game fish.

(f) Rules, regulations, or orders regulating vessel size or specifying motor restrictions on specified water bodies.

(g) Rules, regulations, or orders relating to the registration of off-road vehicles and airboats operated on state lands.

(h) Section 372.57, relating to hunting, fishing, and trapping licenses.

(i) Section 372.988, relating to required clothing for persons hunting deer.

A person who fails to pay the civil penalty specified in s. 372.711 within 30 days after being cited for a noncriminal infraction or to appear before the court pursuant to that section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if she or he violates any of the following rules, regulations, or orders of the commission:

(a) Rules, regulations, or orders that specify season or time periods for the taking of freshwater fish or wildlife.

(b) Rules, regulations, or orders that specify bag limits or restrict methods of taking freshwater fish or wildlife.

(c) Rules, regulations, or orders that relate to the sale, possession for sale, purchase, transfer, transportation, or importation of freshwater fish or wildlife.

(d) Rules, regulations, or orders that prohibit public access for specified periods to wildlife management areas or other areas managed by the commission.

(e) Rules, regulations, or orders that require a person to pay a fee to obtain a permit to possess captive wildlife or that require the maintenance of records relating to captive wildlife.

(f) All other rules, regulations, and orders of the commission, except those specified in subsection (1).

(3) It is unlawful for any person to make, forge, counterfeit, or reproduce a freshwater fishing, hunting, or saltwater fishing license unless authorized by the commission. It is unlawful for any person to knowingly have in his or her possession a forgery, counterfeit, or imitation of such a license unless possession by the person has been fully authorized by the commission. A 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.

(4)~~(3)~~ Unless otherwise provided in this chapter, a person who violates any provision of this chapter is guilty, for the first offense, of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and is guilty, for the second offense or any subsequent offense, of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5)~~(4)~~ The court may order the suspension or revocation of any license or permit issued to a person pursuant to this chapter, if that person commits a criminal offense specified in this chapter or a noncriminal infraction specified in this section.

Section 41. Paragraph (b) of subsection (1) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and *documented* ~~undocumented~~ vessels.—

(1) For the purposes of this section, the term:

(b) "Vessel" *means every description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented* ~~has the same meaning as the term "undocumented~~ vessel" as defined in s. 327.02*(8)*~~(36)~~.

Section 42. *Section 258.398, Florida Statutes, 1997 edition, and subsections (10) and (11) of section 370.14, Florida Statutes, are repealed.*

Section 43. Except where otherwise provided, this act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, line 2 through page 3, line 20,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to the responsibilities of the Fish and Wildlife Conservation Commission; amending s. 320.08058, F.S.; clarifying purposes for which manatee license plate fees are used; amending s. 327.02, F.S.; revising definitions; amending s. 327.04, F.S., relating to rules; amending s. 327.22, F.S., relating to the regulation of vessels by municipalities or counties; creating s. 327.302, F.S.; providing for boating accident report forms; amending s. 327.33, F.S.; revising provisions relating to reckless or careless operation of a vessel; providing penalties; renumbering and amending s. 861.065, F.S.; revising divers-down flag requirements; revising requirements for operation of vessels in the vicinity of a divers-down flag; providing penalties; amending s. 327.331, F.S.; providing for noncriminal infractions, effective October 1, 2001; amending s. 327.355, F.S., relating to operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; amending s. 327.36, F.S., relating to mandatory adjudication of certain offenses; amending s. 327.37, F.S.; requiring persons engaging in water skiing, parasailing, or aquaplaning to wear a noninflatable flotation device; amending s. 327.39, F.S., relating to the regulation of personal watercraft; requiring the use of noninflatable flotation devices; prohibiting the lease, hiring, or rental of personal watercraft under certain circumstances; providing a penalty; providing commission rulemaking authority; amending s. 327.395, F.S., relating to boating safety identification cards; requiring that certain boater education or boater safety courses include a component relating to divers; amending s. 327.40, F.S.; clarifying requirements for uniform waterway markers for safety and navigation; providing permit exemptions; providing commission rulemaking authority; amending s. 327.41, F.S.; clarifying requirements for uniform waterway regulatory markers; amending s. 327.46, F.S.; clarifying rulemaking authority for the commission to establish restricted areas for public safety purposes; creating s. 327.49, F.S.; providing for the testing of vessels and vessel motors; amending s. 327.53, F.S.; relating to marine sanitation; amending s. 327.54, F.S., relating to liveries; revising requirements for preride or prerental instruction; revising age requirements for the lease, hire, or rental of personal watercraft; requiring liveries to carry liability insurance; providing a penalty; amending s. 327.60, F.S.; prohibiting local regulations from discriminating against personal watercraft; amending s. 327.72, F.S.; increasing time for payment of civil penalties; amending s. 327.73, F.S., relating to noncriminal infractions; reenacting s. 327.73(1)(p) for the purpose of incorporating the amendment to s. 327.39, F.S.; providing additional time for payment of civil penalties; providing additional penalties; providing for additional court costs in certain circumstances; authorizing public works or community service in certain circumstances; amending s. 327.73, F.S.; effective October 1, 2001; relating to noncriminal infractions for violations of vessel laws; amending s. 327.731, F.S., relating to mandatory education for violators; correcting a cross reference; amending s. 327.803, F.S.; providing for an increase in membership of the Boating Advisory Council; modifying purpose; amending s. 328.48, F.S.; clarifying vessel registration requirements; amending s. 328.56, F.S.; clarifying vessel registration number requirements; amending s. 328.66, F.S.; relating to county vessel registration fees; amending s. 328.70, F.S.; providing requirements for classification of recreational vessels and livery vessels; amending s. 328.72, F.S.; relating to vessel registration; providing requirements for display of antique vessel registration numbers and decals; amending s. 328.72, F.S., providing for the distribution of vessel registration fees effective July 1, 2001; amending s. 328.76, F.S.; clarifying the use of vessel registration fees; effective July 1, 2001, amending 370.06, F.S., relating to saltwater products license requirements; clarifying disability exemptions; deleting obsolete provisions; amending s. 370.0605, F.S., providing for combination

licenses; providing for a fee for electronic license sales; amending s. 372.57, F.S.; providing for combination licenses; amending s. 372.561, F.S.; providing that licenses and permits for hunting, saltwater fishing, and freshwater fishing must be issued, without fee, to certain disabled persons; amending s. 372.574, F.S.; providing for a fee for electronic license sales; providing for the replacement of a lost or destroyed license or permit; providing a fee; amending s. 372.66, F.S.; deleting the nonresident fur dealer agent license, the resident fur dealer agent license, and the resident local fur dealer license; amending s. 372.83, F.S.; providing that it is unlawful to make, forge, or counterfeit any hunting or fishing license; providing penalties; amending s. 713.78, F.S.; revising definition; repealing s. 258.398, F.S., removing designation of Lake Weir as an aquatic preserve; providing effective dates; repealing s. 370.14(10), (11), F.S., relating to saltwater fishing licenses; providing effective dates.

Rep. Alexander moved the adoption of the amendment, which was adopted.

On motion by Rep. Alexander, the rules were suspended and CS for CS for SB 386, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 549

Yeas—119

The Chair	Crist	Jacobs	Reddick
Albright	Crow	Johnson	Ritchie
Alexander	Detert	Jones	Ritter
Andrews	Diaz de la Portilla, R.	Kelly	Roberts
Argenio	Dockery	Kilmer	Rojas
Argenziano	Edwards	Kosmas	Rubio
Arnall	Effman	Kyle	Russell
Bainter	Eggelletion	Lacasa	Ryan
Ball	Farkas	Lawson	Sanderson
Barreiro	Fasano	Lee	Sembler
Bense	Feeney	Levine	Smith, C.
Betancourt	Fiorentino	Littlefield	Smith, K.
Bilirakis	Flanagan	Logan	Sobel
Bitner	Frankel	Lynn	Sorensen
Bloom	Fuller	Maygarden	Spratt
Boyd	Futch	Melvin	Stafford
Bradley	Garcia	Merchant	Stansel
Bronson	Gay	Miller, J.	Starks
Brown	Goode	Miller, L.	Suarez
Brummer	Goodlette	Minton	Sublette
Bucher	Gottlieb	Morroni	Trovillion
Bullard	Green, C.	Murman	Tullis
Bush	Greene, A.	Ogles	Turnbull
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wallace
Casey	Harrington	Posey	Wasserman Schultz
Chestnut	Hart	Prieguez	Waters
Constantine	Henriquez	Pruitt	Wiles
Cosgrove	Heyman	Putnam	Wilson
Crady	Hill	Rayson	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1196, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Fiscal Policy and Senator Brown-Waite—

CS for SB 1196—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the duties of the Secretary of Juvenile Justice; abolishing the offices of the Deputy Secretary for Operations and the Assistant Secretary of Programming and Planning; establishing various programs within the department; creating juvenile justice operating circuits; revising the boundaries of the department's service districts to conform to the boundaries of the judicial circuits; amending ss. 984.09 and 985.216, F.S., relating to alternative sanctions coordinators; deleting references to county juvenile justice councils; amending s. 985.03, F.S.; defining the term "conditional release" to mean the supervision and treatment services formerly known as aftercare; defining the term "probation" to mean the legal status formerly known as community control; revising and deleting definitions to conform to other changes made by the act; amending ss. 985.309, 985.31, and 985.311, F.S.; revising the minimum period for certain juveniles to participate in a boot camp, a serious or habitual juvenile offender program, or an intensive residential treatment program; amending ss. 20.19, 39.0015, 216.136, 232.19, 288.9957, 419.001, 744.309, 784.075, 790.22, 938.17, 948.51, 984.03, 984.05, 984.086, 984.10, 985.04, 985.06, 985.2066, 985.207, 985.215, 985.226, 985.227, 985.228, 985.23, 985.231, 985.233, 985.305, 985.308, 985.312, 985.3141, 985.315, 985.316, 985.317, 985.401, 985.404, 985.4045, 985.406, 985.411, 985.4145, 985.415, 985.416, 985.417, F.S.; conforming provisions to changes made by the act; creating s. 985.4135, F.S.; creating juvenile justice circuit boards and juvenile justice county councils; providing for membership, duties, and procedures; providing that certain members of district juvenile justice boards and county juvenile justice councils may complete their terms; repealing s. 985.413, F.S., relating to district juvenile justice boards; repealing s. 985.414, F.S., relating to county juvenile justice councils; requiring the department to provide technical assistance to facilitate transition to circuit boards and county councils; providing for repeal; authorizing the Executive Office of the Governor to establish salaries for positions within the Department of Juvenile Justice at specified rates; providing effective dates.

—was read the first time by title. On motion by Rep. Merchant, the rules were suspended and the bill was read the second time by title.

Representative(s) Merchant and Villalobos offered the following:

(Amendment Bar Code: 182587)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 20.316, Florida Statutes, is amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(1) SECRETARY OF JUVENILE JUSTICE.—

(a) The head of the Department of Juvenile Justice is the Secretary of Juvenile Justice. The secretary of the department shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Secretary of Juvenile Justice is responsible for planning, coordinating, and managing the delivery of all programs and services within the juvenile justice continuum. For purposes of this section, the term "juvenile justice continuum" means all children-in-need-of-services programs; families-in-need-of-services programs; other prevention, early intervention, and diversion programs; detention centers and related programs and facilities; community-based residential and nonresidential commitment programs; and delinquency institutions provided or funded by the department.

(c) The Secretary of Juvenile Justice shall:

1. Ensure that juvenile justice continuum programs and services are implemented according to legislative intent; state and federal laws, rules, and regulations; statewide program standards; and performance objectives by reviewing and monitoring regional and *circuit* ~~district~~ program operations and providing technical assistance to those programs.

2. Identify the need for and recommend the funding and implementation of an appropriate mix of programs and services within the juvenile justice continuum, including prevention, diversion, nonresidential and residential commitment programs, training schools, and *conditional release* ~~reentry and aftercare~~ programs and services, with an overlay of educational, vocational, alcohol, drug abuse, and mental health services where appropriate.

3. Provide for program research, development, and planning.

4. Develop staffing and workload standards and coordinate staff development and training.

5. Develop budget and resource allocation methodologies and strategies.

6. Establish program policies and rules and ensure that those policies and rules encourage cooperation, collaboration, and information sharing with community partners in the juvenile justice system to the extent authorized by law.

7. Develop funding sources external to state government.

8. Obtain, approve, monitor, and coordinate research and program development grants.

9. Enter into contracts.

10. Monitor all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, in order to effect the goals and policies of the State Comprehensive Plan regarding children and regarding governmental efficiency and in order to determine:

a. The number of youth served by such state-funded programs, grants, appropriations, or activities;

b. The number of youth who complete such state-funded programs, grants, appropriations, or activities;

c. The number and percentage of youth who are referred for delinquency while participating in such state-funded programs, grants, appropriations, or activities;

d. The number and percentage of youth who are referred for delinquency within 6 months after completing such state-funded programs, grants, appropriations, or activities.

~~(d) The secretary shall periodically review the needs in each commitment region.~~

(2) DEPARTMENT PROGRAMS.—The following programs are established within the Department of Juvenile Justice:

(a) Prevention and Victim Services.

(b) Intake and Detention.

(c) Residential and Correctional Facilities.

(d) Probation and Community Corrections.

(e) Administration.

The secretary may establish assistant secretary positions and a chief of staff position as necessary to administer the requirements of this section.

~~(2) DEPUTY SECRETARY FOR OPERATIONS.—The secretary shall appoint a Deputy Secretary for Operations who shall supervise the managers of the 15 services districts within the department.~~

~~(3) ASSISTANT SECRETARY OF PROGRAMMING AND PLANNING.—The secretary shall appoint an Assistant Secretary of Programming and Planning who shall head the following divisions:~~

~~(a) Division of Prevention and Intervention.~~

~~(b) Division of Detention and Commitment.~~

(3)~~(4)~~ *JUVENILE JUSTICE OPERATING CIRCUITS* ~~SERVICE DISTRICTS~~.—The department shall plan and administer its programs through *a substate structure that conforms to the boundaries of the judicial circuits prescribed in s. 26.021. A county may seek placement in a juvenile justice operating circuit other than as prescribed in s. 26.021 for participation in the Prevention and Victim Services Program and the Probation and Community Corrections Program by making a request of the chief circuit judge in each judicial circuit affected by such request. Upon a showing that geographic proximity, community identity, or other legitimate concern for efficiency of operations merits alternative placement, each affected chief circuit judge may authorize the execution of an interagency agreement specifying the alternative juvenile justice operating circuit in which the county is to be placed and the basis for the alternative placement. Upon the execution of said interagency agreement by each affected chief circuit judge, the secretary may administratively place a county in an alternative juvenile justice operating circuit pursuant to the agreement.* ~~service districts and subdistricts composed of the following counties:~~

~~District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties;~~

~~District 2.—Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor Counties;~~

~~District 3.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua Counties;~~

~~District 4.—Baker, Nassau, Duval, Clay, and St. Johns Counties;~~

~~District 5.—Pasco and Pinellas Counties;~~

~~District 6.—Hillsborough and Manatee Counties;~~

~~District 7.—Seminole, Orange, Osceola, and Brevard Counties;~~

~~District 8.—Sarasota, DeSoto, Charlotte, Lee, Glades, Hendry, and Collier Counties;~~

~~District 9.—Palm Beach County;~~

~~District 10.—Broward County;~~

~~District 11.—Dade and Monroe Counties;~~

~~District 12.—Flagler and Volusia Counties;~~

~~District 13.—Marion, Citrus, Hernando, Sumter, and Lake Counties;~~

~~District 14.—Polk, Hardee, and Highlands Counties; and~~

~~District 15.—Indian River, Okeechobee, St. Lucie, and Martin Counties.~~

~~(5) COMMITMENT REGIONS.—The department shall plan and administer its community and institutional delinquency programs, children-in-need-of-services programs, and families-in-need-of-services programs through commitment regions composed of the following service districts:~~

~~Northwest Region.—Districts 1 and 2.~~

~~Northeast Region.—Districts 3, 4, 12, and 13.~~

~~Eastern Region.—Districts 7, 9, and 15.~~

~~Western Region.—Districts 5, 6, 8, and 14.~~

~~Southern Region.—Districts 10 and 11.~~

(4)~~(6)~~ INFORMATION SYSTEMS.—

(a) The Department of Juvenile Justice shall develop, in consultation with the Criminal and Juvenile Justice Information Systems Council under s. 943.08, a juvenile justice information system which shall provide information concerning the department's activities and programs.

(b) In establishing the computing and network infrastructure for the development of the information system, the department shall develop a system design to set the direction for the information system. That design shall include not only department system requirements but also data exchange requirements of other state and local juvenile justice system organizations.

(c) The department shall implement a distributed system architecture which shall be defined in its agency strategic plan.

(d) The management information system shall, at a minimum:

1. Facilitate case management of juveniles referred to or placed in the department's custody.

2. Provide timely access to current data and computing capacity to support the outcome evaluation activities of the Juvenile Justice *Advisory* ~~Accountability~~ Board as provided in s. 985.401, legislative oversight, the Juvenile Justice Estimating Conference, and other research.

3. Provide automated support to the quality assurance and program review functions.

4. Provide automated support to the contract management process.

5. Provide automated support to the facility operations management process.

6. Provide automated administrative support to increase efficiency, provide the capability of tracking expenditures of funds by the department or contracted service providers that are eligible for federal reimbursement, and reduce forms and paperwork.

7. Facilitate connectivity, access, and utilization of information among various state agencies, and other state, federal, local, and private agencies, organizations, and institutions.

8. Provide electronic public access to juvenile justice information, which is not otherwise made confidential by law or exempt from the provisions of s. 119.07(1).

9. Provide a system for the training of information system users and user groups.

(e) The department shall aggregate, on a quarterly and an annual basis, the program information, demographic, program utilization rate, and statistical data of the youth served into a descriptive report and shall disseminate the quarterly and annual reports to substantive committees of the House of Representatives and the Senate.

(f) The department shall provide an annual report on the juvenile justice information system to the *Criminal and Juvenile Justice Information Systems Council* ~~Joint Information Technology Resources Committee~~. The *council* ~~committee~~ shall review and forward the report, along with its comments, to the appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding policy formulation.

(g) The department shall include in its annual budget request a comprehensive summary of costs involved in the establishment of the information system and cost savings associated with its implementation. The budget request must also include a complete inventory of staff, equipment, and facility resources for development and maintenance of the system.

Section 2. Paragraph (o) of subsection (8) and paragraph (c) of subsection (10) of section 20.19, Florida Statutes, are amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(8) HEALTH AND HUMAN SERVICES BOARDS.—

(o) Health and human services boards have the following responsibilities, with respect to those programs and services assigned to the districts, as developed jointly with the district administrator:

1. Establish district outcome measures consistent with statewide outcomes.

2. Conduct district needs assessments using methodologies consistent with those established by the secretary.

3. Negotiate with the secretary a district performance agreement that:

a. Identifies current resources and services available;

b. Identifies unmet needs and gaps in services;

c. Establishes service and funding priorities;

d. Establishes outcome measures for the district; and

e. Identifies expenditures and the number of clients to be served, by service.

4. Provide budget oversight, including development and approval of the district's legislative budget request.

5. Provide policy oversight, including development and approval of district policies and procedures.

6. Act as a focal point for community participation in department activities such as:

a. Assisting in the integration of all health and social services within the community;

b. Assisting in the development of community resources;

c. Advocating for community programs and services;

d. Receiving and addressing concerns of consumers and others; and

e. Advising the district administrator on the administration of service programs throughout the district.

7. Advise the district administrator on ways to integrate the delivery of family and health care services at the local level.

8. Make recommendations which would enhance district productivity and efficiency, ensure achievement of performance standards, and assist the district in improving the effectiveness of the services provided.

9. Review contract provider performance reports.

10. Immediately upon appointment of the membership, develop bylaws that clearly identify and describe operating procedures for the board. At a minimum, the bylaws must specify notice requirements for all regular and special meetings of the board, the number of members required to constitute a quorum, and the number of affirmative votes of members present and voting that are required to take official and final action on a matter before the board.

11.a. Determine the board's internal organizational structure, including the designation of standing committees. In order to foster the coordinated and integrated delivery of family services in its community, a local board shall use a committee structure that is based on issues, such as children, housing, transportation, or health care. Each such committee must include consumers, advocates, providers, and department staff from every appropriate program area. In addition, each board and district administrator shall jointly identify community entities, including, but not limited to, the Area Agency on Aging, and resources outside the department to be represented on the committees of the board.

b. The ~~district~~ juvenile justice *circuit* boards established in s. *985.4135* ~~985.413~~ constitute the standing committee on issues relating to planning, funding, or evaluation of programs and services relating to the juvenile justice continuum.

12. Participate with the secretary in the selection of a district administrator according to the provisions of paragraph (10)(b).

13. Complete an annual evaluation of the district and review the evaluation at a meeting of the board at which the public has an opportunity to comment.

14. Provide input to the secretary on the annual evaluation of the district administrator. The board may request that the secretary submit a written report on the actions to be taken to address negative aspects of the evaluation. At any time, the board may recommend to the secretary that the district administrator be discharged. Upon receipt of such a recommendation, the secretary shall make a formal reply to the board stating the action to be taken with respect to the board's recommendation.

15. Elect a chair and other officers, as specified in the bylaws, from among the members of the board.

(10) DISTRICT ADMINISTRATOR.—

(c) The duties of the district administrator include, but are not limited to:

1. Ensuring jointly with the health and human services board that the administration of all service programs is carried out in conformity with state and federal laws, rules, and regulations, statewide service plans, and any other policies, procedures, and guidelines established by the secretary.

2. Administering the offices of the department within the district and directing and coordinating all personnel, facilities, and programs of the department located in that district, except as otherwise provided herein.

3. Applying standard information, referral, intake, diagnostic and evaluation, and case management procedures established by the secretary. Such procedures shall include, but are not limited to, a protective investigation system for dependency programs serving abandoned, abused, and neglected children.

4. Centralizing to the greatest extent possible the administrative functions associated with the provision of services of the department within the district.

5. Coordinating the services provided by the department in the district with those of other districts, with the Secretary of Juvenile Justice, the *circuit* ~~district~~ juvenile justice manager, and public and private agencies that provide health, social, educational, or rehabilitative services within the district. Such coordination of services includes cooperation with the superintendent of each school district in the department's service district to achieve the first state education goal, readiness to start school.

6. Except as otherwise provided in this section, appointing all personnel within the district. The district administrator and the secretary shall jointly appoint the superintendent of each institution under the jurisdiction of the department within the district.

7. Establishing, with the approval of the health and human services board, such policies and procedures as may be required to discharge his or her duties and implement and conform the policies, procedures, and guidelines established by the secretary to the needs of the district.

8. Transferring up to 10 percent of the total district budget, with the approval of the secretary, to maximize effective program delivery, the provisions of ss. 216.292 and 216.351 notwithstanding.

Section 3. Paragraph (b) of subsection (3) of section 39.0015, Florida Statutes, is amended to read:

39.0015 Child abuse prevention training in the district school system.—

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

(b) "Child abuse" means those acts as defined in ss. 39.01(1), (2), (30), (44), (46), (53), and (64), 827.04, and 984.03(1), (2), and *(37)* ~~(39)~~.

Section 4. Paragraph (b) of subsection (9) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(9) JUVENILE JUSTICE ESTIMATING CONFERENCE.—

(b) Principals.—The Executive Office of the Governor, the Office of Economic and Demographic Research, and professional staff who have forecasting expertise from the Department of Juvenile Justice, the Department of Children and Family Services Alcohol, Drug Abuse, and Mental Health Program Office, the Department of Law Enforcement, the Senate Appropriations Committee staff, the House of Representatives Appropriations Committee staff, or their designees, are the principals of the Juvenile Justice Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals. To facilitate policy and legislative recommendations, the conference may call upon professional staff of the Juvenile Justice *Advisory* ~~Accountability~~ Board and appropriate legislative staff.

Section 5. Subsection (4) of section 232.19, Florida Statutes, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(4) COOPERATIVE AGREEMENTS.—The *circuit* ~~district~~ manager of the Department of Juvenile Justice or the *circuit* ~~district~~ manager's designee, the district administrator of the Department of Children and Family Services or the district administrator's designee, and the superintendent of the local school district or the superintendent's designee must develop a cooperative interagency agreement that:

(a) Clearly defines each department's role, responsibility, and function in working with habitual truants and their families.

(b) Identifies and implements measures to resolve and reduce truant behavior.

(c) Addresses issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans.

(d) Delineates timeframes for implementation and identifies a mechanism for reporting results by the *circuit* ~~district~~ juvenile justice manager or the *circuit* ~~district~~ manager's designee and the superintendent of schools or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed.

(e) Designates which agency is responsible for each of the intervention steps in this section, to yield more effective and efficient intervention services.

Section 6. Subsection (1) of section 288.9957, Florida Statutes, is amended to read:

288.9957 Florida Youth Workforce Council.—

(1) The chairman of the Workforce Development Board shall designate the Florida Youth Workforce Council from representatives of distressed inner-city and rural communities who have demonstrated experience working with at-risk youth, and representatives of public and private groups, including, but not limited to, School-to-Work Advisory Councils, the National Guard, Children's' Services Councils, Juvenile Welfare Boards, the Apprenticeship Council, juvenile justice *circuit* ~~District~~ boards, and other federal and state programs that target youth, to advise the board on youth programs and to implement Workforce Development Board strategies for young people.

Section 7. Paragraph (d) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

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

(d) "Resident" means any of the following: a frail elder as defined in s. 400.618; a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled person as defined in s. 393.063(12); a nondangerous mentally ill person as defined in s. 394.455(18); or a child as defined in s. 39.01(14), s. 984.03(9) or (12), or s. 985.03*(8)*~~(9)~~.

Section 8. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(2) and *(37)* ~~(39)~~, or who has a confirmed report of abuse, neglect, or exploitation which has been uncontested or upheld pursuant to the provisions of ss. 415.104 and 415.1075 shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 9. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff.—A person who commits a battery on a juvenile probation officer, as defined in s. 984.03 or s. 985.03, on other staff of a detention center or facility as defined in s. 984.03 or s. 985.03, or on a staff member of a commitment facility as defined in s. 985.03*(45)*~~(47)~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 10. Paragraph (c) of subsection (4) of section 790.22, Florida Statutes, is amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.—

(4)

(c) ~~No later than July 1, 1994,~~ The ~~district~~ juvenile justice *circuit* boards or ~~county~~ juvenile justice *county* councils or the Department of Juvenile Justice shall establish appropriate community service programs to be available to the alternative sanctions coordinators of the circuit courts in implementing this subsection. The boards or councils or department shall propose the implementation of a community service program in each circuit, and may submit a circuit plan, to be implemented upon approval of the circuit alternative sanctions coordinator.

Section 11. Subsection (4) of section 938.17, Florida Statutes, is amended to read:

938.17 County delinquency prevention.—

(4) A sheriff's office that receives the cost assessments established in subsection (1) shall account for all funds that have been deposited into the designated account by August 1 annually in a written report to the ~~county~~ juvenile justice *county* council if funds are used for assessment centers, and to the district school board if funds are used for suspension programs.

Section 12. Subsection (2) of section 948.51, Florida Statutes, is amended to read:

948.51 Community corrections assistance to counties or county consortiums.—

(2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A county, or a consortium of two or more counties, may contract with the Department of Corrections for community corrections funds as provided in this section. In order to enter into a community corrections partnership contract, a county or county consortium must have a public safety coordinating council established under s. 951.26 and must designate a county officer or agency to be responsible for administering community corrections funds received from the state. The public safety coordinating council shall prepare, develop, and implement a comprehensive public safety plan for the county, or the geographic area represented by the county consortium, and shall submit an annual report to the Department of Corrections concerning the status of the program. In preparing the comprehensive public safety plan, the public safety coordinating council shall cooperate with the ~~district~~ juvenile justice *circuit* board and the ~~county~~ juvenile justice *county* council, established under s. *985.4135* ~~985.413~~, in order to include programs and services for juveniles in the plan. To be eligible for community corrections funds under the contract, the initial public safety plan must be approved by the governing board of the county, or the governing board of each county within the consortium, and the Secretary of Corrections based on the requirements of this section. If one or more other counties develop a unified public safety plan, the public safety coordinating council shall submit a single application to the department for funding. Continued contract funding shall be pursuant to subsection (5). The plan for a county or county consortium must cover at least a 5-year period and must include:

(a) A description of programs offered for the job placement and treatment of offenders in the community.

(b) A specification of community-based intermediate sentencing options to be offered and the types and number of offenders to be included in each program.

(c) Specific goals and objectives for reducing the projected percentage of commitments to the state prison system of persons with low total sentencing scores pursuant to the Criminal Punishment Code.

(d) Specific evidence of the population status of all programs which are part of the plan, which evidence establishes that such programs do not include offenders who otherwise would have been on a less intensive form of community supervision.

(e) The assessment of population status by the public safety coordinating council of all correctional facilities owned or contracted for by the county or by each county within the consortium.

(f) The assessment of bed space that is available for substance abuse intervention and treatment programs and the assessment of offenders in need of treatment who are committed to each correctional facility owned or contracted for by the county or by each county within the consortium.

(g) A description of program costs and sources of funds for each community corrections program, including community corrections funds, loans, state assistance, and other financial assistance.

Section 13. Present subsections (24) and (25) of section 984.03, Florida Statutes, are repealed, subsections (26) through (58) are renumbered as subsections (24) through (56), respectively, and present subsections (27), (32), (33), (45), and (48) of said section are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(25)~~(27)~~ "Family in need of services" means a family that has a child *who is running away; who is persistently disobeying reasonable and*

lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system ~~for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency~~. The child must *be* ~~also have been~~ referred to a law enforcement agency, ~~or~~ the Department of Juvenile Justice*, or an agency contracted to provide services to children in need of services. A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the Department of Juvenile Justice or the Department of Children and Family Services due to an adjudication of dependency or delinquency.* ~~for:~~

~~(a) Running away from parents or legal custodians;~~

~~(b) Persistently disobeying reasonable and lawful demands of parents or legal custodians and being beyond their control; or~~

~~(c) Habitual truancy from school.~~

(30)~~(32)~~ "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; *conditional release* ~~aftercare and reentry services~~; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

(31)~~(33)~~ "Juvenile probation officer" means the authorized agent of the department who performs and directs intake, assessment, probation, or *conditional release* ~~aftercare~~, and other related services.

(43)~~(45)~~ "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in *an adjudication that orders* the placement of a child *into* ~~in~~ foster care *or into the delinquency system or that will or could result in the child living on the street*. Social services and other supportive and rehabilitative services *may include the provision of assessment and screening services; individual, group, or family counseling; specialized educational and vocational services; temporary shelter for the child; outreach services for children living on the street; independent living services to assist adolescents in achieving a successful transition to adulthood; and other specialized services* ~~shall promote the child's need for a safe, continuous, stable, living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible~~.

(46)~~(48)~~ "Reunification services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child, whichever is applicable; the child; and, where appropriate, the foster parents of the child for the purpose of enabling a child who has been placed in *temporary shelter* ~~foster~~ care to return to his or her family at the earliest possible time. Social services and other supportive and rehabilitative services shall *be consistent with* ~~promote~~ the child's need for a safe, continuous, *and* stable~~,~~ living environment and shall promote *the strengthening of* ~~family autonomy and strengthen~~ family life ~~as a first priority~~ whenever possible.

Section 14. Section 984.05, Florida Statutes, is amended to read:

984.05 Rules relating to habitual truants; adoption by Department of Education and Department of Juvenile Justice.—The Department of Juvenile Justice and the Department of Education shall work together on the development of, and shall adopt, rules as necessary for the implementation of ss. 232.19, 984.03*(27)*~~(29)~~, and 985.03*(25)*~~(28)~~.

Section 15. Section 984.086, Florida Statutes, is amended to read:

984.086 Children locked out of the home; interagency cooperation.—The Department of Juvenile Justice and the Department of Children and Family Services shall encourage interagency cooperation within each *circuit* ~~district~~ and shall develop comprehensive agreements between the staff and providers for each department in order to coordinate the services provided to children who are locked out of the home and the families of those children.

Section 16. Subsection (5) of section 984.09, Florida Statutes, is amended to read:

984.09 Punishment for contempt of court; alternative sanctions.—

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, ~~and county juvenile justice councils, the~~ local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 17. Subsection (2) of section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

(2) A representative of the department shall make a preliminary determination as to whether the report or complaint is complete. The criteria for the completeness of a report or complaint with respect to a child alleged to be from a family in need of services while subject to compulsory school attendance shall be governed by s. 984.03*(27)*~~(29)~~. In any case in which the representative of the department finds that the report or complaint is incomplete, the representative of the department shall return the report or complaint without delay to the person or agency originating the report or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report or complaint.

Section 18. Section 985.03, Florida Statutes, is amended to read:

985.03 Definitions.—When used in this chapter, the term:

(1) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.

(2) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition, as is provided for under s. 985.228 in delinquency cases.

(3) "Adult" means any natural person other than a child.

(4)~~(5)~~ "Arbitration" means a process whereby a neutral third person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which may be binding or nonbinding.

(5)~~(6)~~ "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, to perform duties or exercise powers pursuant to this chapter and includes contract providers and their employees for

purposes of providing services to and managing cases of children in need of services and families in need of services.

(6)~~(7)~~ "Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

(7)~~(8)~~ "Child eligible for an intensive residential treatment program for offenders less than 13 years of age" means a child who has been found to have committed a delinquent act or a violation of law in the case currently before the court and who meets at least one of the following criteria:

(a) The child is less than 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary;

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The child is less than 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least once to a delinquency commitment program.

(c) The child is less than 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(8)~~(9)~~ "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(a) To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services;

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 232.17 and 232.19 and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services; or

(c) To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.

(9)~~(10)~~ "Child who has been found to have committed a delinquent act" means a child who, pursuant to the provisions of this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to part III of this chapter.

(10)~~(11)~~ "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

(11)~~(12)~~ "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.

(12)~~(14)~~ "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

(13)~~(4)~~ "*Conditional release* ~~Aftercare~~" means the care, treatment, help, and supervision provided to a juvenile released from a residential commitment program which is intended to promote rehabilitation and prevent recidivism. The purpose of *conditional release* ~~aftercare~~ is to protect the public, reduce recidivism, increase responsible productive behavior, and provide for a successful transition of the youth from the department to the family. *Conditional release* ~~Aftercare~~ includes, but is not limited to, minimum-risk nonresidential programs~~, reentry services,~~ and postcommitment *probation* ~~community control~~.

(14)~~(15)~~ "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(15)~~(16)~~(a) "Delinquency program" means any intake, *probation* ~~community control~~, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent pursuant to part II.

(b) "Delinquency program staff" means supervisory and direct care staff of a delinquency program as well as support staff who have direct contact with children in a delinquency program.

(c) "Delinquency prevention programs" means programs designed for the purpose of reducing the occurrence of delinquency, including youth and street gang activity, and juvenile arrests. The term excludes arbitration, diversionary or mediation programs, and community service work or other treatment available subsequent to a child committing a delinquent act.

(16)~~(17)~~ "Department" means the Department of Juvenile Justice.

(17)~~(18)~~ "Designated facility" or "designated treatment facility" means any facility designated by the Department of Juvenile Justice to provide treatment to juvenile offenders.

(18)~~(19)~~ "Detention care" means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order. There are three types of detention care, as follows:

(a) "Secure detention" means temporary custody of the child while the child is under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.

(b) "Nonsecure detention" means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement.

(c) "Home detention" means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice staff pending adjudication, disposition, or placement.

(19)~~(20)~~ "Detention center or facility" means a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.

(20)~~(21)~~ "Detention hearing" means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under ss. 985.213 and 985.215 in delinquency cases.

(21)~~(22)~~ "Disposition hearing" means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 985.231, in delinquency cases.

~~(23) "District" means a service district of the Department of Juvenile Justice.~~

~~(24) "District juvenile justice manager" means the person appointed by the Secretary of Juvenile Justice, responsible for planning, managing, and evaluating all juvenile justice continuum programs and services delivered or funded by the Department of Juvenile Justice within the district.~~

(22)~~(25)~~ "Family" means a collective body of persons, consisting of a child and a parent, guardian, adult custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(23)~~(26)~~ "Family in need of services" means a family that has a child for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also have been referred to a law enforcement agency or the Department of Juvenile Justice for:

(a) Running away from parents or legal custodians;

(b) Persistently disobeying reasonable and lawful demands of parents or legal custodians, and being beyond their control; or

(c) Habitual truancy from school.

(24)~~(27)~~ "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(25)~~(28)~~ "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.

(b) Escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 232.17 and 232.19 have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 232.17 and 232.19 and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the state attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the state attorney may elect to file a child-in-need-of-services petition.

(c) A school representative, designated according to school board policy, and a juvenile probation officer of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that could be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.

(26)~~(29)~~ "Halfway house" means a community-based residential program for 10 or more committed delinquents at the moderate-risk restrictiveness level that is operated or contracted by the Department of Juvenile Justice.

(27)~~(30)~~ "Intake" means the initial acceptance and screening by the Department of Juvenile Justice of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

(a) The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.

(b) The referral of the child to another public or private agency when appropriate.

(c) The recommendation by the juvenile probation officer of judicial handling when appropriate and warranted.

(28)~~(31)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

(29)~~(32)~~ "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs, and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; *conditional release* ~~aftercare and reentry services~~; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and

alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

(30)~~(33)~~ "Juvenile probation officer" means the authorized agent of the Department of Juvenile Justice who performs the intake or case management function for a child alleged to be delinquent.

(31)~~(34)~~ "Juvenile sexual offender" means:

(a) A juvenile who has been found by the court pursuant to s. 985.228 to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;

(b) A juvenile found to have committed any violation of law or delinquent act involving juvenile sexual abuse. "Juvenile sexual abuse" means any sexual behavior which occurs without consent, without equality, or as a result of coercion. For purposes of this subsection, the following definitions apply:

1. "Coercion" means the exploitation of authority, use of bribes, threats of force, or intimidation to gain cooperation or compliance.

2. "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

3. "Consent" means an agreement including all of the following:

a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.

b. Knowledge of societal standards for what is being proposed.

c. Awareness of potential consequences and alternatives.

d. Assumption that agreement or disagreement will be accepted equally.

e. Voluntary decision.

f. Mental competence.

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

(32)~~(35)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(33)~~(36)~~ "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of Children and Family Services to care for, receive, and board children.

(34)~~(37)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

(35)~~(38)~~ "Likely to injure oneself" means that, as evidenced by violent or other actively self-destructive behavior, it is more likely than not that within a 24-hour period the child will attempt to commit suicide or inflict serious bodily harm on himself or herself.

(36)~~(39)~~ "Likely to injure others" means that it is more likely than not that within a 24-hour period the child will inflict serious and unjustified bodily harm on another person.

(37)~~(40)~~ "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decisionmaking authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(38)~~(41)~~ "Necessary medical treatment" means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(39)~~(42)~~ "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.

(40)~~(43)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503 or s. 63.062(1)(b).

(41)~~(44)~~ "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

(42)~~(45)~~ "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child's need for a safe, continuous, stable living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible.

(43)~~(13)~~ "*Probation* ~~Community control~~" means the legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act. *Probation* ~~Community control~~ is an individualized program in which the freedom of the child is limited and the child is restricted to noninstitutional quarters or restricted to the child's home in lieu of commitment to the custody of the Department of Juvenile Justice. *Youth on probation may be assessed and classified for placement in day-treatment probation programs designed for youth who represent a minimum risk to themselves and public safety and do not require placement and services in a residential setting. Program types in this more intensive and structured day-treatment probation option include vocational programs, marine programs, juvenile justice alternative schools, training and rehabilitation programs, and gender-specific programs.*

(44)~~(46)~~ "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(45)~~(47)~~ "*Residential commitment* ~~Restrictiveness~~ level" means the level of *security* ~~custody~~ provided by programs that service the *supervision*, custody, ~~and~~ care, *and treatment* needs of committed children. *Sections 985.3141 and 985.404(13) apply to children placed in programs at any residential commitment level. The levels of residential commitment are as follows* ~~There shall be five restrictiveness levels~~:

~~(a) Minimum-risk nonresidential. Youth assessed and classified for placement in programs at this restrictiveness level represent a minimum risk to themselves and public safety and do not require placement and services in residential settings. Programs or program models in this restrictiveness level include: community counselor~~

~~supervision programs, special intensive group programs, nonresidential marine programs, nonresidential training and rehabilitation centers, and other local community nonresidential programs, including any nonresidential program or supervision program that is used for aftercare placement.~~

(a)~~(b)~~ Low-risk residential.—*Programs or program models at this commitment level are residential but may allow youth to have unsupervised access to the community.* Youth assessed and classified for placement in programs at this *commitment* level represent a low risk to themselves and public safety *but* ~~and~~ do require placement and services in residential settings. *Children who have been found to have committed delinquent acts that involve firearms, delinquent acts that are sexual offenses, or delinquent acts that would be life felonies or first degree felonies if committed by an adult shall not be committed to a program at this level.* ~~Programs or program models in this restrictiveness level include: Short Term Offender Programs (STOP), group treatment homes, family group homes, proctor homes, and Short Term Environmental Programs (STEP). Section 985.3141 applies to children placed in programs in this restrictiveness level.~~

(b)~~(c)~~ Moderate-risk residential.—*Programs or program models at this commitment level are residential but may allow youth to have supervised access to the community. Facilities are either environmentally secure, staff secure, or are hardware-secure with walls, fencing, or locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents.* Youth assessed and classified for placement in programs *at* ~~in~~ this *commitment* ~~restrictiveness~~ level represent a moderate risk to public safety *and*~~. Programs are designed for children who~~ require close supervision ~~but do not need placement in facilities that are physically secure. Programs in the moderate-risk residential restrictiveness level provide 24-hour awake supervision, custody, care, and treatment. Upon specific appropriation, a facility at this restrictiveness level may have a security fence around the perimeter of the grounds of the facility and may be hardware-secure or staff-secure~~. The staff at a facility at this *commitment* ~~restrictiveness~~ level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. ~~Programs or program models in this restrictiveness level include: halfway houses, START Centers, the Dade Intensive Control Program, licensed substance abuse residential programs, and moderate-term wilderness programs designed for committed delinquent youth that are operated or contracted by the Department of Juvenile Justice. Section 985.3141 applies to children placed in programs in this restrictiveness level.~~

(c)~~(d)~~ High-risk residential.—*Programs or program models at this commitment level are residential and shall not allow youth to have access to the community. Facilities are hardware-secure with perimeter fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents.* Youth assessed and classified for this level of placement require close supervision in a structured residential setting ~~that provides 24-hour-per-day secure custody, care, and supervision~~. Placement in programs *at* ~~in~~ this level is prompted by a concern for public safety that outweighs placement in programs at lower restrictiveness levels. *The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility may provide for single cell occupancy.* ~~Programs or program models in this level are staff-secure or physically secure residential commitment facilities and include: training schools, intensive halfway houses, residential sex offender programs, long-term wilderness programs designed exclusively for committed delinquent youth, boot camps, secure halfway house programs, and the Broward Control Treatment Center. Section 985.3141 applies to children placed in programs in this restrictiveness level.~~

(d)~~(e)~~ *Maximum-risk residential* ~~Juvenile correctional facilities or juvenile prison~~.—*Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons. The programs are long-term residential and shall not allow youth to have access to the community. Facilities are maximum-custody hardware-secure with perimeter security fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility shall provide for single cell occupancy, except that youth may be housed together during prerelease transition.* Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting ~~that provides 24-hour-per-day secure custody, care, and supervision~~. Placement in a program *at* ~~in~~ this level is prompted by a demonstrated need to protect the public. ~~Programs or program models in this level are maximum-secure-custody, long-term residential commitment facilities that are intended to provide a moderate overlay of educational, vocational, and behavioral-modification services and other maximum-security program models authorized by the Legislature and established by rule. Section 985.3141 applies to children placed in programs in this restrictiveness level.~~

(46)~~(48)~~ "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(47)~~(49)~~ "Serious or habitual juvenile offender," for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

(a) The youth is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary;

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The youth is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.

(c) The youth is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(48)~~(50)~~ "Serious or habitual juvenile offender program" means the program established in s. 985.31.

(49)~~(51)~~ "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be delinquent.

(50)~~(52)~~ "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

(51)~~(53)~~ "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

(52)~~(54)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(53)~~(55)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, detention, placement, or other disposition as authorized by law.

(54)~~(56)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(55)~~(57)~~ "Temporary release" means the terms and conditions under which a child is temporarily released from a commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a *conditional release* ~~reentry program or an aftercare~~ program or a period during which the child is supervised by a juvenile probation officer or other nonresidential staff of the department or staff employed by an entity under contract with the department. A child placed in a postcommitment supervision program by order of the court is not considered to be on temporary release and is not subject to the terms and conditions of temporary release.

(56)~~(58)~~ "Training school" means one of the following facilities: the Arthur G. Dozier School or the Eckerd Youth Development Center.

(57)~~(59)~~ "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(58)~~(60)~~ "Waiver hearing" means a hearing provided for under s. 985.226(3).

Section 19. Paragraph (a) of subsection (3) and paragraph (a) of subsection (4) of section 985.04, Florida Statutes, are amended to read:

985.04 Oaths; records; confidential information.—

(3)(a) Except as provided in subsections (2), (4), (5), and (6), and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Juvenile Justice *Advisory* ~~Accountability~~ Board, the Department of Corrections, the ~~district~~ juvenile justice *circuit* boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Juvenile Justice *Advisory* ~~Accountability~~ Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a *probation* ~~community control~~ or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

(4)(a) Records in the custody of the Department of Juvenile Justice regarding children are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Juvenile Justice or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper. The information in such records may be disclosed only to other employees of the Department of Juvenile Justice who have a need therefor in order to perform their official duty; to other persons as authorized by rule of the Department of Juvenile Justice; and, upon request, to the Juvenile Justice *Advisory* ~~Accountability~~ Board and the Department of Corrections. The secretary or his or her authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his or her authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.

Section 20. Subsection (2) of section 985.06, Florida Statutes, is amended to read:

985.06 Statewide information-sharing system; interagency workgroup.—

(2) The interagency workgroup shall be coordinated through the Department of Education and shall include representatives from the state agencies specified in subsection (1), school superintendents, school district information system directors, principals, teachers, juvenile court judges, police chiefs, county sheriffs, clerks of the circuit court, the Department of Children and Family Services, providers of juvenile services including a provider from a juvenile substance abuse program, and *circuit* ~~district~~ juvenile justice managers.

Section 21. Section 985.2066, Florida Statutes, is amended to read:

985.2066 Children locked out of the home; interagency cooperation.—The Department of Juvenile Justice and the Department of Children and Family Services shall encourage interagency cooperation within each *circuit* ~~district~~ and shall develop comprehensive agreements between the staff and providers for each department in order to coordinate the services provided to children who are locked out of the home and the families of those children.

Section 22. Paragraph (d) of subsection (1) of section 985.207, Florida Statutes, is amended to read:

985.207 Taking a child into custody.—

(1) A child may be taken into custody under the following circumstances:

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's *probation* ~~community control~~, home detention, or *conditional release* ~~aftercare~~ supervision or has absconded from commitment.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 23. Paragraph (a) of subsection (1) of section 985.21, Florida Statutes, is amended to read:

985.21 Intake and case management.—

(1)(a) During the intake process, the juvenile probation officer shall screen each child *or shall cause each child to be screened in order* to determine:

1. Appropriateness for release, referral to a diversionary program including, but not limited to, a teen-court program, referral for community arbitration, or referral to some other program or agency for the purpose of nonofficial or nonjudicial handling.

2. The presence of medical, psychiatric, psychological, substance abuse, educational, *or vocational* problems, or other conditions that may have caused the child to come to the attention of law enforcement or the Department of Juvenile Justice. *The child shall also be screened to determine whether the child poses a danger to himself or herself or others in the community. The results of this screening shall be made available to the court and to court officers.* In cases where such conditions are identified, and a nonjudicial handling of the case is chosen, the juvenile probation officer shall attempt to refer the child to a program or agency, together with all available and relevant assessment information concerning the child's precipitating condition.

3. The Department of Juvenile Justice shall develop an intake and a case management system whereby a child brought into intake is assigned a juvenile probation officer if the child was not released, referred to a diversionary program, referred for community arbitration, or referred to some other program or agency for the purpose of nonofficial or nonjudicial handling, and shall make every reasonable effort to provide case management services for the child; provided, however, that case management for children committed to residential programs may be transferred as provided in s. 985.316.

4. In addition to duties specified in other sections and through departmental rules, the assigned juvenile probation officer shall be responsible for the following:

a. Ensuring that a risk assessment instrument establishing the child's eligibility for detention has been accurately completed and that the appropriate recommendation was made to the court.

b. Inquiring as to whether the child understands his or her rights to counsel and against self-incrimination.

c. Performing the preliminary screening and making referrals for comprehensive assessment regarding the child's need for substance abuse treatment services, mental health services, retardation services, literacy services, or other educational or treatment services.

d. Coordinating the multidisciplinary assessment when required, which includes the classification and placement process that determines the child's priority needs, risk classification, and treatment plan. When sufficient evidence exists to warrant a comprehensive assessment and the child fails to voluntarily participate in the assessment efforts, it is the responsibility of the juvenile probation officer to inform the court of the need for the assessment and the refusal of the child to participate in such assessment. This assessment, classification, and placement process shall develop into the predisposition report.

e. Making recommendations for services and facilitating the delivery of those services to the child, including any mental health services, educational services, family counseling services, family assistance services, and substance abuse services. The juvenile probation officer shall serve as the primary case manager for the purpose of managing, coordinating, and monitoring the services provided to the child. Each program administrator within the Department of Children and Family Services shall cooperate with the primary case manager in carrying out the duties and responsibilities described in this section.

The Department of Juvenile Justice shall annually advise the Legislature and the Executive Office of the Governor of the resources needed in order for the intake and case management system to maintain a staff-to-client ratio that is consistent with accepted standards and allows the necessary supervision and services for each child. The intake process and case management system shall provide a comprehensive approach to assessing the child's needs, relative risks, and most appropriate handling, and shall be based on an individualized treatment plan.

Section 24. Paragraphs (a) and (h) of subsection (2), and subsection (6) of section 985.215, Florida Statutes, are amended, and present paragraph (d) of subsection (5) of said section is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection 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:

(a) The child is alleged to be an escapee or an absconder from a commitment program, a *probation* ~~community control~~ program, furlough, or *conditional release* ~~aftercare~~ supervision, or is alleged to have escaped while being lawfully transported to or from such program or supervision.

(h) The child is alleged to have violated the conditions of the child's *probation* ~~community control~~ or *conditional release* ~~aftercare~~ supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

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)(d).

(5)

(d) A child who was not in secure detention at the time of the adjudicatory hearing, but for whom residential commitment is anticipated or recommended, may be placed under a special detention order for a period not to exceed 72 hours, excluding weekends and legal holidays, for the purpose of conducting a comprehensive evaluation as provided in s. 985.229(1). Motions for the issuance of such special detention order may be made subsequent to a finding of delinquency. Upon said motion, the court shall conduct a hearing to determine the appropriateness of such special detention order and shall order the least restrictive level of detention necessary to complete the comprehensive evaluation process that is consistent with public safety. Such special detention order may be extended for an additional 72 hours upon further order of the court.

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, *including* the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the Department of Juvenile Justice~~, or institution having custody of the child,~~ fees *in an amount of twenty dollars per day related to the* ~~equal to the actual~~ cost of the care, support, and maintenance of the child, as established by the Department of Juvenile Justice, unless the court ~~determines~~ *makes a finding on the record* that the parent or guardian of the child is indigent. *At the time of the detention hearing, the Department shall report to the court, verbally or in writing, any available information concerning the ability of the parent or guardian of the child to pay such fee. As to each parent or guardian for whom the court makes a finding of indigency, the* ~~The~~ court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the *fees specified herein* ~~full cost of the care, support, and maintenance of the child~~. *If the court makes a finding of indigency or inability to pay the full cost of care, support, and maintenance of the child, the court shall order the parent or guardian to pay to the department a nominal subsistence fee on behalf of the child in the amount of at least $2.00 per day that the child is detained outside the home or at least $1.00 per day if the child is otherwise detained, unless the court makes a finding on the record that the parent or guardian would suffer a significant hardship if obligated for such amount.* In addition, the court may *reduce the fees or* waive the fees *as to each parent or guardian* if *the court makes a finding on the record* ~~it finds~~ that the ~~child's~~ parent or guardian was the victim of the ~~child's~~ delinquent act or violation of law *for which the child is detained and that the parent or guardian is cooperating in the investigation of the offense. As to each parent or guardian, the court may reduce the fees or waive the fees* ~~or~~ if the court *makes a finding on the record* ~~finds~~ that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. *The court must include specific findings in the detention order as to what fees are ordered, reduced, or waived. If the court fails to enter an order as required by this subsection, it shall be presumed that the court intended the parent or guardian to pay to the department the fee of twenty dollars per day that the child remains in detention care.* With respect to a child who has been found to have committed a delinquent act or violation of law, whether or not adjudication is withheld, and whose parent or guardian receives public assistance for any portion of that child's care, the department must seek a federal waiver to garnish or otherwise order the payments of the portion of the public assistance relating to that child to offset the costs of providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the child. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected. *The department may also pay for collection services from available authorized funds. The Department of Juvenile Justice shall provide to the payor documentation of any amounts paid by the payor to the Department of Juvenile Justice on behalf of the child. All payments received by the department pursuant to this subsection shall be deposited in the state Grants and Donations Trust Fund. Neither the court nor the department may extend the child's length of stay in detention care solely for the purpose of collecting fees.*

Section 25. Subsection (5) of section 985.216, Florida Statutes, is amended to read:

985.216 Punishment for contempt of court; alternative sanctions.—

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, ~~and county juvenile justice councils, the~~ local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 26. Paragraph (c) of subsection (3) of section 985.226, Florida Statutes, is amended to read:

985.226 Criteria for waiver of juvenile court jurisdiction; hearing on motion to transfer for prosecution as an adult.—

(3) WAIVER HEARING.—

(c) The court shall conduct a hearing on all transfer request motions for the purpose of determining whether a child should be transferred. In making its determination, the court shall consider:

1. The seriousness of the alleged offense to the community and whether the protection of the community is best served by transferring the child for adult sanctions.

2. Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

4. The probable cause as found in the report, affidavit, or complaint.

5. The desirability of trial and disposition of the entire offense in one court when the child's associates in the alleged crime are adults or children who are to be tried as adults.

6. The sophistication and maturity of the child.

7. The record and previous history of the child, including:

a. Previous contacts with the department, the Department of Corrections, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, other law enforcement agencies, and courts;

b. Prior periods of probation ~~or community control~~;

c. Prior adjudications that the child committed a delinquent act or violation of law, greater weight being given if the child has previously been found by a court to have committed a delinquent act or violation of law involving an offense classified as a felony or has twice previously been found to have committed a delinquent act or violation of law involving an offense classified as a misdemeanor; and

d. Prior commitments to institutions.

8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child, if the child is found to have committed the alleged offense, by the use of procedures, services, and facilities currently available to the court.

Section 27. Paragraph (b) of subsection (2) and subsection (4) of section 985.227, Florida Statutes, are amended to read:

985.227 Prosecution of juveniles as adults by the direct filing of an information in the criminal division of the circuit court; discretionary criteria; mandatory criteria.—

(2) MANDATORY DIRECT FILE.—

(b) Notwithstanding subsection (1), regardless of the child's age at the time the alleged offense was committed, the state attorney must file an information with respect to any child who previously has been adjudicated for offenses which, if committed by an adult, would be felonies and such adjudications occurred at three or more separate

delinquency adjudicatory hearings, and three of which resulted in residential commitments as defined in s. 985.03*(45)*~~(47)~~.

(4) DIRECT-FILE POLICIES AND GUIDELINES.—Each state attorney shall develop written policies and guidelines to govern determinations for filing an information on a juvenile, to be submitted to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Juvenile Justice *Advisory* ~~Accountability~~ Board not later than January 1 of each year.

Section 28. Subsection (4) of section 985.228, Florida Statutes, is amended to read:

985.228 Adjudicatory hearings; withheld adjudications; orders of adjudication.—

(4) If the court finds that the child named in the petition has committed a delinquent act or violation of law, it may, in its discretion, enter an order stating the facts upon which its finding is based but withholding adjudication of delinquency and placing the child in a *probation* ~~community control~~ program under the supervision of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. The court may, as a condition of the program, impose as a penalty component restitution in money or in kind, community service, a curfew, urine monitoring, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense, and may impose as a rehabilitative component a requirement of participation in substance abuse treatment, or school or other educational program attendance. If the court later finds that the child has not complied with the rules, restrictions, or conditions of the community-based program, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of delinquency, enter an adjudication of delinquency and shall thereafter have full authority under this chapter to deal with the child as adjudicated.

Section 29. Subsections (1) and (3) of section 985.229, Florida Statutes, are amended to read:

985.229 Predisposition report; other evaluations.—

(1) *Upon a finding that the child has committed a delinquent act* ~~At the disposition hearing~~, the court *may* ~~shall~~ order a predisposition report regarding the eligibility of the child for disposition other than by adjudication and commitment to the department *or for disposition of adjudication, commitment to the department, and, if appropriate, assignment of a residential commitment level*. The predisposition report shall be the result of the multidisciplinary assessment when such assessment is needed, and of the classification and placement process, and it shall indicate and report the child's priority needs, recommendations as to a classification of risk for the child in the context of his or her program and supervision needs, and a plan for treatment that recommends the most appropriate placement setting to meet the child's needs with the minimum program security that reasonably ensures public safety. *A predisposition report shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department. A comprehensive evaluation for physical health, mental health, substance abuse, academic, educational, or vocational problems shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department. If a comprehensive evaluation is ordered, the predisposition report shall include a summary of the comprehensive evaluation.* The *predisposition* report shall be submitted to the court *upon completion of the report but no later than 48 hours* prior to the disposition hearing. *The predisposition report*~~, but~~ shall not be reviewed by the court without the consent of the child and his or her legal counsel until the child has been found to have committed a delinquent act.

(3) The predisposition report, *together with all other reports and evaluations used by the department in preparing the predisposition report,* shall be made available to the *child, the child's parents or legal guardian, the* child's legal counsel, and the state attorney upon completion of the report and at a reasonable time prior to the disposition hearing.

Section 30. Subsection (2), paragraph (d) of subsection (3), and subsection (4) and subsection (5) of section 985.23, Florida Statutes, are amended to read:

985.23 Disposition hearings in delinquency cases.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(2) The first determination to be made by the court is a determination of the suitability or nonsuitability for adjudication and commitment of the child to the department. This determination shall *include consideration of the recommendations of the department, which may include a predisposition report.* ~~be based upon~~ The predisposition report ~~which~~ shall include, whether as part of the child's multidisciplinary assessment, classification, and placement process components or separately, evaluation of the following criteria:

(a) The seriousness of the offense to the community. If the court determines that the child was a member of a criminal street gang at the time of the commission of the offense, which determination shall be made pursuant to chapter 874, the seriousness of the offense to the community shall be given great weight.

(b) Whether the protection of the community requires adjudication and commitment to the department.

(c) Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

(d) Whether the offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

(e) The sophistication and maturity of the child.

(f) The record and previous criminal history of the child, including without limitations:

1. Previous contacts with the department, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, the Department of Corrections, other law enforcement agencies, and courts;

2. Prior periods of probation ~~or community control~~;

3. Prior adjudications of delinquency; and

4. Prior commitments to institutions.

(g) The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child if committed to a community services program or facility.

(h) The child's educational status, including, but not limited to, the child's strengths, abilities, and unmet and special educational needs. The report shall identify appropriate educational and vocational goals for the child. Examples of appropriate goals include:

1. Attainment of a high school diploma or its equivalent.

2. Successful completion of literacy course(s).

3. Successful completion of vocational course(s).

4. Successful attendance and completion of the child's current grade if enrolled in school.

5. Enrollment in an apprenticeship or a similar program.

At the time of disposition, the court may make recommendations to the department as to specific treatment approaches to be employed.

(3)

(d) The court may also require that the child be placed in a *probation* ~~community control~~ program following the child's discharge from commitment. Community-based sanctions pursuant to subsection (4) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

(4) If the court determines not to adjudicate and commit to the department, then the court shall determine what community-based sanctions it will impose in a *probation* ~~community control~~ program for the child. Community-based sanctions may include, but are not limited to, participation in substance abuse treatment, *a day-treatment probation program,* restitution in money or in kind, a curfew, revocation or suspension of the driver's license of the child, community service, and appropriate educational programs as determined by the district school board.

(5) After appropriate sanctions for the offense are determined, the court shall develop, approve, and order a plan of *probation* ~~community control~~ which will contain rules, requirements, conditions, and rehabilitative programs, *including the option of a day-treatment probation program, which* ~~that~~ are designed to encourage responsible and acceptable behavior and to promote both the rehabilitation of the child and the protection of the community.

Section 31. Paragraphs (a), (b), (d), (g), and (h) of subsection (1) and subsection (2) of section 985.231, Florida Statutes, are amended to read:

985.231 Powers of disposition in delinquency cases.—

(1)(a) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

1. Place the child in a *probation* ~~community control~~ program or a postcommitment *probation* ~~community control~~ program under the supervision of an authorized agent of the Department of Juvenile Justice or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A *probation* ~~community control~~ program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program. Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of *postcommitment probation* ~~community control~~ or *conditional release* ~~aftercare~~ supervision, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

a. A restrictiveness level classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to *probation* ~~community control~~ supervision requirements to reasonably ensure the public safety. *Probation* ~~Community control~~ programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this subparagraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make. A child who participates in any work program under this part is considered an employee of the state for purposes of liability, unless otherwise provided by law.

b. The court may conduct judicial review hearings for a child placed on *probation* ~~community control~~ for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of *probation* ~~community control~~ for a child who has substantially complied with the terms and conditions of *probation* ~~community control~~.

c. If the conditions of the *probation* ~~community control~~ program or the postcommitment *probation* ~~community control~~ program are violated, the department or the state attorney may bring the child before the court on a petition alleging a violation of the program. Any child who violates the conditions of *probation* ~~community control~~ or postcommitment *probation* ~~community control~~ must be brought before the court if sanctions are sought. A child taken into custody under s. 985.207 for violating the conditions of *probation* ~~community control~~ or postcommitment *probation* ~~community control~~ shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of *probation* ~~community control~~ or postcommitment *probation* ~~community control~~. A consequence unit is a secure facility specifically designated by the department for children who are taken into custody under s. 985.207 for violating *probation* ~~community control~~ or postcommitment *probation* ~~community control~~, or who have been found by the court to have violated the conditions of *probation* ~~community control~~ or postcommitment *probation* ~~community control~~. If the violation involves a new charge of delinquency, the child may be detained under s. 985.215 in a facility other than a consequence unit. If the child is not eligible for detention for the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in s. 985.215. If the child denies violating the conditions of *probation* ~~community control~~ or postcommitment *probation* ~~community control~~, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of *probation* ~~community control~~ or postcommitment *probation* ~~community control~~, the court shall enter an order revoking, modifying, or continuing *probation* ~~community control~~ or postcommitment *probation* ~~community control~~. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of *probation* ~~community control~~ or postcommitment *probation* ~~community control~~, the court may:

(I) Place the child in a consequence unit in that judicial circuit, if available, for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation.

(II) Place the child on home detention with electronic monitoring. However, this sanction may be used only if a residential consequence unit is not available.

(III) Modify or continue the child's *probation* ~~community control~~ program or postcommitment *probation* ~~community control~~ program.

(IV) Revoke *probation* ~~community control~~ or postcommitment *probation* ~~community control~~ and commit the child to the department.

d. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of any order placing a child in a *probation* ~~community control~~ program must be until the child's 19th birthday unless he or she is released by the court, on the motion of an interested party or on its own motion.

2. Commit the child to a licensed child-caring agency willing to receive the child, but the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

3. Commit the child to the Department of Juvenile Justice at a restrictiveness level defined in s. 985.03. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and release of the child into the community in a postcommitment nonresidential *conditional release* ~~aftercare~~ program.

If the child is not successful in the *conditional release* ~~aftercare~~ program, the department may use the transfer procedure under s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

4. Revoke or suspend the driver's license of the child.

5. Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to render community service in a public service program.

6. As part of the *probation* ~~community control~~ program to be implemented by the Department of Juvenile Justice, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made, and the court shall take any further action that is necessary against the child or the child's parent or guardian. A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this subparagraph.

7. Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or *probation* ~~community control~~ program.

8. Commit the child to the Department of Juvenile Justice for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.31. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

9. In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good faith effort to prevent the child from engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.

10. Subject to specific appropriation, commit the juvenile sexual offender to the Department of Juvenile Justice for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

(b) When any child is adjudicated by the court to have committed a delinquent act and temporary legal custody of the child has been placed with a licensed child-caring agency or the Department of Juvenile Justice, the court shall order the natural or adoptive parents of such child, *including* the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets that under law may be disbursed for the care, support, and maintenance of the child, to pay fees *to the Department in the amount not to exceed* ~~to the licensed child-caring agency or the Department of Juvenile Justice equal to~~ the actual cost of the care, support, and maintenance of the child *in the recommended residential commitment level*, unless the court ~~determines~~ *makes a finding on the record* that the parent or guardian of the child is indigent. *No later than the disposition hearing, the Department shall provide the court with information concerning the actual cost of care, support, and maintenance of the child in the recommended residential commitment level and concerning the ability of the parent or guardian of the child to pay any fees. As to each parent or guardian for whom the court makes a finding of indigency, the* ~~The~~ court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. *If the court makes a finding of indigency or inability to pay the full cost of care, support, and maintenance of the child, the court shall order the parent or guardian to pay to the department a nominal subsistence fee on behalf of the child in the amount of at least $2.00 per day that the child is placed outside the home or at least $1.00 per day if the child is otherwise placed, unless the court makes a finding on the record that the parent or guardian would suffer a significant hardship if obligated for such amount.* In addition, the court may *reduce the fees or* waive the fees *as to each parent or guardian* if *the court makes a finding on the record* ~~it finds~~ that the ~~child's~~ parent or guardian was the victim of the ~~child's~~ delinquent act or violation of law *for which the child is subject to placement under this section and that the parent or guardian has cooperated in the investigation and prosecution of the offense. As to each parent or guardian, the court may reduce the fees or waive the fees* ~~or~~ if the court *makes a finding on the record* ~~finds~~ that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. *All orders committing a child to a residential commitment program shall include specific findings as to what fees are ordered, reduced, or waived. If the court fails to enter an order as required by this paragraph, it shall be presumed that the court intended the parent or guardian to pay fees to the department in an amount not to exceed the actual cost of the care, support, and maintenance of the child. With regard to a child who reaches the age of 18 prior to the disposition hearing, the court may elect to direct an order required by this paragraph to such child, rather than the parent or guardian. With regard to a child who reaches the age of 18 while in the custody of the department, the court may, upon proper motion of any party, hold a hearing as to whether any party should be further obligated respecting the payment of fees.* The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected. *The department may also pay for collection services from available authorized funds. The Department of Juvenile Justice shall provide to the payor documentation of any amounts paid by the payor to the Department of Juvenile Justice on behalf of the child. All payments received by the department pursuant to this subsection shall be deposited in the state Grants and Donations Trust Fund. Neither the court nor the department may extend the child's length of stay in placement care solely for the purpose of collecting fees.*

(d) Any commitment of a delinquent child to the Department of Juvenile Justice must be for an indeterminate period of time, which may include periods of temporary release, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. *The duration of the child's placement in a residential commitment program of any level shall be based on objective performance-based treatment planning. The child's treatment plan progress and adjustment-related issues shall be reported to the court each month. The child's length of stay in a residential commitment program may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in such program shall not be extended for purposes of sanction or punishment.* Any temporary release *from such program* ~~for a period greater than 3 days~~ must be

approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. *The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the residential commitment program.* Notwithstanding s. 743.07 and this subsection, and except as provided in s. 985.31, a child may not be held under a commitment from a court pursuant to this section after becoming 21 years of age. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

(g) Whenever a child is required by the court to participate in any work program under this part or whenever a child volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or *probation* ~~community control~~ program, the child is an employee of the state for the purposes of liability. In determining the child's average weekly wage unless otherwise determined by a specific funding program, all remuneration received from the employer is a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of the child's future wage-earning capacity.

(h) The court may, upon motion of the child or upon its own motion, within 60 days after imposition of a disposition of commitment, suspend the further execution of the disposition and place the child ~~on probation~~ in a *probation* ~~community control~~ program upon such terms and conditions as the court may require. The department shall forward to the court all relevant material on the child's progress while in custody not later than 3 working days prior to the hearing on the motion to suspend the disposition.

(2) Following a delinquency adjudicatory hearing pursuant to s. 985.228 and a delinquency disposition hearing pursuant to s. 985.23 which results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 985.31. The determination shall be made pursuant to ss. 985.03*(47)*~~(49)~~ and 985.23(3).

Section 32. Subsection (1) and paragraphs (b), (c), and (d) of subsection (4) of section 985.233, Florida Statutes, are amended to read:

985.233 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(1) POWERS OF DISPOSITION.—

(a) A child who is found to have committed a violation of law may, as an alternative to adult dispositions, be committed to the department for treatment in an appropriate program for children outside the adult correctional system or be placed *on juvenile probation* ~~in a community control program for juveniles~~.

(b) In determining whether to impose juvenile sanctions instead of adult sanctions, the court shall consider the following criteria:

1. The seriousness of the offense to the community and whether the community would best be protected by juvenile or adult sanctions.

2. Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the offense was against persons or against property, with greater weight being given to offenses against persons, especially if personal injury resulted.

4. The sophistication and maturity of the offender.

5. The record and previous history of the offender, including:

a. Previous contacts with the Department of Corrections, the Department of Juvenile Justice, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, law enforcement agencies, and the courts.

b. Prior periods of probation ~~or community control~~.

c. Prior adjudications that the offender committed a delinquent act or violation of law as a child.

d. Prior commitments to the Department of Juvenile Justice, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, or other facilities or institutions.

6. The prospects for adequate protection of the public and the likelihood of deterrence and reasonable rehabilitation of the offender if assigned to services and facilities of the Department of Juvenile Justice.

7. Whether the Department of Juvenile Justice has appropriate programs, facilities, and services immediately available.

8. Whether adult sanctions would provide more appropriate punishment and deterrence to further violations of law than the imposition of juvenile sanctions.

(4) SENTENCING ALTERNATIVES.—

(b) Sentencing to juvenile sanctions.—In order to use this paragraph, the court shall stay adjudication of guilt and instead shall adjudge the child to have committed a delinquent act. Adjudication of delinquency shall not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or *probation* ~~community control~~ previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

1. Place the child in a *probation* ~~community control~~ program under the supervision of the department for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by order of the court.

2. Commit the child to the department for treatment in an appropriate program for children for an indeterminate period of time until the child is 21 or sooner if discharged by the department. The department shall notify the court of its intent to discharge no later than 14 days prior to discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

3. Order disposition pursuant to s. 985.231 as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.

(c) Imposition of adult sanctions upon failure of juvenile sanctions.—If a child proves not to be suitable *in a juvenile probation* ~~to a community control~~ program or for a treatment program under the provisions of subparagraph (b)2., the court may revoke the previous adjudication, impose an adjudication of guilt, classify the child as a youthful offender when appropriate, and impose any sentence which it may lawfully impose, giving credit for all time spent by the child in the department.

(d) Recoupment of cost of care in juvenile justice facilities.—When the court orders commitment of a child to the Department of Juvenile

Justice for treatment in any of the department's programs for children, the court shall order the natural or adoptive parents of such child, *including* the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay fees *in the amount not to exceed* ~~to the department equal to~~ the actual cost of the care, support, and maintenance of the child, unless the court ~~determines~~ *makes a finding on the record* that the parent or legal guardian of the child is indigent. *Prior to commitment, the department shall provide the court with information concerning the actual cost of care in the recommended residential commitment level and concerning the ability of the parent or guardian of the child to pay specified fees. As to each parent or guardian for whom the court makes a finding of indigency, the* ~~The~~ court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. *If the court makes a finding of indigency or inability to pay the full cost of care, support, and maintenance of the child, the court shall order the parent or guardian to pay the department a nominal subsistence fee on behalf of the child in the amount of at least $2.00 per day that the child is placed outside the home or at least $1.00 per day if the child is otherwise placed, unless the court makes a finding on the record that the parent or guardian would suffer a significant hardship if obligated for such amount.* In addition, the court may *reduce the fees or* waive the fees *as to each parent or guardian* if *the court makes a finding on the record* ~~it finds~~ that the ~~child's~~ parent or guardian was the victim of the ~~child's~~ delinquent act or violation of law *for which the child is subject to commitment under this section and that the parent or guardian has cooperated in the investigation and prosecution of the offense. As to each parent or guardian, the court may reduce the fees or waive the fees* ~~or~~ if the court *makes a finding on the record* ~~finds~~ that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. *All orders committing a child to a residential commitment program shall include specific findings as to what fees are ordered, reduced, or waived. If the court fails to enter an order as required by this paragraph, it shall be presumed that the court intended the parent or guardian to pay fees to the Department in an amount not to exceed the actual cost of the care, support, and maintenance of the child. With regard to a child who reaches the age of 18 prior to the disposition hearing, the court may elect to direct an order required by this paragraph to such child, rather than the parent or guardian. With regard to a child who reaches the age of 18 while in the custody of the department, the court may, upon proper motion of any party, hold a hearing as to whether any party should be further obligated respecting the payment of fees. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected. The department may also pay for collection services from available authorized funds. The Department of Juvenile Justice shall provide to the payor documentation of any amounts paid by the payor to the Department of Juvenile Justice on behalf of the child. All payments received by the department pursuant to this subsection shall be deposited in the state Grants and Donations Trust Fund. Neither the court nor the department may extend the child's length of stay in commitment care solely for the purpose of collecting fees.*

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.234.

Section 33. Section 985.3045, F.S., is created to read:

985.3045—(1) The Department's prevention service program shall monitor all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, in order to inform the Governor and the Legislature concerning efforts designed to further the policy of the state concerning Juvenile Justice and Delinquency Prevention, consistent with s. 984.02 and s. 985.02.

(2) No later than January 31, 2001, the Prevention Services program shall submit a report to the Governor, the Speaker of the House, and the President of the Senate concerning the implementation of a statewide multiagency plan to coordinate the efforts of all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The report shall include a proposal for a statewide coordinated multiagency juvenile delinquency prevention policy. In preparing the report, the department shall coordinate with and receive input from each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offense, or that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The report shall identify whether legislation will be needed to effect a statewide plan to coordinate the efforts of all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The report shall consider the potential impact of requiring such state-funded efforts to target at least one of the following strategies designed to prevent youth from entering or reentering the juvenile justice system and track the associated outcome data:

(a) Encouraging youth to attend school, which may include special assistance and tutoring to address deficiencies in academic performance; outcome data to reveal the number of days youth attended school while participating in the program.

(b) Engaging youth in productive and wholesome activities during nonschool hours that build positive character or instill positive values, or that enhance educational experiences; outcome data to reveal the number of youth who are arrested during nonschool hours while participating in the program.

(c) Encouraging youth to avoid the use of violence; outcome data to reveal the number of youth who are arrested for crimes involving violence while participating in the program.

(d) Assisting youth to acquire skills needed to find meaningful employment, which may include assistance in finding a suitable employer for the youth, outcome data to reveal the number of youth who obtain and maintain employment for at least 180 days.

The department is encouraged to identify additional strategies which may be relevant to preventing youth from becoming children-in-need-of-services and to preventing juvenile crime, delinquency, gang membership and status offense behaviors. The report shall consider the feasibility of developing uniform performance measures and methodology for collecting such outcome data to be utilized by all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The Prevention Service program is encouraged to identify other issues that may be of critical importance to preventing a child from becoming a child in need of services, as defined in chapter 984, or to preventing juvenile crime, delinquency, gang membership, or status offense behaviors.

(3) The department shall expend funds related to the prevention of juvenile delinquency in a manner consistent with the policies expressed in s. 984.02 and s. 985.02. The department shall expend said funds in a manner that maximizes public accountability and ensures the documentation of outcomes.

(a) All entities that receive or use state monies to fund juvenile delinquency prevention services through contracts or grants with the department shall design the programs providing such services to further one or more of the strategies specified in subsection (2)(a) through subsection (2)(d).

(b) The department shall develop an outcome measure for each program strategy specified in subsection (2)(a) through subsection (2)(d) that logically relates to the risk factor addressed by the strategy.

(c) All entities that receive or use state monies to fund the juvenile delinquency prevention services through contracts or grants with the department shall, as a condition of receipt of state funds, provide the department with personal demographic information concerning all participants in the service sufficient to allow the department to verify criminal or delinquent history information, school attendance or academic information, employment information, or other requested performance information.

Section 34. *Each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offense, or that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984 shall collect data relative to the performance of such activities and shall provide said data to the Governor, the President of the Senate, and the Speaker of the House no later than January 31st of each year for the preceding fiscal year, beginning in 2002. Further, each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offense, or that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, shall cooperate with the Department of Juvenile Justice with regard to the report described in s. 985.3045(2), Florida Statutes.*

Section 35. Subsections (2) and (3) of section 985.305, Florida Statutes, are amended to read:

985.305 Early delinquency intervention program; criteria.—

(2) The early delinquency intervention program shall consist of intensive residential treatment in a secure facility for 7 days to 6 weeks, followed by 6 to 9 months of *conditional release* ~~aftercare~~. An early delinquency intervention program facility shall be designed to accommodate the placement of a maximum of 10 children, except that the facility may accommodate up to 2 children in excess of that maximum if the additional children have previously been released from the residential portion of the program and are later found to need additional residential treatment.

(3) A copy of the arrest report of any child 15 years of age or younger who is taken into custody for committing a delinquent act or any violation of law shall be forwarded to the local *operating circuit* ~~service district~~ office of the Department of Juvenile Justice. Upon receiving the second arrest report of any such child from the judicial circuit in which the program is located, the Department of Juvenile Justice shall initiate an intensive review of the child's social and educational history to determine the likelihood of further significant delinquent behavior. In making this determination, the Department of Juvenile Justice shall consider, without limitation, the following factors:

(a) Any prior allegation that the child is dependent or a child in need of services.

(b) The physical, emotional, and intellectual status and developmental level of the child.

(c) The child's academic history, including school attendance, school achievements, grade level, and involvement in school-sponsored activities.

(d) The nature and quality of the child's peer group relationships.

(e) The child's history of substance abuse or behavioral problems.

(f) The child's family status, including the capability of the child's family members to participate in a family-centered intervention program.

(g) The child's family history of substance abuse or criminal activity.

(h) The supervision that is available in the child's home.

(i) The nature of the relationship between the parents and the child and any siblings and the child.

Section 36. Subsections (5), (7), and (14) of section 985.308, Florida Statutes, are amended to read:

985.308 Juvenile sexual offender commitment programs; sexual abuse intervention networks.—

(5) *Based on assessed need for conditional release,* the department shall provide an intensive *conditional release* ~~aftercare~~ component for monitoring and assisting the transition of a juvenile sexual offender into the community with terms and conditions *that* ~~which~~ may include electronic monitoring of the juvenile sexual offender.

(7) The department may contract with private organizations for the operation of a juvenile sexual offender program and *conditional release* ~~aftercare~~.

(14) Subject to specific appropriation, availability of funds, or receipt of appropriate grant funds, the Office of the Attorney General, the Department of Children and Family Services, the Department of Juvenile Justice, or local juvenile justice councils shall award grants to sexual abuse intervention networks that apply for such grants. The grants may be used for training, treatment, *conditional release* ~~aftercare~~, evaluation, public awareness, and other specified community needs that are identified by the network. A grant shall be awarded based on the applicant's level of local funding, level of collaboration, number of juvenile sexual offenders to be served, number of victims to be served, and level of unmet needs.

Section 37. Subsections (6) and (12) of section 985.309, Florida Statutes, are amended to read:

985.309 Boot camp for children.—

(6) A boot camp operated by the department, a county, or a municipality must provide for the following minimum periods of participation:

(a) A participant in a low-risk residential program must spend at least 2 months in the boot camp component of the program ~~and 2 months in aftercare~~. *Conditional release assessment and services shall be provided in accordance with s. 985.316.*

(b) A participant in a moderate-risk residential program must spend at least 4 months in the boot camp component of the program ~~and 4 months in aftercare~~. *Conditional release assessment and services shall be provided in accordance with s. 985.316.*

This subsection does not preclude the operation of a program that requires the participants to spend more than 4 months in the boot camp component of the program or that requires the participants to complete two sequential programs of 4 months each in the boot camp component of the program.

(12)(a) The department may contract with private organizations for the operation of its boot camp program and *conditional release* ~~aftercare~~.

(b) A county or municipality may contract with private organizations for the operation of its boot camp program and *conditional release* ~~aftercare~~.

Section 38. Subsection (2), paragraphs (e) and (j) of subsection (3), and paragraph (a) of subsection (4) of section 985.31, Florida Statutes, are amended to read:

985.31 Serious or habitual juvenile offender.—

(2) SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.—

(a) There is created the serious or habitual juvenile offender program. The program shall *consist of at least* ~~combine~~ 9 ~~to 12~~ months of intensive secure residential treatment ~~followed by a minimum of 9 months of aftercare~~. *Conditional release assessment and services shall be provided in accordance with s. 985.316.* The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.

2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.

3. Prevocational and vocational services.

4. Job training, job placement, and employability-skills training.

5. Case management services.

6. Educational services, including special education and pre-GED literacy.

7. Self-sufficiency planning.

8. Independent living skills.

9. Parenting skills.

10. Recreational and leisure time activities.

11. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.

12. Intensive *conditional release supervision* ~~aftercare~~.

13. Graduated reentry into the community.

14. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.

15. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(e) After a child has been adjudicated delinquent pursuant to s. 985.228, the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender pursuant to s. 985.03*(47)*~~(49)~~. If the court determines that the child does not meet such criteria, the provisions of s. 985.231(1) shall apply.

(j) The following provisions shall apply to children in serious or habitual juvenile offender programs and facilities:

1. A child shall begin participation in the *conditional release* ~~reentry~~ component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of *conditional release* ~~aftercare~~ based upon a determination made by the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the *conditional release* ~~aftercare~~ component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department.

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the department shall utilize the reassessment determination to resolve the disagreement and make a final decision.

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Pursuant to the provisions of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of serious or habitual juvenile offenders and for the assessment, which assessment shall include the criteria under s. 985.03*(47)*~~(49)~~ and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.

2. Proclivity toward violence.

3. Tendency toward gang involvement.

4. Substance abuse or addiction and the level thereof.

5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.

6. Number and type of previous adjudications, findings of guilt, and convictions.

7. Potential for rehabilitation.

Section 39. Subsection (2), paragraphs (e) and (j) of subsection (3), and paragraph (a) of subsection (4) of section 985.311, Florida Statutes, are amended to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.—

(2) INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR OFFENDERS LESS THAN 13 YEARS OF AGE.—

(a) There is created the intensive residential treatment program for offenders less than 13 years of age. The program shall *consist of at least* ~~combine~~ 9 ~~to 12~~ months of intensive secure residential treatment ~~followed by a minimum of 9 months of aftercare~~. *Conditional release assessment and services shall be provided in accordance with s. 985.316.* The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.

2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.

3. Life skills.

4. Values clarification.

5. Case management services.

6. Educational services, including special and remedial education.

7. Recreational and leisure time activities.

8. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.

9. Intensive *conditional release supervision* ~~aftercare~~.

10. Graduated reentry into the community.

11. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.

12. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

(e) The department shall establish quality assurance standards to ensure the quality and substance of mental health services provided to children with mental, nervous, or emotional disorders who may be committed to intensive residential treatment programs. The quality assurance standards shall address the possession of credentials by the mental health service providers.

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(e) After a child has been adjudicated delinquent pursuant to s. 985.228(5), the court shall determine whether the child is eligible for an intensive residential treatment program for offenders less than 13 years of age pursuant to s. 985.03*(7)*~~(8)~~. If the court determines that the child does not meet the criteria, the provisions of s. 985.231(1) shall apply.

(j) The following provisions shall apply to children in an intensive residential treatment program for offenders less than 13 years of age:

1. A child shall begin participation in the *conditional release* ~~reentry~~ component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of *conditional release* ~~aftercare~~ based upon a determination made by the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the *conditional release* ~~aftercare~~ component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department.

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the department shall utilize the reassessment determination to resolve the disagreement and make a final decision.

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Pursuant to the provisions of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of children who are eligible for an intensive residential treatment program for offenders less than 13 years of age and for the assessment, which assessment shall include the criteria under s. 985.03*(7)*~~(8)~~ and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.

2. Proclivity toward violence.

3. Tendency toward gang involvement.

4. Substance abuse or addiction and the level thereof.

5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.

6. Number and type of previous adjudications, findings of guilt, and convictions.

7. Potential for rehabilitation.

Section 40. Section 985.312, Florida Statutes, is amended to read:

985.312 Intensive residential treatment programs for offenders less than 13 years of age; prerequisite for commitment.—No child who is eligible for commitment to an intensive residential treatment program for offenders less than 13 years of age as established in s. 985.03*(7)*~~(8)~~, may be committed to any intensive residential treatment program for offenders less than 13 years of age as established in s. 985.311, unless such program has been established by the department through existing resources or specific appropriation, for such program.

Section 41. Subsection (2) of section 985.3141, Florida Statutes, is amended to read:

985.3141 Escapes from secure detention or residential commitment facility.—An escape from:

(2) Any residential commitment facility described in s. 985.03*(45)*~~(47)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or

Section 42. Subsection (6) of section 985.315, Florida Statutes, is amended to read:

985.315 Educational/technical and vocational work-related programs.—

(6) The Juvenile Justice *Advisory* ~~Accountability~~ Board shall conduct a study regarding the types of effective juvenile vocational and work programs in operation across the country, relevant research on what makes programs effective, the key ingredients of effective juvenile vocational and work programs, and the status of such programs in juvenile facilities across the state. The board shall report its findings and make recommendations on how to expand and improve these programs no later than January 31, 2000, to the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Juvenile Justice.

Section 43. Section 985.316, Florida Statutes, is amended to read:

985.316 *Conditional release* ~~Aftercare~~.—

(1) The Legislature finds that:

(a) *Conditional release* ~~Aftercare~~ is the care, treatment, help, and supervision provided juveniles released from residential commitment programs to promote rehabilitation and prevent recidivism.

(b) *Conditional release* ~~Aftercare~~ services can contribute significantly to a successful transition of a juvenile from a residential commitment to the juvenile's home, school, and community. Therefore, the best efforts should be made to provide for a successful transition.

(c) The purpose of *conditional release* ~~aftercare~~ is to protect safety; reduce recidivism; increase responsible productive behaviors; and provide for a successful transition of care and custody of the youth from the state to the family.

(d) Accordingly, *conditional release* ~~aftercare~~ should be included in the continuum of care.

(2) It is the intent of the Legislature that:

(a) Commitment programs include rehabilitative efforts on preparing committed juveniles for a successful release to the community.

(b) *Conditional release* ~~Aftercare~~ transition planning begins as early in the commitment process as possible.

(c) Each juvenile committed to a residential commitment program be assessed to determine the need for *conditional release* ~~aftercare~~ services upon release from the commitment program.

(3) For juveniles referred or committed to the department, the function of the department may include, but shall not be limited to, assessing each committed juvenile to determine the need for *conditional*

release ~~aftercare~~ services upon release from a commitment program, supervising the juvenile when released into the community from a residential commitment facility of the department, providing such counseling and other services as may be necessary for the families and assisting their preparations for the return of the child. Subject to specific appropriation, the department shall provide for outpatient sexual offender counseling for any juvenile sexual offender released from a commitment program as a component of *conditional release* ~~aftercare~~.

(4) After a youth is released from a residential commitment program, *conditional release* ~~aftercare~~ services may be delivered through either minimum-risk nonresidential commitment restrictiveness programs or postcommitment *probation* ~~community control~~. A juvenile under minimum-risk nonresidential commitment placement will continue to be on commitment status and subject to the transfer provision under s. 985.404. A juvenile on postcommitment *probation* ~~community control~~ will be subject to the provisions under s. 985.231(1)(a).

Section 44. Subsection (5) of section 985.317, Florida Statutes, is amended to read:

985.317 Literacy programs for juvenile offenders.—

(5) EVALUATION AND REPORT.—The Juvenile Justice *Advisory* ~~Accountability~~ Board shall evaluate the literacy program outcomes as part of its annual evaluation of program outcomes under s. 985.401. The department, in consultation with the Department of Education, shall develop and implement an evaluation of the program in order to determine the impact of the programs on recidivism. The department shall submit an annual report on the implementation and progress of the programs to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year.

Section 45. Section 985.401, Florida Statutes, is amended to read:

985.401 Juvenile Justice *Advisory* ~~Accountability~~ Board.—

(1) The Juvenile Justice *Advisory* ~~Accountability~~ Board shall be composed of seven members appointed by the Governor. Members of the board shall have direct experience and a strong interest in juvenile justice issues.

(2)(a) A full term shall be 3 years, and the term for each seat on the board commences on October 1 and expires on September 30, without regard to the date of appointment. Each appointing authority shall appoint a member to fill one of the three vacancies that occurs with the expiration of terms on September 30 of each year. A member is not eligible for appointment to more than two full, consecutive terms. A vacancy on the board shall be filled within 60 days after the date on which the vacancy occurs. The Governor shall make the appointment to fill a vacancy that occurs for any reason other than the expiration of a term, and the appointment shall be for the remainder of the unexpired term. ~~For the purpose of implementing the provisions of this paragraph, vacancies that occur before October 1, 1999, shall not be filled until October 1, 1999, and the Governor shall make only one appointment to fill the vacancies that result from expiration of terms on September 30, 1999.~~

(b) The composition of the board must be broadly reflective of the public and must include minorities and women. The term "minorities" as used in this paragraph means a member of a socially or economically disadvantaged group and includes African Americans, Hispanics, and American Indians.

(c) The board shall annually select a chairperson from among its members.

(d) The board shall meet at least once each quarter. A member may not authorize a designee to attend a meeting of the board in place of the member. A member who fails to attend two consecutive regularly scheduled meetings of the board, unless the member is excused by the chairperson, shall be deemed to have abandoned the position, and the position shall be declared vacant by the board.

(3)(a) The board members shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(b) ~~Effective July 1, 1999,~~ The board and its staff are assigned to the Department of Juvenile Justice. For the purpose of implementing this paragraph, all of the duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the board are transferred to the Department of Juvenile Justice. The transfer of segregated funds shall be made in such a manner that the relation between program and revenue source, as provided in law, is maintained.

(4)(a) The board shall establish and operate a comprehensive system to annually measure and report program outcomes and effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the department. The system shall include a standard methodology for interpreting the board's outcome evaluation reports, using, where appropriate, the performance-based program budgeting measures approved by the Legislature. The methodology must include:

1. Common terminology and operational definitions for measuring the performance of system administration, program administration, program outputs, and client outcomes.

2. Program outputs for each group of programs within each level of the juvenile justice continuum and specific program outputs for each program or program type.

3. Specification of desired client outcomes and methods by which to measure client outcomes for each program operated by the department or by a provider under contract with the department.

4. Recommended annual minimum thresholds of satisfactory performance for client outcomes and program outputs.

For the purposes of this section, the term "program" or "program type" means an individual state-operated or contracted facility, site, or service delivered to at-risk or delinquent youth as prescribed in a contract, program description, or program services manual; and the term "program group" means a collection of programs or program types with sufficient similarity of function, services, and clientele to permit appropriate comparisons among programs within the program group.

(b) In developing the standard methodology, the board shall consult with the department, the Office of Economic and Demographic Research, contract service providers, and other interested parties. It is the intent of the Legislature that this effort result in consensus recommendations, and, to the greatest extent possible, integrate the goals and legislatively approved measures of performance-based program budgeting provided in chapter 94-249, Laws of Florida, the quality assurance program provided in s. 985.412, and the cost-effectiveness model provided in s. 985.404(11). The board shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to develop the methodology.

(c) The board shall annually submit its outcome evaluation report to the Secretary of the Department of Juvenile Justice, the Governor, and the Legislature by February 15, which must describe:

1. The methodology for interpreting outcome evaluations, including common terminology and operational definitions.

2. The recommended minimum thresholds of satisfactory performance for client outcomes and program outputs applicable to the year for which the data are reported.

3. The actual client outcomes and program outputs achieved by each program operated by the department or by a provider under contract with the department, compared with the recommended minimum thresholds of satisfactory performance for client outcomes and program outputs for the year under review. The report shall group programs or program types with similarity of function and services and make appropriate comparisons between programs within the program group.

(d) The board shall use its evaluation research to make advisory recommendations to the Legislature, the Governor, and the department concerning the effectiveness and future funding priorities of juvenile justice programs.

(e) The board shall annually review and revise the methodology as necessary to ensure the continuing improvement and validity of the evaluation process.

(5) The board shall:

(a) Review and recommend programmatic and fiscal policies governing the operation of programs, services, and facilities for which the Department of Juvenile Justice is responsible.

(b) Monitor the development and implementation of long-range juvenile justice policies, including prevention, early intervention, diversion, adjudication, and commitment.

(c) Monitor all activities of the executive and judicial branch and their effectiveness in implementing policies pursuant to this chapter.

(d) Advise the President of the Senate, the Speaker of the House of Representatives, the Governor, and the department on matters relating to this chapter.

(e) In coordination with the Department of Juvenile Justice, serve as a clearinghouse to provide information and assistance to the ~~district~~ juvenile justice *circuit* boards and ~~county~~ juvenile justice *county* councils.

(f) Hold public hearings and inform the public of activities of the board and of the Department of Juvenile Justice, as appropriate.

(g) Monitor the delivery and use of services, programs, or facilities operated, funded, regulated, or licensed by the Department of Juvenile Justice for juvenile offenders or alleged juvenile offenders, and for prevention, diversion, or early intervention of delinquency, and to develop programs to educate the citizenry about such services, programs, and facilities and about the need and procedure for siting new facilities.

(h) Conduct such other activities as the board may determine are necessary and appropriate to monitor the effectiveness of the delivery of juvenile justice programs and services under this chapter.

(i) Submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the secretary of the department not later than February 15 of each calendar year, summarizing the activities and reports of the board for the preceding year, and any recommendations of the board for the following year.

(6) The board shall study the extent and nature of education programs for juvenile offenders committed by the court to the Department of Juvenile Justice and for juvenile offenders under court supervision in the community. The board shall utilize a subcommittee of interested board members and may request other interested persons to participate and act as a juvenile justice education task force for the study. The task force shall address, at a minimum, the following issues:

(a) The impact of education services on students in commitment programs;

(b) The barriers impeding the timely transfer of education records;

(c) The development and implementation of vocational programming in commitment programs;

(d) The implementation of provisions for earning high school credits regardless of varied lengths of stay; and

(e) The accountability of school districts and providers regarding the expenditure of education funds.

(7) The board shall have access to all records, files, and reports that are material to its duties and that are in the custody of a school board, a law enforcement agency, a state attorney, a public defender, the court, the Department of Children and Family Services, and the department.

(8) Unless reenacted by the Legislature, this section expires June 30, 2001.

Section 46. Subsections (3), (4), and (11) and paragraph (a) of subsection (12) of section 985.404, Florida Statutes, are amended, and a new subsection (14) is added to said section, to read:

985.404 Administering the juvenile justice continuum.—

(3) The department shall develop or contract for diversified and innovative programs to provide rehabilitative treatment, including early intervention and prevention, diversion, comprehensive intake, case management, diagnostic and classification assessments, individual and family counseling, shelter care, diversified detention care emphasizing alternatives to secure detention, diversified *probation* ~~community control~~, halfway houses, foster homes, community-based substance abuse treatment services, community-based mental health treatment services, community-based residential and nonresidential programs, environmental programs, and programs for serious or habitual juvenile offenders. Each program shall place particular emphasis on reintegration and *conditional release* ~~aftercare~~ for all children in the program.

(4) The department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment minimum-risk nonresidential *conditional release* ~~aftercare~~ program. The department shall notify the court that committed the child to the department *and any attorney of record*, in writing, of its *intent to* transfer of the child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.

(11)(a) The Department of Juvenile Justice, in consultation with the Juvenile Justice *Advisory* ~~Accountability~~ Board, the Office of Economic and Demographic Research, and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program. Program recommitment rates shall be a component of the model. The cost-effectiveness model shall compare program costs to client outcomes and program outputs. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model and to integrate the standard methodology developed under s. 985.401(4) for interpreting program outcome evaluations.

(b) The department shall rank commitment programs based on the cost-effectiveness model and shall submit a report to the appropriate substantive and fiscal committees of each house of the Legislature by December 31 of each year.

(c) Based on reports of the Juvenile Justice *Advisory* ~~Accountability~~ Board on client outcomes and program outputs and on the department's most recent cost-effectiveness rankings, the department may terminate a program operated by the department or a provider if the program has failed to achieve a minimum threshold of program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under s. 985.412 or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.

(d) In collaboration with the Juvenile Justice *Advisory* ~~Accountability~~ Board, the Office of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy

Analysis and Government Accountability of any meetings to refine the model.

(e) Contingent upon specific appropriation, the department, in consultation with the Juvenile Justice *Advisory* ~~Accountability~~ Board, the Office of Economic and Demographic Research, and contract service providers, shall:

1. Construct a profile of each commitment program that uses the results of the quality assurance report required by s. 985.412, the outcome evaluation report compiled by the Juvenile Justice *Advisory* ~~Accountability~~ Board under s. 985.401, the cost-effectiveness report required in this subsection, and other reports available to the department.

2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1.

3. Identify the essential factors that contribute to the high, low, or disparate program ratings.

4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, client outcomes and program outputs, provider contracts, quality assurance standards, and the cost-effectiveness model.

(12)(a) The department shall operate a statewide, regionally administered system of detention services for children, in accordance with a comprehensive plan for the regional administration of all detention services in the state. The plan must provide for the maintenance of adequate availability of detention services for all counties. The plan must cover *all* the department's *operating circuits* ~~15 service districts~~, with each *operating circuit* ~~service district~~ having a secure facility and nonsecure and home detention programs, and the plan may be altered or modified by the Department of Juvenile Justice as necessary.

(14) A classification and placement workgroup is established, with minimum membership to be composed of two juvenile court judges, two state attorneys or their designated assistants, two public defenders or their designated assistants, representatives of two law enforcement agencies, and representatives of two providers of juvenile justice services. Other interested parties may also participate. The workgroup shall make recommendations concerning the development of a system for classifying and placing juvenile offenders who are committed to residential programs. At a minimum, the recommended system of classification and placement shall consider the age and gender of the child, the seriousness of the delinquent act for which the child is being committed, whether the child has a history of committing delinquent acts, the child's physical health, the child's mental health, whether the child has a history of substance use or abuse, and the child's academic or vocational needs. The workgroup shall also consider whether other factors are appropriate for inclusion in the recommended classification and placement system, including the appropriateness of graduated sanctions for repeat offenders. The workgroup shall recommend a process for testing and validating the effectiveness of the recommended classification and placement system. The workgroup shall provide a report of these recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than September 30, 2001.

Section 47. Subsection (2) of section 985.4045, Florida Statutes, is amended to read:

985.4045 Sexual misconduct prohibited; reporting required; penalties.—

(2) An employee of the department, or an employee of a provider under contract with the department, who witnesses sexual misconduct committed against a juvenile offender, or who has reasonable cause to suspect that sexual misconduct has been committed against a juvenile offender, shall immediately report the incident to the department's incident hotline, and prepare, date, and sign an independent report that specifically describes the nature of the sexual misconduct, the location and time of the incident, and the persons involved. The employee shall deliver the report to the supervisor or program director, who is responsible for providing copies to the department's inspector general and the *circuit* ~~district~~ juvenile justice manager. The inspector general shall immediately conduct an appropriate administrative investigation, and, if there is probable cause to believe that a violation of subsection (1) has occurred, the inspector general shall notify the state attorney in the circuit in which the incident occurred.

Section 48. Paragraph (a) of subsection (2) of section 985.406, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

985.406 Juvenile justice training academies established; Juvenile Justice Standards and Training Commission created; Juvenile Justice Training Trust Fund created.—

(2) JUVENILE JUSTICE STANDARDS AND TRAINING COMMISSION.—

(a) There is created under the Department of Juvenile Justice the Juvenile Justice Standards and Training Commission, hereinafter referred to as the commission. The 17-member commission shall consist of the Attorney General or designee, the Commissioner of Education or designee, a member of the juvenile court judiciary to be appointed by the Chief Justice of the Supreme Court, and 14 members to be appointed by the Secretary of Juvenile Justice as follows:

1. Seven members shall be juvenile justice professionals: a superintendent or a direct care staff member from an institution; a director from a contracted community-based program; a superintendent and a direct care staff member from a regional detention center or facility; a juvenile probation officer supervisor and a juvenile probation officer; and a director of a day treatment or *conditional release* ~~aftercare~~ program. No fewer than three of these members shall be contract providers.

2. Two members shall be representatives of local law enforcement agencies.

3. One member shall be an educator from the state's university and community college program of criminology, criminal justice administration, social work, psychology, sociology, or other field of study pertinent to the training of juvenile justice program staff.

4. One member shall be a member of the public.

5. One member shall be a state attorney, or assistant state attorney, who has juvenile court experience.

6. One member shall be a public defender, or assistant public defender, who has juvenile court experience.

7. One member shall be a representative of the business community.

All appointed members shall be appointed to serve terms of 2 years.

(9) The Juvenile Justice Standards and Training Commission is terminated on June 30, 2001, and such termination shall be reviewed by the Legislature prior to that date.

Section 49. Subsection (2) of section 985.411, Florida Statutes, is amended to read:

985.411 Administering county and municipal delinquency programs and facilities.—

(2) A county or municipal government may develop or contract for innovative programs *that* ~~which~~ provide rehabilitative treatment with particular emphasis on reintegration and *conditional release* ~~aftercare~~ for all children in the program, including halfway houses and community-based substance abuse treatment services, mental health treatment services, residential and nonresidential programs, environmental programs, and programs for serious or habitual juvenile offenders.

Section 50. Effective October 1, 2000, section 985.4135, Florida Statutes, is created to read:

985.4135 Juvenile justice circuit boards and juvenile justice county councils.—

(1) There is authorized a juvenile justice circuit board to be established in each of the 20 judicial circuits and a juvenile justice county council to be established in each of the 67 counties. The purpose of each juvenile justice circuit board and each juvenile justice county council is to provide advice and direction to the department in the development and implementation of juvenile justice programs and to work collaboratively with the department in seeking program improvements and policy changes to address the emerging and changing needs of Florida's youth who are at risk of delinquency.

(2) Each juvenile justice county council shall develop a juvenile justice prevention and early intervention plan for the county and shall collaborate with the circuit board and other county councils assigned to that circuit in the development of a comprehensive plan for the circuit.

(3) Juvenile justice circuit boards and county councils shall also participate in facilitating interagency cooperation and information sharing.

(4) Juvenile justice circuit boards and county councils may apply for and receive public or private grants to be administered by one of the community partners that support one or more components of the county or circuit plan.

(5) Juvenile justice circuit boards and county councils shall advise and assist the department in the evaluation and award of prevention and early intervention grant programs, including the Community Juvenile Justice Partnership Grant program established in s. 985.415 and proceeds from the Invest in Children license plate annual use fees.

(6) Each juvenile justice circuit board shall provide an annual report to the department describing the activities of the circuit board and each of the county councils contained within its circuit. The department may prescribe a format and content requirements for submission of annual reports.

(7) Membership of the juvenile justice circuit board may not exceed 18 members, except as provided in subsections (8) and (9). Members must include the state attorney, the public defender, and the chief judge of the circuit, or their respective designees. The remaining 15 members of the board must be appointed by the county councils within that circuit. The board must include at least one representative from each county council within the circuit. In appointing members to the circuit board, the county councils must reflect:

(a) The circuit's geography and population distribution.

(b) Juvenile justice partners, including, but not limited to, representatives of law enforcement, the school system, and the Department of Children and Family Services.

(c) Diversity in the judicial circuit.

(8) At any time after the adoption of initial bylaws pursuant to subsection (12), a juvenile justice circuit board may revise the bylaws to increase the number of members by not more than three in order to adequately reflect the diversity of the population and community organizations or agencies in the circuit.

(9) If county councils are not formed within a circuit, the circuit board may establish its membership in accordance with subsection (10). For juvenile justice circuit boards organized pursuant to this subsection, the state attorney, public defender, and chief circuit judge, or their respective designees, shall be members of the circuit board.

(10) Membership of the juvenile justice county councils, or juvenile justice circuit boards established under subsection (9), must include representatives from the following entities:

(a) Representatives from the school district, which may include elected school board officials, the school superintendent, school or district administrators, teachers, and counselors.

(b) Representatives of the board of county commissioners.

(c) Representatives of the governing bodies of local municipalities within the county.

(d) A representative of the corresponding circuit or regional entity of the Department of Children and Family Services.

(e) Representatives of local law enforcement agencies, including the sheriff or the sheriff's designee.

(f) Representatives of the judicial system.

(g) Representatives of the business community.

(h) Representatives of other interested officials, groups, or entities, including, but not limited to, a children's services council, public or private providers of juvenile justice programs and services, students, parents, and advocates. Private providers of juvenile justice programs may not exceed one-third of the voting membership.

(i) Representatives of the faith community.

(j) Representatives of victim-service programs and victims of crimes.

(k) Representatives of the Department of Corrections.

(11) Each juvenile justice county council, or juvenile justice circuit board established under subsection (9), must provide for the establishment of an executive committee of not more than 10 members. The duties and authority of the executive committee must be addressed in the bylaws.

(12) Each juvenile justice circuit board and county council shall develop bylaws that provide for officers and committees as the board or council deems necessary and shall specify the qualifications, method of selection, and term for each office created. The bylaws shall address at least the following issues: process for appointments to the board or council; election or appointment of officers; filling of vacant positions; duration of member terms; provisions for voting; meeting attendance requirements; and the establishment and duties of an executive committee, if required under subsection (11).

(13) Members of juvenile justice circuit boards and county councils are subject to the provisions of part III of chapter 112.

Section 51. Paragraph (b) of subsection (1) and paragraph (d) of subsection (2) of section 985.4145, Florida Statutes, are amended to read:

985.4145 Direct-support organization; definition; use of property; board of directors; audit.—

(1) DEFINITION.—As used in this section, the term "direct-support organization" means an organization whose sole purpose is to support the juvenile justice system and which is:

(b) Organized and operated to conduct programs and activities; to raise funds; to request and receive grants, gifts, and bequests of moneys; to acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and to make expenditures to or for the direct or indirect benefit of the Department of Juvenile Justice or the juvenile justice system operated by a county commission or a *circuit* ~~district~~ board;

Expenditures of the organization shall be expressly used to prevent and ameliorate juvenile delinquency. The expenditures of the direct-support organization may not be used for the purpose of lobbying as defined in s. 11.045.

(2) CONTRACT.—The direct-support organization shall operate under written contract with the department. The contract must provide for:

(d) The reversion of moneys and property held in trust by the direct-support organization for the benefit of the juvenile justice system to the state if the department ceases to exist or to the department if the direct-support organization is no longer approved to operate for the

department, a county commission, or a *circuit* ~~district~~ board or if the direct-support organization ceases to exist;

Section 52. Paragraphs (a) and (c) of subsection (1) and paragraphs (a), (b), and (e) of subsection (2) of section 985.415, Florida Statutes, are amended to read:

985.415 Community Juvenile Justice Partnership Grants.—

(1) GRANTS; CRITERIA.—

(a) In order to encourage the development of county and *circuit* ~~district~~ juvenile justice plans and the development and implementation of county and *circuit* ~~district~~ interagency agreements pursuant to *s. 985.4135* ~~ss. 985.413 and 985.414~~, the community juvenile justice partnership grant program is established, and shall be administered by the Department of Juvenile Justice.

(c) In addition, the department may consider the following criteria in awarding grants:

1. The *circuit* ~~district~~ juvenile justice plan and any county juvenile justice plans that are referred to or incorporated into the *circuit* ~~district~~ plan, including a list of individuals, groups, and public and private entities that participated in the development of the plan.

2. The diversity of community entities participating in the development of the *circuit* ~~district~~ juvenile justice plan.

3. The number of community partners who will be actively involved in the operation of the grant program.

4. The number of students or youths to be served by the grant and the criteria by which they will be selected.

5. The criteria by which the grant program will be evaluated and, if deemed successful, the feasibility of implementation in other communities.

(2) GRANT APPLICATION PROCEDURES.—

(a) Each entity wishing to apply for an annual community juvenile justice partnership grant, which may be renewed for a maximum of 2 additional years for the same provision of services, shall submit a grant proposal for funding or continued funding to the department. The department shall establish the grant application procedures. In order to be considered for funding, the grant proposal shall include the following assurances and information:

1. A letter from the chair of the ~~county~~ juvenile justice *circuit board* ~~council~~ confirming that the grant application has been reviewed and found to support one or more purposes or goals of the juvenile justice plan as developed by the *board* ~~council~~.

2. A rationale and description of the program and the services to be provided, including goals and objectives.

3. A method for identification of the juveniles most likely to be involved in the juvenile justice system who will be the focus of the program.

4. Provisions for the participation of parents and guardians in the program.

5. Coordination with other community-based and social service prevention efforts, including, but not limited to, drug and alcohol abuse prevention and dropout prevention programs, that serve the target population or neighborhood.

6. An evaluation component to measure the effectiveness of the program in accordance with the provisions of s. 985.412.

7. A program budget, including the amount and sources of local cash and in-kind resources committed to the budget. The proposal must establish to the satisfaction of the department that the entity will make a cash or in-kind contribution to the program of a value that is at least equal to 20 percent of the amount of the grant.

8. The necessary program staff.

(b) The department shall consider the following in awarding such grants:

1. The recommendations of the juvenile justice *county* council as to the priority that should be given to proposals submitted by entities within a county.

2. The recommendations of the juvenile justice *circuit* board as to the priority that should be given to proposals submitted by entities within a *circuit* ~~district~~.

(e) Each entity that is awarded a grant as provided for in this section shall submit an annual evaluation report to the department, the *circuit* ~~district~~ juvenile justice manager, the ~~district~~ juvenile justice *circuit* board, and the ~~county~~ juvenile justice *county* council, by a date subsequent to the end of the contract period established by the department, documenting the extent to which the program objectives have been met, the effect of the program on the juvenile arrest rate, and any other information required by the department. The department shall coordinate and incorporate all such annual evaluation reports with the provisions of s. 985.412. Each entity is also subject to a financial audit and a performance audit.

Section 53. Section 985.416, Florida Statutes, is amended to read:

985.416 Innovation zones.—The department shall encourage each of the ~~district~~ juvenile justice *circuit* boards to propose at least one innovation zone within the *circuit* ~~district~~ for the purpose of implementing any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a *circuit* ~~district~~, commitment region, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(1)(a) The ~~district~~ juvenile justice *circuit* board shall submit a proposal for an innovation zone to the secretary. If the purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the proposal may request the secretary to waive such existing rules, policies, or procedures or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with applicable state or federal law.

(b) For innovation zone proposals that the secretary determines require changes to state law, the secretary may submit a request for a waiver from such laws, together with any proposed changes to state law, to the chairs of the appropriate legislative committees for consideration.

(c) For innovation zone proposals that the secretary determines require waiver of federal law, the secretary may submit a request for such waivers to the applicable federal agency.

(2) An innovation zone project may not have a duration of more than 2 years, but the secretary may grant an extension.

(3) Before implementing an innovation zone under this subsection, the secretary shall, in conjunction with the Auditor General, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. Moneys designated for an innovation zone in one *operating circuit* ~~service district~~ may not be used to fund an innovation zone in another *operating circuit* ~~district~~.

(4) Program models for innovation zone projects include, but are not limited to:

(a) A forestry alternative work program that provides selected juvenile offenders an opportunity to serve in a forestry work program as an alternative to incarceration, in which offenders assist in wildland firefighting, enhancement of state land management, environmental enhancement, and land restoration.

(b) A collaborative public/private dropout prevention partnership that trains personnel from both the public and private sectors of a target community who are identified and brought into the school system as an additional resource for addressing problems which inhibit and retard learning, including abuse, neglect, financial instability, pregnancy, and substance abuse.

(c) A support services program that provides economically disadvantaged youth with support services, jobs, training, counseling, mentoring, and prepaid postsecondary tuition scholarships.

(d) A juvenile offender job training program that offers an opportunity for juvenile offenders to develop educational and job skills in a 12-month to 18-month nonresidential training program, teaching the offenders skills such as computer-aided design, modular panel construction, and heavy vehicle repair and maintenance which will readily transfer to the private sector, thereby promoting responsibility and productivity.

(e) An infant mortality prevention program that is designed to discourage unhealthy behaviors such as smoking and alcohol or drug consumption, reduce the incidence of babies born prematurely or with low birth weight, reduce health care cost by enabling babies to be safely discharged earlier from the hospital, reduce the incidence of child abuse and neglect, and improve parenting and problem-solving skills.

(f) A regional crime prevention and intervention program that serves as an umbrella agency to coordinate and replicate existing services to at-risk children, first-time juvenile offenders, youth crime victims, and school dropouts.

(g) An alternative education outreach school program that serves delinquent repeat offenders between 14 and 18 years of age who have demonstrated failure in school and who are referred by the juvenile court.

(h) A drug treatment and prevention program that provides early identification of children with alcohol or drug problems to facilitate treatment, comprehensive screening and assessment, family involvement, and placement options.

(i) A community resource mother or father program that emphasizes parental responsibility for the behavior of children, and requires the availability of counseling services for children at high risk for delinquent behavior.

Section 54. Subsection (5) of section 985.417, Florida Statutes, is amended to read:

985.417 Transfer of children from the Department of Corrections to the Department of Juvenile Justice.—

(5) Any child who has been convicted of a capital felony while under the age of 18 years may not be released on *probation* ~~community control~~ without the consent of the Governor and three members of the Cabinet.

Section 55. *Sections 985.413 and 985.414, Florida Statutes, are repealed.*

Section 56. *(1) The Department of Juvenile Justice shall provide technical assistance to existing district juvenile justice boards and county juvenile justice councils to facilitate the transition to juvenile justice circuit boards and juvenile justice county councils as required in this act. Members of district juvenile justice boards and county juvenile justice councils as of July 1, 2000, shall be permitted to complete their terms.*

(2) This section is repealed January 1, 2002.

Section 57. *Notwithstanding the provisions of s. 216.181, Florida Statutes, the Department of Juvenile Justice may transfer salary rate, without position changes, between budget entities for Fiscal Year 2000-2001 for the purpose of implementing the reorganization of the department. All such transfers must be in accordance with the budget amendatory and legislative notice provisions of chapter 216, Florida Statutes. This section is repealed effective June 30, 2001.*

Section 58. *Youth custody officer.—*

(1) There is created within the Department of Juvenile Justice the position of youth custody officer. The duties of each youth custody officer shall be to take youth into custody if the officer has probable cause to believe that the youth has violated the conditions of probation, home detention, conditional release, or postcommitment probation, or has failed to appear in court after being properly noticed. The authority of the youth custody officer to take youth into custody is specifically limited to this purpose.

(2) A youth custody officer must meet the minimum qualifications for employment or appointment, be certified under chapter 943, Florida Statutes, and comply with the requirements for continued employment required by section 943.135, Florida Statutes. The Department of Juvenile Justice must comply with the responsibilities provided for an employing agency under section 943.133, Florida Statutes, for each youth custody officer.

(3) A youth custody officer shall inform appropriate local law enforcement agencies of his or her activities under this section.

Section 59. Except as otherwise provided herein, this act shall take effect July 1, 2000.

And the title is amended as follows:

remove the entire title of the bill:

and insert in lieu thereof: An act relating to juvenile justice; amending s. 20.316, F.S.; revising the duties of the Secretary of Juvenile Justice; abolishing the offices of the Deputy Secretary for Operations and the Assistant Secretary of Programming and Planning; establishing various programs within the department; authorizing the secretary to establish positions necessary to administer the requirements of said section; creating juvenile justice operating circuits; revising the boundaries of the department's service districts to conform to the boundaries of the judicial circuits; amending s. 984.03, F.S.; revising definitions for purposes of ch. 984, F.S., relating to children and families in need of services; amending s. 984.09, F.S., deleting reference to county juvenile justice councils; amending s. 985.03, F.S.; defining the term "conditional release" to mean the supervision of treatment services formerly known as aftercare; defining the term "probation" to mean the legal status formerly known as community control; revising and deleting definitions to conform to other changes made by the act; amending s. 985.207, F.S.; authorizing law enforcement to take a child into custody under certain circumstances; amending s. 985.21, F.S.; revising intake screening procedures; amending s. 985.215, F.S.; providing for a special detention order to facilitate a comprehensive evaluation upon a finding of delinquency in certain cases; revising requirements related to court-ordered fees; providing conforming provisions; amending s. 985.216, F.S., relating to alternative sanctions coordinators; providing conforming provisions; amending s. 985.229, F.S.; authorizing a predispositional report upon a finding of delinquency; requiring a predispositional report for a child for whom residential commitment disposition is anticipated or recommended; requiring the predispositional report to include a comprehensive evaluation in certain circumstances; providing a time certain for the submission of the predispositional report; specifying parties who may receive copies of the predispositional report; amending s. 985.23, F.S.; requiring the court to consider recommendations of the Department of Juvenile Justice at disposition; revising evaluation requirements associated with the predispositional report; providing for sanctions to include day treatment probation programs; amending s. 985.231, F.S.; providing that the child's length of stay in a residential commitment program shall be based on objective performance-based treatment planning; requiring monthly progress reports to the court; authorizing extension of the child's length of stay if the child fails to comply with or participate in treatment activities; prohibiting extension of the child's length of stay for purposes of sanction or punishment; requiring any temporary release to be approved by the court; requiring communication to the court of the child's treatment plan progress and adjustment-related issues upon request to release the child; revising requirements related to court-ordered fees; providing conforming provisions; 985.233, F.S.;

revising conditions under which adult sanctions may be imposed; revising requirements related to court-ordered fees; creating s. 985.3045, F.S.; requiring the department's prevention service program to monitor all state-funded programs designed to prevent juvenile crime in a manner consistent with s. 984.02, F.S., and s. 985.02, F.S.; requiring a report concerning the implementation of a statewide multiagency juvenile delinquency prevention plan; specifying certain issues to be addressed in the report; requiring all entities that use state monies to fund juvenile delinquency prevention services through contracts or grants with the department to comply with certain requirements; requiring each state agency or entity that receives or uses state appropriations to fund certain prevention services to submit a report; amending ss. 985.309, 985.31, and 985.311, F.S.; revising the minimum period for certain juveniles to participate in a boot camp, a serious or habitual offender program, or a habitual offender program or an intensive residential treatment program; amending s. 985.404, F.S.; requiring notice of intent to transfer a child from a commitment facility or program; creating a workgroup to make recommendations for a system of classification and placement; providing minimum considerations; providing minimum membership; providing for testing and validation of the system; providing for a report to the Governor and Legislature; creating s. 985.4135, F.S.; creating juvenile justice circuit boards and juvenile justice county councils; providing for membership, duties, and procedures; providing that certain members of district juvenile justice boards and county juvenile justice councils their terms; repealing s. 985.413, F.S., relating to district juvenile justice boards; repealing 985.414, F.S., relating to county juvenile justice councils; requiring the department to provide technical assistance to facilitate transition to circuit boards and county councils; providing for repeal; authorizing the Department of Juvenile Justice to transfer salary rates between budget entities to implement reorganization; creating the position of youth custody officer within the Department of Juvenile Justice; specifying duties and qualifications of youth custody officers; amending ss. 20.19, 39.0015, 216.136, 232.19, 288.9957, 419.001, 744.309, 784.075, 790.22, 938.17, 948.51, 984.05, 984.086, 984.10, 985.04, 985.06, 985.2066, 985.226, 985.227, 985.228, 985.305, 985.308, 985.312, 985.3141, 985.315, 985.316, 985.317, 985.401, 985.4045, 985.406, 985.411, 985.4145, 985.415, 985.416, and 985.417, F.S.; conforming provisions to changes made by the act; deleting obsolete provisions; providing for repeal; providing effective dates.

Rep. Merchant moved the adoption of the amendment.

Further consideration of **CS for SB 1196**, with pending amendment, was temporarily postponed under Rule 141.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB's 1192 & 180 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senators Webster and Lee—

CS for SB's 1192 & 180—A bill to be entitled An act relating to juvenile justice; amending s. 784.075, F.S., relating to third degree felony penalty for battery on a juvenile probation officer; conforming cross-references; amending s. 984.09, F.S.; providing conforming provisions; amending s. 984.225, F.S.; revising requirements for placement of a child in a staff-secure shelter; amending s. 984.226, F.S.; providing for physically secure settings for children in need of services; authorizing the Department of Juvenile Justice to establish physically secure settings; providing for a waiver of a child's right to counsel at court appearances; authorizing a court to place a child in a physically secure setting under prescribed circumstances; requiring the department to verify to the court that a bed is available; providing duration of stay in a physically secure setting; providing for court review of a child's placement; providing grounds for transfer of jurisdiction of the child to the Department of Children and Family Services; amending s. 985.201, F.S.; extending court jurisdiction over certain children for certain purposes; extending court jurisdiction over juveniles released from a commitment program prior to age 21; amending s. 985.207, F.S.; authorizing law enforcement to take a child into custody under certain circumstances; amending s. 985.211, F.S.; requiring a probable cause affidavit or written report to be made within a time certain; requiring such affidavit or report to be filed with the clerk of the circuit court within a time certain; amending s. 985.213, F.S.; revising provisions relating to the risk assessment workgroup; revising provisions relating to the risk assessment instrument for purposes of detention care placement; amending s. 985.215, F.S.; authorizing detention of a child for failure to appear at certain court hearings; requiring law enforcement agencies to complete and present certain investigations to a state attorney within a time certain; providing for increased holding times for children charged with offenses of certain severity; deleting references to assignment centers; amending s. 985.216, F.S.; prescribing punishment for contempt of court by a delinquent child or a child in need of services; amending s. 985.219, F.S.; requiring law enforcement agencies to act upon subpoenas and serve process within a certain time; amending s. 985.231, F.S., to conform; amending s. 985.233, F.S.; revising conditions under which adult sanctions may be imposed; creating the Juvenile Arrest and Monitor Unit, a pilot program in Orange County; prescribing the duration and purpose of the program; providing duties of the Orange County Sheriff's Office and the Department of Juvenile Justice; requiring the sheriff's office to contract with the University of Central Florida to conduct a study of the program's effectiveness and results; providing an effective date.

—was read the first time by title. On motion by Rep. Patterson, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 550

Yeas—117

The Chair	Detert	Kelly	Roberts
Albright	Diaz de la Portilla, R.	Kilmer	Rojas
Alexander	Dockery	Kosmas	Rubio
Andrews	Edwards	Kyle	Russell
Argenio	Effman	Lacasa	Ryan
Argenziano	Eggelletion	Lawson	Sanderson
Arnall	Farkas	Lee	Sembler
Bainter	Fasano	Levine	Smith, C.
Ball	Feeney	Littlefield	Smith, K.
Barreiro	Fiorentino	Logan	Sobel
Bense	Flanagan	Lynn	Sorensen
Betancourt	Frankel	Maygarden	Spratt
Bilirakis	Fuller	Melvin	Stafford
Bitner	Futch	Merchant	Stansel
Bloom	Garcia	Miller, J.	Starks
Boyd	Gay	Miller, L.	Suarez
Bradley	Goode	Minton	Sublette
Bronson	Gottlieb	Morroni	Trovillion
Brown	Green, C.	Murman	Tullis
Brummer	Greene, A.	Ogles	Turnbull
Bucher	Greenstein	Patterson	Villalobos
Bullard	Hafner	Peaden	Wallace
Bush	Harrington	Posey	Wasserman Schultz
Cantens	Hart	Prieguez	Waters
Casey	Henriquez	Pruitt	Wiles
Chestnut	Heyman	Putnam	Wilson
Constantine	Hill	Rayson	Wise
Crady	Jacobs	Reddick	
Crist	Johnson	Ritchie	
Crow	Jones	Ritter	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB 2464 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Policy, Criminal Justice, Education, and Senator Horne—

CS for CS for CS for SB 2464—A bill to be entitled An act relating to juvenile justice education programs; amending s. 230.02, F.S.; providing for district school systems to provide instructional personnel at certain juvenile justice programs; amending s. 230.23161, F.S.; providing legislative intent; prescribing duties for the Department of Juvenile Justice and the Department of Education regarding providing educational instruction to certain delinquent youths; requiring certain delinquent youths to participate in educational programs; allowing full-time teachers in juvenile justice schools to participate in the critical-teacher-shortage tuition-reimbursement program; clarifying the FTE count requirements; requiring a multi-agency plan; amending s. 232.032, F.S.; exempting youths in juvenile justice programs from certain immunization requirements; providing for followup; amending s. 235.1975, F.S.; requiring the Department of Juvenile Justice to notify the Department of Education regarding certain actions taken regarding the construction of new facilities; creating s. 985.3155, F.S.; requiring both departments to develop a plan for vocational education in juvenile justice facilities; providing powers, duties, and guidelines for the plan; requiring a report; amending s. 985.316, F.S.; providing for compulsory participation in education programs by youths in custody; requiring a study; requiring a review and the creation of a plan; providing appropriations; amending s. 228.081, F.S.; clarifying the educational option available to certain students; establishing responsibility for certain fees; amending s. 230.23, F.S.; requiring provision of educational services to certain minors and students who are detained in specified detention facilities; creating s. 951.176, F.S.; requiring provision of educational services to certain minors and students who are detained in specified detention facilities; providing an effective date.

—was read the first time by title. On motion by Rep. Bainter, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 551

Yeas—119

The Chair	Casey	Green, C.	Merchant
Albright	Chestnut	Greene, A.	Miller, J.
Alexander	Constantine	Greenstein	Miller, L.
Andrews	Crady	Hafner	Minton
Argenio	Crist	Harrington	Morroni
Argenziano	Crow	Hart	Murman
Arnall	Detert	Henriquez	Ogles
Bainter	Diaz de la Portilla, R.	Heyman	Patterson
Ball	Dockery	Hill	Peaden
Barreiro	Edwards	Jacobs	Posey
Bense	Effman	Johnson	Prieguez
Betancourt	Eggelletion	Jones	Pruitt
Bilirakis	Farkas	Kelly	Putnam
Bitner	Fasano	Kilmer	Rayson
Bloom	Feeney	Kosmas	Reddick
Boyd	Fiorentino	Kyle	Ritchie
Bradley	Flanagan	Lacasa	Ritter
Bronson	Frankel	Lawson	Roberts
Brown	Fuller	Lee	Rojas
Brummer	Futch	Levine	Rubio
Bucher	Garcia	Littlefield	Russell
Bullard	Gay	Logan	Ryan
Bush	Goode	Lynn	Sanderson
Byrd	Goodlette	Maygarden	Sembler
Cantens	Gottlieb	Melvin	Smith, C.
Smith, K.	Stansel	Tullis	Waters
Sobel	Starks	Turnbull	Wiles
Sorensen	Suarez	Villalobos	Wilson
Spratt	Sublette	Wallace	Wise
Stafford	Trovillion	Wasserman Schultz	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate returns as requested HB 1993.

Faye W. Blanton, Secretary

HB 1993—A bill to be entitled An act relating to protection of vulnerable persons; creating the Task Force on the Availability and Affordability of Long-term Care; providing for membership and duties; providing for staff and expenses; requiring a report; providing for the expiration of the task force; providing an appropriation; amending s. 400.6065, F.S.; providing employment screening requirements for hospice personnel; providing penalties; renumbering and amending s. 402.48, F.S.; revising the definition of "health care services pool"; providing background screening requirements for applicants for registration, managing employees, and financial officers of such entities, and certain others; providing penalties; requiring such entities to obtain a certificate of registration from the Agency for Health Care Administration; providing for injunction; revising application procedures; revising responsibilities regarding temporary employees; increasing a penalty; transferring powers, duties, functions, and appropriations relating to health care services pools from the Department of Health to the Agency for Health Care Administration; amending s. 415.102, F.S.; revising definitions; amending s. 415.103, F.S.; providing for a central abuse hotline to receive reports of abuse, neglect, or exploitation of vulnerable adults; amending s. 415.1034, F.S.; conforming provisions relating to mandatory reporting; amending s. 415.1035, F.S.; providing duty of the Department of Children and Family Services to ensure that facilities inform residents of their right to report abuse, neglect, or exploitation; amending s. 415.1036, F.S.; conforming provisions relating to immunity of persons making reports; amending ss. 415.104 and 415.1045, F.S.; revising provisions relating to protective investigations; extending the time limit for completion of the department's investigation; providing for access to records and documents; providing for working agreements with law enforcement entities; amending s. 415.105, F.S.; authorizing the department to petition the court to enjoin interference with the provision of protective services; amending s. 415.1051, F.S.; providing for enforcement of court-ordered protective services when any person interferes; amending s. 415.1052, F.S., relating to interference with investigations or provision of services; amending s. 415.1055, F.S.; deleting provisions relating to notification to subjects, reporters, law enforcement, and state attorneys of a report alleging abuse, neglect, or exploitation; amending s. 415.106, F.S., relating to cooperation by criminal justice and other agencies; amending s. 415.107, F.S.; providing certain access to confidential records and reports; providing that information in the central abuse hotline may not be used for employment screening; amending s. 415.1102, F.S.; revising provisions relating to adult protection teams; amending s. 415.111, F.S., relating to criminal penalties; amending s. 415.1111, F.S.; revising provisions relating to civil penalties; amending s. 415.1113, F.S., relating to administrative fines for false reporting; amending s. 415.113, F.S., relating to treatment by spiritual means; amending s. 435.03, F.S.; revising provisions relating to level 1 and level 2 screening standards; amending s. 435.05, F.S.; revising provisions relating to screening requirements for covered employees; amending s. 435.07, F.S., relating to exemptions; amending s. 435.08, F.S., relating to payment for processing records checks; amending s. 435.09, F.S., relating to confidentiality of background check information; creating ss. 435.401, 435.402, 435.403, and 435.405, F.S.; providing special work history checks for caregivers of vulnerable adults; providing definitions; requiring certain organizations that hire, contract with, or register for referral such caregivers to obtain service letters regarding applicants from all previous such organizations with whom the applicant worked

within a specified period; providing duties of such applicants and organizations; providing penalties; providing for conditional employment, contract, or registration for referral for a specified period; providing for good faith efforts to perform required duties; providing for certain burden of proof; providing penalties for persons or organizations that knowingly provide certain false or incomplete information; providing certain immunity from civil liability; protecting certain information from discovery in legal or administrative proceedings; providing for enforcement by the Agency for Health Care Administration; providing for disposition of fines; requiring rules; amending ss. 20.43, 455.712, and 468.520, F.S.; deleting references to health care services pools in provisions relating to the Department of Health; correcting a cross reference; amending ss. 39.202, 90.803, 110.1127, 112.0455, 119.07, 232.50, 242.335, 320.0848, 381.0059, 381.60225, 383.305, 390.015, 393.067, 393.0674, 394.459, 394.875, 355.0055, 395.0199, 395.3025, 397.461, 400.022, 400.071, 400.215, 400.414, 400.4174, 400.426, 400.428, 400.462, 400.471, 400.495, 400.506, 400.509, 400.512, 400.5572, 400.628, 400.801, 400.805, 400.906, 400.931, 400.95, 400.953, 400.955, 400.962, 400.964, 402.3025, 402.3125, 402.313, 409.175, 409.912, 430.205, 447.208, 447.401, 464.018, 468.826, 468.828, 483.101, 483.30, 509.032, 744.309, 744.474, 744.7081, 775.21, 916.107, 943.0585, and 985.05, F.S.; conforming to the act provisions relating to protection of vulnerable adults and the central abuse hotline; repealing s. 415.1065, F.S., relating to management of records of the central abuse registry and tracking system; repealing s. 415.1075, F.S., relating to amendment of such records, and expunctions, appeals, and exemptions with respect thereto; repealing s. 415.1085, F.S., relating to photographs and medical examinations pursuant to investigations of abuse or neglect of an elderly person or disabled adult; repealing s. 415.109, F.S., relating to abrogation of privileged communication in cases involving suspected adult abuse, neglect, or exploitation; providing an appropriation; providing effective dates.

Reconsideration of HB 1993

On motion by Rep. Russell, the House reconsidered the vote by which **HB 1993**, as amended, passed on May 1.

The question recurred on the passage of HB 1993.

Representative(s) Russell offered the following:

(Amendment Bar Code: 331095)

Amendment 5 (with title amendment)—
remove from the bill: everything after the enacting clause,

and insert in lieu thereof:

Section 1. *(1) There is created the Task Force on the Availability and Affordability of Long-term Care, to study issues related to the provision of long-term care to the elderly in nursing homes and alternatives to nursing homes, and to make recommendations to the Governor and the Legislature. The task force shall, at a minimum, study and make recommendations concerning the following:*

(a) The availability of alternative housing and care settings for the elderly, including the use of rent-subsidized facilities, assisted living facilities, and adult family care homes.

(b) The availability of community-based care arrangements that support elderly individuals to age in place in their own homes and in alternative housing and care settings.

(c) The role of family members in caring for elderly relatives and ways in which quality family care can be encouraged.

(d) The adequacy of reimbursements for the cost of providing care to the elderly in nursing homes and in alternative housing and care settings.

(e) The availability and affordability of long-term-care insurance coverage and the potential for funding long-term care through such coverage.

(f) The role of the certificate-of-need process in the development of systems of long-term care for the elderly.

(g) The extent to which the quality of care in long-term-care facilities in this state is compromised because of market changes that affect the financial stability of the long-term-care industry.

(h) The effect of lawsuits against nursing homes and long-term care facilities on the cost of nursing home care and on the financial stability of the nursing home industry in the state.

(i) The kinds of incidents that lead to the filing of lawsuits and the extent to which frivolous lawsuits are filed.

(j) The cost of liability insurance coverage for long-term-care providers and the extent to which such costs affect the affordability of care.

(k) The availability of liability insurance coverage for long-term-care providers through Florida insurance companies.

(l) The primary causes for recent bankruptcies facing the nursing home industry.

(m) The additional costs to Medicaid, Medicare, and the family when a patient suffering from a preventable condition has to be admitted to a hospital.

(n) The ways in which other states have promoted the development of alternative and home-based care and what they have learned from these innovations.

(o) The difference between the quality of care provided by for-profit skilled nursing facilities and by not-for-profit skilled nursing facilities.

(p) An evaluation of how the quality of care in the long-term care facilities of this state compare with the quality of care in such facilities in other states.

(2) The task force shall be composed of 19 members, as follows:

(a) The Lieutenant Governor, who shall serve as chair of the task force.

(b) The Secretary of Elderly Affairs.

(c) The director of the state Medicaid program.

(d) A member of The Florida Bar, appointed by The Florida Bar.

(e) A representative of the Florida Assisted Living Association, appointed by the association.

(f) A representative of the Florida Association of Homes for the Aging, appointed by the association.

(g) A representative of the insurance industry who has experience in the insurance markets affecting long-term care, appointed by the Governor in consultation with the President of the Senate and the Speaker of the House of Representatives.

(h) A member to represent private sponsors of housing for the elderly financed through the United States Department of Housing and Urban Development, appointed by the Secretary of Elderly Affairs.

(i) An investment banker who has experience in long-term-care economics, appointed by the Governor in consultation with the President of the Senate and the Speaker of the House of Representatives.

(j) An academic gerontologist appointed by the Chancellor of the State University System.

(k) A physician whose specialty is geriatrics and who is experienced in treating people with memory-related disorders, appointed by the Florida Medical Association.

(l) A member of a Florida chapter of the American Association of Retired Persons who has experience administering a long-term care facility, appointed by the Governor in consultation with the President of the Senate and the Speaker of the House of Representatives.

(m) An individual who has experience with periodic review of nursing homes and other long-term care facilities, appointed by the Attorney General.

(n) A representative of the Florida Health Care Association, appointed by the association.

(o) A local volunteer long-term care ombudsman with at least two years of experience in assisting residents of nursing homes and assisted living facilities, appointed by the State Long-term Care Ombudsman.

(p) Two consumer representatives, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives.

(q) Two members of the Legislature, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives.

(3) The task force shall conduct research, hold public meetings, receive testimony, employ consultants, and undertake other activities determined by its members to be necessary to complete its responsibilities.

(4) The members of the task force may not delegate their attendance or voting power to designees.

(5) The task force shall be located at the University of South Florida for administrative purposes. The Florida Policy Exchange Center on Aging at the University of South Florida shall provide staff and support services to the task force. Members of the task force shall serve without compensation, but are entitled to receive reimbursement for travel and per diem as provided in section 112.061, Florida Statutes.

(6) The appointments to the task force must be completed within 30 days after the effective date of this act, and the task force must hold its initial meeting within 45 days after the effective date of this act. The task force shall submit a report containing its recommendations by January 1, 2001, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The recommendations of the task force must include proposed legislation. The task force shall expire on March 1, 2001.

Section 2. *For the 2000-2001 fiscal year, the nonrecurring sum of $200,000 is appropriated from the General Revenue Fund to the University of South Florida for the purposes of implementing this act.*

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

And the title is amended as follows:
remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act creating the Task Force on the Availability and Affordability of Long-term Care; providing for membership and duties; providing for staff and expenses; requiring a report; providing for the expiration of the task force; providing an appropriation; providing an effective date.

Rep. Russell moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 1993. The vote was:

Session Vote Sequence: 552

Yeas—118

The Chair	Bloom	Cosgrove	Frankel
Albright	Boyd	Crady	Fuller
Alexander	Bradley	Crist	Futch
Andrews	Bronson	Crow	Garcia
Argenio	Brown	Detert	Gay
Argenziano	Brummer	Diaz de la Portilla, R.	Goode
Arnall	Bucher	Dockery	Goodlette
Bainter	Bullard	Edwards	Gottlieb
Ball	Bush	Effman	Green, C.
Barreiro	Byrd	Farkas	Greene, A.
Bense	Cantens	Fasano	Greenstein
Betancourt	Casey	Feeney	Hafner
Bilirakis	Chestnut	Fiorentino	Harrington
Bitner	Constantine	Flanagan	Hart
Henriquez	Lynn	Reddick	Stansel
Heyman	Melvin	Ritchie	Starks
Hill	Merchant	Ritter	Suarez
Jacobs	Miller, J.	Roberts	Sublette
Johnson	Miller, L.	Rojas	Trovillion
Jones	Minton	Rubio	Tullis
Kelly	Morroni	Russell	Turnbull
Kilmer	Murman	Ryan	Villalobos
Kosmas	Ogles	Sanderson	Wallace
Kyle	Patterson	Sembler	Wasserman Schultz
Lacasa	Peaden	Smith, C.	Waters
Lawson	Posey	Smith, K.	Wiles
Lee	Prieguez	Sobel	Wilson
Levine	Pruitt	Sorensen	Wise
Littlefield	Putnam	Spratt	
Logan	Rayson	Stafford	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS for SB 1196—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the duties of the Secretary of Juvenile Justice; abolishing the offices of the Deputy Secretary for Operations and the Assistant Secretary of Programming and Planning; establishing various programs within the department; creating juvenile justice operating circuits; revising the boundaries of the department's service districts to conform to the boundaries of the judicial circuits; amending ss. 984.09 and 985.216, F.S., relating to alternative sanctions coordinators; deleting references to county juvenile justice councils; amending s. 985.03, F.S.; defining the term "conditional release" to mean the supervision and treatment services formerly known as aftercare; defining the term "probation" to mean the legal status formerly known as community control; revising and deleting definitions to conform to other changes made by the act; amending ss. 985.309, 985.31, and 985.311, F.S.; revising the minimum period for certain juveniles to participate in a boot camp, a serious or habitual juvenile offender program, or an intensive residential treatment program; amending ss. 20.19, 39.0015, 216.136, 232.19, 288.9957, 419.001, 744.309, 784.075, 790.22, 938.17, 948.51, 984.03, 984.05, 984.086, 984.10, 985.04, 985.06, 985.2066, 985.207, 985.215, 985.226, 985.227, 985.228, 985.23, 985.231, 985.233, 985.305, 985.308, 985.312, 985.3141, 985.315, 985.316, 985.317, 985.401, 985.404, 985.4045, 985.406, 985.411, 985.4145, 985.415, 985.416, 985.417, F.S.; conforming provisions to changes made by the act; creating s. 985.4135, F.S.; creating juvenile justice circuit boards and juvenile justice county councils; providing for membership, duties, and procedures; providing that certain members of district juvenile justice boards and county juvenile justice councils may complete their terms; repealing s. 985.413, F.S., relating to district juvenile justice boards; repealing s. 985.414, F.S., relating to county juvenile justice councils; requiring the department to provide technical assistance to facilitate transition to circuit boards and county councils; providing for repeal; authorizing the Executive Office of the Governor to establish salaries for positions within the Department of Juvenile Justice at specified rates; providing effective dates.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Merchant to adopt Amendment 1.

The question recurred on the adoption of **Amendment 1**, which was adopted.

On motion by Rep. Merchant, the rules were suspended and CS for SB 1196, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 553

Yeas—118

The Chair	Alexander	Argenio	Arnall
Albright	Andrews	Argenziano	Bainter

Ball	Eggelletion	Kyle	Rojas
Barreiro	Farkas	Lacasa	Rubio
Bense	Fasano	Lawson	Russell
Betancourt	Feeney	Lee	Ryan
Bilirakis	Fiorentino	Levine	Sanderson
Bitner	Flanagan	Littlefield	Sembler
Bloom	Fuller	Logan	Smith, C.
Boyd	Futch	Lynn	Smith, K.
Bradley	Garcia	Maygarden	Sobel
Bronson	Gay	Melvin	Sorensen
Brown	Goode	Merchant	Spratt
Brummer	Goodlette	Miller, J.	Stafford
Bucher	Gottlieb	Miller, L.	Stansel
Bullard	Green, C.	Minton	Starks
Bush	Greene, A.	Morroni	Suarez
Byrd	Greenstein	Murman	Sublette
Cantens	Hafner	Ogles	Trovillion
Casey	Harrington	Patterson	Tullis
Chestnut	Hart	Peaden	Turnbull
Constantine	Henriquez	Posey	Villalobos
Cosgrove	Heyman	Prieguez	Wallace
Crady	Hill	Pruitt	Wasserman Schultz
Crist	Jacobs	Putnam	Waters
Crow	Johnson	Rayson	Wiles
Detert	Jones	Reddick	Wilson
Diaz de la Portilla, R.	Kelly	Ritchie	Wise
Dockery	Kilmer	Ritter	
Effman	Kosmas	Roberts	

Nays—1

Frankel

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 1039, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 1039—A bill to be entitled An act relating to domestic violence; creating s. 741.316, F.S.; providing for the establishment of domestic violence fatality review teams to review fatal and near-fatal incidents of domestic violence; providing for representation on the domestic violence fatality review teams; requiring each team to collect data; requiring the Department of Law Enforcement to prepare an annual report on domestic violence; requiring the Governor's Task Force on Domestic Violence to assist the teams; providing immunity from liability for certain acts; exempting certain information and records acquired by a domestic violence fatality review team from discovery in civil actions or disciplinary proceedings; prohibiting requiring a person to testify about information presented during meetings or other activities of a team; placing the domestic violence fatality review teams administratively within the Department of Children and Family Services; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 4, between lines 25 and 26,

insert:

Section 2. *Certified domestic violence centers; capital improvement grant program.—There is established a certified domestic violence center capital improvement grant program.*

(1) A certified domestic violence center as defined in section 39.905, Florida Statutes, may apply to the Department of Children and Family Services for a capital improvement grant. The grant application must provide information that includes:

(a) A statement specifying the capital improvement that the certified domestic violence center proposes to make with the grant funds.

(b) The proposed strategy for making the capital improvement.

(c) The organizational structure that will carry out the capital improvement.

(d) Evidence that the certified domestic violence center has difficulty in obtaining funding or that funds available for the proposed improvement are inadequate.

(e) Evidence that the funds will assist in meeting the needs of victims of domestic violence and their children in the certified domestic violence center service area.

(f) Evidence of a satisfactory recordkeeping system to account for fund expenditures.

(g) Evidence of ability to generate local match.

(2) Certified domestic violence centers as defined in section 39.905, Florida Statutes, may receive funding subject to legislative appropriation, upon application to the Department of Children and Family Services, for projects to construct, acquire, repair, improve, or upgrade systems, facilities, or equipment, subject to availability of funds. An award of funds under this section must be made in accordance with a needs assessment developed by the Florida Coalition Against Domestic Violence and the Department of Children and Family Services. The department annually shall perform this needs assessment and shall rank in order of need those centers that are requesting funds for capital improvement.

(3) The Department of Children and Family Services shall, in collaboration with the Florida Coalition Against Domestic Violence, establish criteria for awarding the capital improvement funds that must be used exclusively for support and assistance with the capital improvement needs of the certified domestic violence centers, as defined in section 39.905, Florida Statutes.

(4) The Department of Children and Family Services shall ensure that the funds awarded under this section are used solely for the purposes specified in this section. The department will also ensure that the grant process maintains the confidentiality of the location of the certified domestic violence centers, pursuant to section 39.908, Florida Statutes. The total amount of grant moneys awarded under this section may not exceed the amount appropriated for this program.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, following the semicolon,

insert: providing for the capital improvement of such centers; creating a grant program for awarding funds to such centers; providing application requirements; prescribing uses of the funds; providing duties of the Department of Children and Family Services; providing rulemaking authority for the establishment of criteria for the disbursement of funds;

On motion by Rep. Pruitt, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/HB 1039. The vote was:

Session Vote Sequence: 554

Yeas—120

The Chair	Betancourt	Bush	Diaz de la Portilla, R.
Albright	Bilirakis	Byrd	Dockery
Alexander	Bitner	Cantens	Edwards
Andrews	Bloom	Casey	Effman
Argenio	Boyd	Chestnut	Eggelletion
Argenziano	Bradley	Constantine	Farkas
Arnall	Bronson	Cosgrove	Fasano
Bainter	Brown	Crady	Feeney
Ball	Brummer	Crist	Fiorentino
Barreiro	Bucher	Crow	Flanagan
Bense	Bullard	Detert	Frankel

Fuller	Kelly	Ogles	Smith, K.
Futch	Kilmer	Patterson	Sobel
Garcia	Kosmas	Peaden	Sorensen
Gay	Kyle	Posey	Spratt
Goode	Lacasa	Prieguez	Stafford
Goodlette	Lawson	Pruitt	Stansel
Gottlieb	Lee	Putnam	Starks
Green, C.	Levine	Rayson	Suarez
Greene, A.	Littlefield	Reddick	Sublette
Greenstein	Logan	Ritchie	Trovillion
Hafner	Lynn	Ritter	Tullis
Harrington	Maygarden	Roberts	Turnbull
Hart	Melvin	Rojas	Villalobos
Henriquez	Merchant	Rubio	Wallace
Heyman	Miller, J.	Russell	Wasserman Schultz
Hill	Miller, L.	Ryan	Waters
Jacobs	Minton	Sanderson	Wiles
Johnson	Morroni	Sembler	Wilson
Jones	Murman	Smith, C.	Wise

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Recognition of Sergeant Sumner and Clerk Phelps

The regular order of business was superseded and the Speaker instructed the House Sergeant at Arms, Earnest W. "Earnie" Sumner, and the House Clerk, John B. Phelps, to approach the well, where he thanked them and their staff members for their service to the House, and they received a standing ovation. The Speaker also thanked all House staff, and the Members recognized them with a standing ovation.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 955, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 955—A bill to be entitled An act relating to weapons of mass destruction; creating s. 790.166, F.S.; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a first degree felony penalty for violation; providing that violation which results in death is a capital felony; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a hoax weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a second degree felony penalty for violation; providing definitions for purposes of the act; providing nonapplicability of the act; amending s. 921.0022, F.S.; providing for ranking of violations on the offense severity ranking chart; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

(1) A licensed importer, licensed manufacturer, or licensed dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:

(a) Obtained a completed form from the potential buyer or transferee, which form shall have been promulgated by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

(b) Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. The fee shall be established by the Department of Law Enforcement and may not exceed $8 per transaction. The Department of Law Enforcement may reduce, or suspend collection of, the fee to reflect payment received from the Federal Government applied to the cost of maintaining the criminal history check system established by this section as a means of facilitating or supplementing the National Instant Criminal Background Check System. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other than the operation of the criminal history checks required by this section. The Department of Law Enforcement, each year prior to February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event that the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than $2.5 million, excess funds may be used for the purpose of purchasing soft body armor for law enforcement officers.

(c) Requested, by means of a toll-free telephone call, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

(d) Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license pursuant to the provisions of s. 790.06 or holds 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), the provisions of this subsection do not apply.

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(a) Review criminal history records to determine if the potential buyer or transferee:

1. Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to s. 790.23;

2. Has been convicted of a misdemeanor crime of domestic violence, and therefore is prohibited from purchasing a firearm; or

3. Has 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 expunction has occurred.

(b) Inform the licensee making the inquiry either that records demonstrate that the buyer or transferee is so prohibited and provide the licensee a nonapproval number, or provide the licensee with a unique approval number.

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against her or him for an offense that is a felony under

either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046, or has been arrested for a dangerous crime as specified in s. 907.041(4)(a) or for any of the following enumerated offenses:

a. Criminal anarchy under ss. 876.01 and 876.02.

b. Extortion under s. 836.05.

c. Explosives violations under s. 552.22(1) and (2).

d. Controlled substances violations under chapter 893.

e. Resisting an officer with violence under s. 843.01.

f. Weapons and firearms violations under this chapter.

g. Treason under s. 876.32.

h. Assisting self-murder under s. 782.08.

i. Sabotage under s. 876.38.

j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or

b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

(3) In the event of scheduled computer downtime, electronic failure, or similar emergency beyond the control of the Department of Law Enforcement, the department shall immediately notify the licensee of the reason for, and estimated length of, such delay. After such notification, the department shall forthwith, and in no event later than the end of the next business day of the licensee, either inform the requesting licensee if its records demonstrate that the buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Florida and Federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the buyer or transferee is so prohibited, and without regard to whether she or he has received a unique approval number, the licensee may complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

(4)(a) Any records containing any of the information set forth in subsection (1) pertaining to a buyer or transferee who is not found to be prohibited from receipt or transfer of a firearm by reason of Florida and federal law which records are created by the Department of Law Enforcement to conduct the criminal history record check shall be confidential and exempt from the provisions of s. 119.07(1) and may not be disclosed by the Department of Law Enforcement or any officer or employee thereof to any person or to another agency. The Department of Law Enforcement shall destroy any such records forthwith after it communicates the approval and nonapproval numbers to the licensee and, in any event, such records shall be destroyed within 48 hours after the day of the response to the licensee's request.

(b) Notwithstanding the provisions of this subsection, the Department of Law Enforcement may maintain records of NCIC transactions to the extent required by the Federal Government, and may maintain a log of dates of requests for criminal history records checks, unique approval and nonapproval numbers, license identification numbers, and transaction numbers corresponding to such dates for a period of not longer than 2 years or as otherwise required by law.

(c) Nothing in this chapter shall be construed to allow the State of Florida to maintain records containing the names of purchasers or transferees who receive unique approval numbers or to maintain records of firearm transactions.

(d) Any officer or employee, or former officer or employee of the Department of Law Enforcement or law enforcement agency who intentionally and maliciously violates the provisions of this subsection commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(5) The Department of Law Enforcement shall establish a toll-free telephone number which shall be operational 7 days a week with the exception of Christmas Day and New Year's Day, for a period of 12 hours a day beginning at 9 a.m. and ending at 9 p.m., for purposes of responding to inquiries as described in this section from licensed manufacturers, licensed importers, and licensed dealers. The Department of Law Enforcement shall employ and train such personnel as are necessary expeditiously to administer the provisions of this section.

(6) Any person who is denied the right to receive or purchase a firearm as a result of the procedures established by this section may request a criminal history records review and correction in accordance with the rules promulgated by the Department of Law Enforcement.

(7) It shall be unlawful for any licensed dealer, licensed manufacturer, or licensed importer willfully and intentionally to request criminal history record information under false pretenses, or willfully and intentionally to disseminate criminal history record information to any person other than the subject of such information. Any person convicted of a violation of this subsection commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(8) The Department of Law Enforcement shall promulgate regulations to ensure the identity, confidentiality, and security of all records and data provided pursuant to this section.

(9) This section shall become effective at such time as the Department of Law Enforcement has notified all licensed importers, licensed manufacturers, and licensed dealers in writing that the procedures and toll-free number described in this section are

operational. This section shall remain in effect only during such times as the procedures described in subsection (2) remain operational.

(10) A licensed importer, licensed manufacturer, or licensed dealer is not required to comply with the requirements of this section in the event of:

(a) Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises; or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

(b) Failure of the Department of Law Enforcement to comply with the requirements of subsections (2) and (3).

(11) Compliance with the provisions of this chapter shall be a complete defense to any claim or cause of action under the laws of any state for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, of any firearm which has been shipped or transported in interstate or foreign commerce. The Department of Law Enforcement, its agents and employees shall not be liable for any claim or cause of action under the laws of any state for liability for damages arising from its actions in lawful compliance with this section.

(12)(a) Any potential buyer or transferee who willfully and knowingly provides false information or false or fraudulent identification commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(b) Any licensed importer, licensed manufacturer, or licensed dealer who violates the provisions of subsection (1) commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(c) Any employee or agency of a licensed importer, licensed manufacturer, or licensed dealer who violates the provisions of subsection (1) commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(d) Any person who knowingly acquires a firearm through purchase or transfer intended for the use of a person who is prohibited by state or federal law from possessing or receiving a firearm commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(13) This section does not apply to employees of sheriff's offices, municipal police departments, correctional facilities or agencies, or other criminal justice or governmental agencies when the purchases or transfers are made on behalf of an employing agency for official law enforcement purposes.

(14) This section is repealed effective June 1, *2002* ~~2000~~.

Section 2. Section 790.166, Florida Statutes, is created 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 through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

2. Any device or object involving a disease organism; or

3. Any device or object that is designed to release radiation or radioactivity at a level dangerous to human life.

(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, 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, 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) 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.

Section 3. Paragraphs (g) and (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(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.
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.
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.
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.
784.08(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.
790.166(3)	*2nd*	*Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.*
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; property stolen while causing other property damage; 1st 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.
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), or (2)(b)) within 1,000 feet of a child care facility or school.
893.13(1)(e)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b), 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), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 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.

Florida Statute	Felony Degree	Description
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.
		(i) LEVEL 9
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
790.161	1st	Attempted capital destructive device offense.
790.166(2)	*1st,PBL*	*Possessing, selling, using, or attempting to use a weapon of mass destruction.*
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.

Section 4. This act shall take effect upon becoming a law, except that sections 2 and 3 of this act shall take effect July 1, 2000.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to weapons and firearms; amending s. 790.065, F.S., relating to the sale and delivery of weapons and firearms; extending the date of repeal of such section; creating s. 790.166, F.S.; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a first degree felony penalty for violation; providing that violation which results in death is a capital felony; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a hoax weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a second degree felony penalty for violation; providing definitions for purposes of the act; providing nonapplicability of the act; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; providing for ranking the offense of possessing, selling, or using a weapon of mass destruction and the offense of possessing, selling, or using a hoax weapon of mass destruction; providing effective dates.

On motion by Rep. Futch, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/HB 955. The vote was:

Session Vote Sequence: 555

Yeas—119

The Chair	Arnall	Bilirakis	Brummer
Albright	Bainter	Bitner	Bucher
Alexander	Ball	Bloom	Bullard
Andrews	Barreiro	Boyd	Bush
Argenio	Bense	Bronson	Byrd
Argenziano	Betancourt	Brown	Cantens

Casey	Goodlette	Lynn	Ryan
Chestnut	Gottlieb	Maygarden	Sanderson
Constantine	Green, C.	Melvin	Sembler
Cosgrove	Greene, A.	Merchant	Smith, C.
Crady	Greenstein	Miller, J.	Smith, K.
Crist	Hafner	Miller, L.	Sobel
Crow	Harrington	Minton	Sorensen
Detert	Hart	Morroni	Spratt
Diaz de la Portilla, R.	Henriquez	Murman	Stafford
Dockery	Heyman	Ogles	Stansel
Edwards	Hill	Patterson	Starks
Effman	Jacobs	Peaden	Suarez
Eggelletion	Johnson	Posey	Sublette
Farkas	Jones	Prieguez	Trovillion
Fasano	Kelly	Pruitt	Tullis
Feeney	Kilmer	Putnam	Turnbull
Fiorentino	Kosmas	Rayson	Villalobos
Flanagan	Kyle	Reddick	Wallace
Frankel	Lacasa	Ritchie	Wasserman Schultz
Fuller	Lawson	Ritter	Waters
Futch	Lee	Roberts	Wiles
Garcia	Levine	Rojas	Wilson
Gay	Littlefield	Rubio	Wise
Goode	Logan	Russell	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 220 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Regulated Industries and Regulated Industries—

CS for SB 220—A bill to be entitled An act relating to the Florida Engineers Management Corporation; amending s. 471.038, F.S., the "Florida Engineers Management Corporation Act"; providing purpose; providing for per diem and travel expenses for the board of directors and staff of the management corporation; providing for termination of initial appointments and for new appointments to the board of directors; revising powers and duties of the management corporation; providing additional requirements of the contract between the management corporation and the Department of Business and Professional Regulation; changing the submission date of the management corporation's annual status report; specifying that meetings of the board of directors are open to the public as provided by law; providing for maintenance of board records by the management corporation; providing rulemaking authority to the board to ensure the security of examinations; eliminating a provision requiring the Office of Program Policy Analysis and Government Accountability to conduct performance audits at the request of the Joint Legislative Auditing Committee; abrogating the repeal of s. 471.038, F.S., the "Florida Engineers Management Corporation Act," notwithstanding s. 5, ch. 97-312, Laws of Florida; amending s. 471.005, F.S.; providing definitions; revising cross-references; amending s. 471.0035, F.S.; conforming cross-references; amending ss. 471.011, 471.015, 471.017, 471.021, 471.023, 471.033, F.S.; transferring to the management corporation duties of the department relating to issuance, reissuance, and renewal of licenses, certifications, and temporary registrations and to purchase of the licensure examination; revising cross-references; providing an effective date.

—was read the first time by title. On motion by Rep. Ogles, the rules were suspended and the bill was read the second time by title.

Representative(s) Ogles and J. Miller offered the following:

(Amendment Bar Code: 795133)

Amendment 1—On page 7, line 14, through page 8, line 13, remove from the bill: all of said lines

and insert in lieu thereof:

(j)~~(h)~~ Provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in *accordance with generally accepted auditing standards* ~~conjunction with the Auditor General~~. *The annual audit report shall include a detailed supplemental schedule of expenditures for each expenditure category and a management letter.* The annual audit report must be submitted to the board, ~~and~~ the department, *and the Auditor General* for review ~~and approval~~. ~~Copies of the audit must be submitted to the secretary and the Legislature together with any other information requested by the secretary, the board, or the Legislature.~~ *The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the corporation.*

(k) Provide for persons charged with the responsibility of receiving and depositing fee and fine revenues to have a faithful performance bond in such an amount and according to such terms as shall be determined in the contract.

(l)~~(i)~~ Submit to the secretary, the board, and the Legislature, on or before January 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.

(m) Develop, with the department, performance standards and measurable outcomes for the board to adopt by rule in order to facilitate efficient and cost-effective regulation.

Rep. Ogles moved the adoption of the amendment, which was adopted.

Representative(s) Ogles, J. Miller, Stansel, Wasserman Schultz, and Ritchie offered the following:

(Amendment Bar Code: 143073)

Amendment 2 (with title amendment)—On page 16, line 9, remove from the bill: all of said line

and insert in lieu thereof:

Section 11. *Effective upon this act becoming a law, the Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with the Legislative Committee on Intergovernmental Relations, shall:*

(1) Conduct a study of construction retainage methods for public and private construction within the state of Florida. OPPAGA shall examine all relevant information, including, but not limited to the following:

(a) Information from various state and local governmental entities, public universities, and community colleges within the state of Florida.

(b) Information from the federal government and other states who have addressed construction payment or retainage issues, including states that are of comparable size to the state of Florida or that have a comparable amount of public or private construction activity as the state of Florida.

(c) Information from public and private owners, general contractors, subcontractors, material suppliers, construction managers, design-build professionals, architects, and engineers.

(d) Information from lenders and surety companies who are involved in public and private construction.

(2) Draw conclusions and make recommendations, as appropriate, with regard to the following issues:

(a) Whether the state should adopt new laws or modify existing laws to address the specific issues set forth below, and whether any existing statutes will require modification or repeal.

(b) The positive and negative impacts of the current systems of retainage being utilized throughout the state as applied to public sector and private sector construction contracts, and as between owners and contractors, between contractors and subcontractors, and between subcontractors and subcontractor.

(c) Whether the traditional 10 percent retainage practice in construction is equitable and whether there are viable alternatives to this practice.

(d) What may be an appropriate percentage of retainage to be held on all construction projects.

(e) What the purposes of retainage are for construction projects.

(f) Whether it is appropriate to hold all retainage until the end of a construction project or whether periodic release of retainage or release of retainage for specific divisions of work on a construction project is appropriate and reasonably manageable.

(g) What protections are currently in place for owners to insure that construction projects are progressing in a satisfactory manner, including, but not limited to, project management techniques, periodic inspections, services of project architects and engineers, and whether those protections are being adequately and properly utilized.

(h) What protections are currently in place or could be adopted for owners, contractors, and subcontractors through the utilization of construction payment and performance bonds.

(i) Whether the documentation required for construction projects contributes to delays in progress payments, final payments, and release of retainage; whether such requirements could be simplified or standardized to streamline the process; and whether it is appropriate for the Legislature to address this issue.

(j) Whether the Legislature should limit the percentage of retainage that can be held on public and private construction projects.

(k) Whether the Legislature should provide for periodic release of retainage on public and private construction projects.

(l) Whether the Legislature should establish requirements and time limits for owners and contractors to release final payment and retainage on all construction projects.

(3) OPPAGA shall present a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, minority leaders of the Senate and House of Representatives, and chairs of the House Business Regulation & Consumer Affairs Committee and the Senate Regulated Industries Committee by January 1, 2001.

Section 12. Effective January 1, 2001, subsection (1) of section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The division may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the *applicable provisions of the Florida Building* ~~Elevator Safety~~ Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the division copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the division; and may include such other provisions as the division deems necessary.

Section 13. Subsections (2) and (6) of section 468.603, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

468.603 Definitions.—As used in this part:

(2) "Building code inspector" ~~or "inspector"~~ means any of those employees of local governments or state agencies with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.

(6) "Categories of building *code* inspectors" include the following:

(a) "Building inspector" means a person who is qualified to inspect and determine that buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws.

(b) "Coastal construction inspector" means a person who is qualified to inspect and determine that buildings and structures are constructed to resist near-hurricane and hurricane velocity winds in accordance with the provisions of the governing building code.

(c) "Commercial electrical inspector" means a person who is qualified to inspect and determine the electrical safety of commercial buildings and structures by inspecting for compliance with the provisions of the National Electrical Code.

(d) "Residential electrical inspector" means a person who is qualified to inspect and determine the electrical safety of one and two family dwellings and accessory structures by inspecting for compliance with the applicable provisions of the governing electrical code.

(e) "Mechanical inspector" means a person who is qualified to inspect and determine that the mechanical installations and systems for buildings and structures are in compliance with the provisions of the governing mechanical code.

(f) "Plumbing inspector" means a person who is qualified to inspect and determine that the plumbing installations and systems for buildings and structures are in compliance with the provisions of the governing plumbing code.

(g) "One and two family dwelling inspector" means a person who is qualified to inspect and determine that one and two family dwellings and accessory structures are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.

(h) "Electrical inspector" means a person who is qualified to inspect and determine the electrical safety of commercial and residential buildings and accessory structures by inspecting for compliance with the provisions of the National Electrical Code.

(8) "Building code enforcement official" or "enforcement official" means a licensed building code administrator, building code inspector, or plans examiner.

Section 14. Section 468.604, Florida Statutes, is amended to read:

468.604 Responsibilities of building code administrators, plans examiners, and *building code* inspectors.—

(1) It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with building, plumbing, mechanical, electrical, gas fuel, energy conservation, accessibility, and other construction codes which are required or adopted by municipal code, county ordinance, or state law. The building code administrator or

building official shall faithfully perform these responsibilities without interference from any person. These responsibilities include:

(a) The review of construction plans to ensure compliance with all applicable codes. The construction plans must be reviewed before the issuance of any building, system installation, or other construction permit. The review of construction plans must be done by the building code administrator or building official or by a person having the appropriate plans examiner license issued under this chapter.

(b) The inspection of each phase of construction where a building or other construction permit has been issued. The building code administrator or building official, or a person having the appropriate building code inspector license issued under this chapter, shall inspect the construction or installation to ensure that the work is performed in accordance with applicable codes.

(2) It is the responsibility of the building code inspector to conduct inspections of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems, when permitting is required, to ensure compliance with building, plumbing, mechanical, electrical, gas fuel, energy conservation, accessibility, and other construction codes required by municipal code, county ordinance, or state law. Each building code inspector must be licensed in the appropriate category as defined in s. 468.603. The building code inspector's responsibilities must be performed under the direction of the building code administrator or building official without interference from any unlicensed person.

(3) It is the responsibility of the plans examiner to conduct review of construction plans submitted in the permit application to assure compliance with all applicable codes required by municipal code, county ordinance, or state law. The review of construction plans must be done by the building code administrator or building official or by a person licensed in the appropriate plans examiner category as defined in s. 468.603. The plans examiner's responsibilities must be performed under the supervision and authority of the building code administrator or building official without interference from any unlicensed person.

Section 15. Paragraph (c) of subsection (2) of section 468.605, Florida Statutes, is amended to read:

468.605 Florida Building Code Administrators and Inspectors Board.—

(2) The board shall consist of nine members, as follows:

(c) Two members serving as *building code* inspectors.

None of the board members described in paragraph (a) or paragraph (f) may be an employee of a municipal, county, or state governmental agency.

Section 16. Section 468.607, Florida Statutes, is amended to read:

468.607 Certification of building code administration and inspection personnel.—The board shall issue a certificate to any individual whom the board determines to be qualified, within such class and level as provided in this part and with such limitations as the board may place upon it. No person may be employed by a state agency or local governmental authority to perform the duties of a building code administrator, plans examiner, or *building code* inspector after October 1, 1993, without possessing the proper valid certificate issued in accordance with the provisions of this part.

Section 17. Section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(1) Except as provided in this part, any person who desires to be certified shall apply to the board, in writing upon forms approved and furnished by the board, to take the certification examination.

(2) A person shall be entitled to take the examination for certification as *a building code* ~~an~~ inspector or plans examiner pursuant to this part if the person:

(a) Is at least 18 years of age;

(b) Is of good moral character; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 5 years' combined experience in the field of construction or a related field, building *code* inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building *code* inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building *code* inspection, or plans review; or

4. Currently holds a standard certificate as issued by the board and satisfactorily completes *a building code* ~~an~~ inspector or plans examiner training program of not less than 200 hours in the certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs.

(d) Demonstrates successful completion of the core curriculum and specialized or advanced module coursework approved by the Florida Building Commission, as part of the Building Code Training Program established pursuant to s. 553.841, appropriate to the licensing category sought or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification.

(3) A person shall be entitled to take the examination for certification as a building code administrator pursuant to this part if the person:

(a) Is at least 18 years of age;

(b) Is of good moral character; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 10 years' combined experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least 5 years of such experience in supervisory positions; or

2. Demonstrates a combination of postsecondary education in the field of construction or related field, no more than 5 years of which may be applied, and experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent which totals 10 years, with at least 5 years of such total being experience in supervisory positions.

(d) Demonstrates successful completion of the core curriculum and specialized or advanced module coursework approved by the Florida Building Commission, as part of the Building Code Training Program established pursuant to s. 553.841, appropriate to the licensing category sought or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification.

(4) No person may engage in the duties of a building code administrator, plans examiner, or *building code* inspector pursuant to this part after October 1, 1993, unless such person possesses one of the following types of certificates, currently valid, issued by the board attesting to the person's qualifications to hold such position:

(a) A standard certificate.

(b) A limited certificate.

(c) A provisional certificate.

(5)(a) To obtain a standard certificate, an individual must pass an examination approved by the board which demonstrates that the applicant has fundamental knowledge of the state laws and codes relating to the construction of buildings for which the applicant has *building* code administration, plans *examination* ~~examining~~, or *building code* inspection responsibilities. It is the intent of the Legislature that the examination approved for certification pursuant to this part be substantially equivalent to the examinations administered by the Southern Building Code Congress International~~, the Building Officials Association of Florida, the South Florida Building Code (Dade and Broward),~~ and the Council of American Building Officials.

(b) A standard certificate shall be issued to each applicant who successfully completes the examination, which certificate authorizes the individual named thereon to practice throughout the state as a building code administrator, plans examiner, or *building code* inspector within such class and level as is specified by the board.

(c) The board may accept proof that the applicant has passed an examination which is substantially equivalent to the board-approved examination set forth in this section.

(6)(a) A building code administrator, plans examiner, or *building code* inspector holding office on July 1, 1993, shall not be required to possess a standard certificate as a condition of tenure or continued employment, but shall be required to obtain a limited certificate as described in this subsection.

(b) By October 1, 1993, individuals who were employed on July 1, 1993, as building code administrators, plans examiners, or *building code* inspectors, who are not eligible for a standard certificate, but who wish to continue in such employment, shall submit to the board the appropriate application and certification fees and shall receive a limited certificate qualifying them to engage in building code administration, plans examination, or *building code* inspection in the class, at the performance level, and within the governmental jurisdiction in which such person is employed.

(c) The limited certificate shall be valid only as an authorization for the building code administrator, plans examiner, or *building code* inspector to continue in the position held, and to continue performing all functions assigned to that position, on July 1, 1993.

(d) A building code administrator, plans examiner, or *building code* inspector holding a limited certificate can be promoted to a position requiring a higher level certificate only upon issuance of a standard certificate or provisional certificate appropriate for such new position.

(7)(a) The board may provide for the issuance of provisional certificates valid for such period, not less than *3 years* ~~1 year~~ nor more than *5* ~~3~~ years, as specified by board rule, to any newly employed or promoted *building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3)* ~~building code administrator, plans examiner, or inspector~~.

(b) No building code administrator, plans examiner, or *building code* inspector may have a provisional certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d) A newly employed or hired person may perform the duties of a plans examiner or *building code* inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. *However, direct supervision and the determination of qualifications under this paragraph may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.*

~~(8)(a) Any individual who holds a valid certificate under the provisions of s. 553.795, or who has successfully completed all requirements for certification pursuant to such section, shall be deemed to have satisfied the requirements for receiving a standard certificate prescribed by this part.~~

~~(b) Any individual who holds a valid certificate issued by the Southern Building Code Congress International, the Building Officials Association of Florida, the South Florida Building Code (Dade and Broward), or the Council of American Building Officials certification programs, or who has been approved for certification under one of those programs not later than October 1, 1995, shall be deemed to have satisfied the requirements for receiving a standard certificate in the corresponding category prescribed by this part. Employees of counties with a population of less than 50,000, or employees of municipalities with a population of less than 3,500, shall be deemed to have satisfied the requirements for standard certification where such employee is approved for certification under one of the programs set forth in this paragraph not later than October 1, 1998.~~

(8)~~(9)~~ Any individual applying to the board may be issued a certificate valid for multiple *building code* inspection classes, as deemed appropriate by the board.

(9)~~(10)~~ Certification and training classes may be developed in coordination with degree career education centers, community colleges, the State University System, or other entities offering certification and training classes.

(10)~~(11)~~ The board may by rule create categories of certification in addition to those defined in s. 468.603(6) and (7). Such certification categories shall not be mandatory and shall not act to diminish the scope of any certificate created by statute.

Section 18. Section 468.617, Florida Statutes, is amended to read:

468.617 Joint *building code* inspection department; other arrangements.—

(1) Nothing in this part shall prohibit any local jurisdiction from entering into and carrying out contracts with any other local jurisdiction under which the parties agree to create and support a joint *building code* inspection department for conforming to the provisions of this part. In lieu of a joint *building code* inspection department, any local jurisdiction may designate *a building code* ~~an~~ inspector from another local jurisdiction to serve as *a building code* ~~an~~ inspector for the purposes of this part.

(2) Nothing in this part shall prohibit local governments from contracting with persons certified pursuant to this part to perform *building code* inspections or plan reviews. An individual or entity may not inspect or examine plans on projects in which the individual or entity designed or permitted the projects.

(3) Nothing in this part shall prohibit any county or municipal government from entering into any contract with any person or entity for the provision of *building code inspection* services regulated under this part, and notwithstanding any other statutory provision, such county or municipal governments may enter into contracts.

Section 19. Section 468.619, Florida Statutes, is created to read:

468.619 Building code enforcement officials' bill of rights.—

(1) It is the finding of the Legislature that building code enforcement officials are employed by local jurisdictions to exercise police powers of the state in the course of their duties and are in that way similar to law enforcement personnel, correctional officers, and firefighters. It is the further finding of the Legislature that building code enforcement officials are thereby sufficiently distinguishable from other professionals regulated by the department so that their circumstances merit additional specific protections in the course of disciplinary investigations and proceedings against their licenses.

(2) All enforcement officials licensed under this part shall have the rights and privileges specified in this section. Such rights are not exclusive to other rights, and an enforcement official does not forfeit any rights otherwise held under federal, state, or local law. In any instance of a conflict between a provision of this section and a provision of chapter 455, the provision of this section shall supersede the provision of chapter 455.

(3) Whenever an enforcement official is subjected to an investigative interview for possible disciplinary action by the department, such interview shall be conducted pursuant to the requirements of this subsection.

(a) The interview shall take place at a reasonable hour. If the interview is taken in person, it shall take place not more than 30 miles from where the licensee works, or at any other mutually agreeable location or time.

(b) An enforcement official may not be subjected to an interview without first receiving written notice of sufficient details of the complaint in order to be reasonably apprised of the nature of the investigation and of the substance of the allegations made. The enforcement official shall be informed prior to the interview whether the complaint originated from the department or from a consumer.

(c) At his or her request, an enforcement official under investigation shall have the right to be represented by counsel or by any other representative of his or her choice, who shall be present at such time as the enforcement official wishes during the interview.

(d) During the interview, the enforcement official may not be subjected to offensive language. No promise may be made or reward offered to the enforcement official as an inducement to answer any question.

(e) If requested by the enforcement official, the interview of an enforcement official, including notation of all recess periods, must be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the enforcement official, a copy of any such recording of the interview must be made available to the enforcement official no later than 72 hours following the interview, excluding holidays and weekends. The expense of the recording and transcript shall be borne by the enforcement official.

(f) If the testimony is transcribed, the transcript must be furnished to the enforcement official for examination, and shall be read to or by the enforcement official, unless waived by all parties involved. Any changes in form or substance that the enforcement official wants to make shall be listed in writing, with a statement of the reasons for making the changes. The changes shall be attached to the transcript. Any transcript of an interview with an enforcement official which is to be used in any proceeding against the enforcement official shall be sworn or affirmed to and acknowledged by the enforcement official.

(4) The investigation of a complaint against an enforcement official is subject to the time restrictions set forth in this subsection, and failure to comply with any time restriction set forth in this subsection shall result in dismissal of the complaint against the enforcement official. An investigation of a complaint against an enforcement official that was dismissed for failure to comply with a time restriction set forth in this subsection may not be reopened. However, in any instance of an additional complaint being initiated, information or investigation related to the dismissed complaint may be used.

(a) The department must inform the enforcement official of any legally sufficient complaint received, including the substance of the allegation, within 10 days after receipt of the complaint by the department.

(b) The enforcement official shall be given thirty (30) days to respond to any legally sufficient complaint.

(c) No longer than 180 days from the date of the receipt of the complaint, the department shall submit the investigation, whether complete or not, to the probable cause panel for review. In the event the investigation is not complete, the probable cause panel shall review and instruct the department to complete the investigation within a time certain and, in no event, greater than ninety (90) days or dismiss the complaint with prejudice.

(5) The enforcement official shall be considered an agent of the governmental entity employing him or her and as such shall be defended by that entity in any action brought by the department or the board, provided the enforcement official is working within the scope of his or her employment.

(6) An enforcement official shall not be subject to disciplinary action in regard to his or her certification for exercising his or her rights under this section.

(7) If any action taken against the enforcement official by the department or the board is found to be without merit by a court of competent jurisdiction, or if judgment in such an action is awarded to the enforcement official, the department or the board, or the assignee of the department or board, shall reimburse the enforcement official or his or her employer, as appropriate, for reasonable legal costs and reasonable attorney's fees incurred. The amount awarded shall not exceed the limit provided in s. 120.595.

(8) An enforcement official may bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered pursuant to the performance of the enforcement official's duties or for abridgement of the enforcement official's civil rights arising out of the enforcement official's performance of official duties.

(9) Notwithstanding any other provision in law, while under investigation the enforcement official shall not be denied any and all the rights and privileges of a licensee in good standing.

Section 20. Subsection (3) of section 468.621, Florida Statutes, is amended to read:

468.621 Disciplinary proceedings.—

(3) Where a certificate is suspended, placed on probation, or has conditions imposed, the board shall reinstate the certificate of a disciplined building code administrator, plans examiner, or *building code* inspector upon proof the disciplined individual has complied with all terms and conditions set forth in the final order.

Section 21. Subsections (2), (3), and (4) of section 468.627, Florida Statutes, are amended to read:

468.627 Application; examination; renewal; fees.—

(2) The initial application fee may not exceed $25 for building code administrators, plans examiners, or *building code* inspectors.

(3) The initial examination fee may not exceed $150 for building code administrators, plans examiners, or *building code* inspectors.

(4) Employees of local government agencies having responsibility for *building code* inspection, *building construction* regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application fees or examination fees.

Section 22. Section 468.631, Florida Statutes, is amended to read:

468.631 Building Code Administrators and Inspectors Fund.—The provisions of this part shall be funded through a surcharge, to be assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of one-half cent per square foot of under-roof floor space permitted, including new construction, renovations, alterations, and additions. The unit of government responsible for collecting permit fees pursuant to s. 125.56(4) or s. 166.201 shall collect such surcharge and shall remit the funds to the department on a quarterly calendar basis beginning not later than December 31, 1993, for the preceding quarter, and continuing each third month thereafter; and such unit of government may retain an amount up to 10 percent of the surcharge collected to fund projects and

activities intended to improve the quality of building code enforcement. There is created within the Professional Regulation Trust Fund a separate account to be known as the Building Code Administrators and Inspectors Fund, which shall deposit and disburse funds as necessary for the implementation of this part. The department shall annually establish the amount needed to fund the certification and regulation of building code administrators, plans examiners, and *building code* inspectors. Any funds collected in excess of the amount needed to adequately fund the certification and regulation of building code administrators, plans examiners, and *building code* inspectors shall be deposited into the Construction Industries Recovery Fund established by s. 489.140. If the Construction Industries Recovery Fund is fully funded as provided by s. 489.140, any remaining funds shall be distributed to the Construction Industry Licensing Board for use in the regulation of certified and registered contractors.

Section 23. Subsection (1) of section 468.633, Florida Statutes, is amended to read:

468.633 Authority of local government.—

(1) Nothing in this part may be construed to restrict the authority of local governments to require as a condition of employment that building code administrators, plans examiners, and *building code* inspectors possess qualifications beyond the requirements for certification contained in this part.

Section 24. Paragraph (a) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

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

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

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of a board; commission; authority, including any expressway authority or transportation authority established by general law; community college district board of trustees; or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.

3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building *code* inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of any political subdivision of the state or any entity thereof.

Section 25. Subsection (3) of section 125.56, Florida Statutes, is amended to read:

125.56 Adoption or amendment of building code; inspection fees; inspectors; etc.—

(3) The board of county commissioners of each of the several counties may employ a building *code* inspector and such other personnel as it deems necessary to carry out the provisions of this act and may pay reasonable salaries for such services.

Section 26. Paragraph (g) 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.—

(g) Building materials used in the rehabilitation of real property located in an enterprise zone.—

1. Beginning July 1, 1995, building materials used in the rehabilitation of real property located in an enterprise zone shall be exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the items have been used for the rehabilitation of real property located in an enterprise zone. Except as provided in subparagraph 2., this exemption inures to the owner, lessee, or lessor of the rehabilitated real property located in an enterprise zone only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner, lessee, or lessor of the rehabilitated real property located in an enterprise zone must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, which includes:

a. The name and address of the person claiming the refund.

b. An address and assessment roll parcel number of the rehabilitated real property in an enterprise zone for which a refund of previously paid taxes is being sought.

c. A description of the improvements made to accomplish the rehabilitation of the real property.

d. A copy of the building permit issued for the rehabilitation of the real property.

e. A sworn statement, under the penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to make the improvements necessary to accomplish the rehabilitation of the real property, which statement lists the building materials used in the rehabilitation of the real property, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials. In the event that a general contractor has not been used, the applicant shall provide this information in a sworn statement, under the penalty of perjury. Copies of the invoices which evidence the purchase of the building materials used in such rehabilitation and the payment of sales tax on the building materials shall be attached to the sworn statement provided by the general contractor or by the applicant. Unless the actual cost of building materials used in the rehabilitation of real property and the payment of sales taxes due thereon is documented by a general contractor or by the applicant in this manner, the cost of such building materials shall be an amount equal to 40 percent of the increase in assessed value for ad valorem tax purposes.

f. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the rehabilitated real property is located.

g. A certification by the local building *code* inspector that the improvements necessary to accomplish the rehabilitation of the real property are substantially completed.

h. Whether the business is a small business as defined by s. 288.703(1).

i. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

2. This exemption inures to a city, county, or other governmental agency through a refund of previously paid taxes if the building materials used in the rehabilitation of real property located in an enterprise zone are paid for from the funds of a community development block grant or similar grant or loan program. To receive a refund pursuant to this paragraph, a city, county, or other governmental

agency must file an application which includes the same information required to be provided in subparagraph 1. by an owner, lessee, or lessor of rehabilitated real property. In addition, the application must include a sworn statement signed by the chief executive officer of the city, county, or other governmental agency seeking a refund which states that the building materials for which a refund is sought were paid for from the funds of a community development block grant or similar grant or loan program.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 1. or subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 1. or subparagraph 2. and meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The applicant shall be responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the rehabilitation of the property is deemed to be substantially completed by the local building *code* inspector.

5. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. No more than one exemption through a refund of previously paid taxes for the rehabilitation of real property shall be permitted for any one parcel of real property. No refund shall be granted pursuant to this paragraph unless the amount to be refunded exceeds $500. No refund granted pursuant to this paragraph shall exceed the lesser of 97 percent of the Florida sales or use tax paid on the cost of the building materials used in the rehabilitation of the real property as determined pursuant to sub-subparagraph 1.e. or $5,000, or, 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 amount of refund granted pursuant to this paragraph shall not exceed the lesser of 97 percent of the sales tax paid on the cost of such building materials or $10,000. A refund approved pursuant to this paragraph shall be made within 30 days of formal approval by the department of the application for the refund.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. The department shall deduct an amount equal to 10 percent of each refund granted under the provisions of this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the rehabilitated real property is located and shall transfer that amount to the General Revenue Fund.

8. For the purposes of the exemption provided in this paragraph:

a. "Building materials" means tangible personal property which becomes a component part of improvements to real property.

b. "Real property" has the same meaning as provided in s. 192.001(12).

c. "Rehabilitation of real property" means the reconstruction, renovation, restoration, rehabilitation, construction, or expansion of improvements to real property.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

9. The provisions of this paragraph shall expire and be void on December 31, 2005.

Section 27. Paragraph (a) of subsection (2) of section 252.924, Florida Statutes, is amended to read:

252.924 Party state responsibilities.—

(2) The authorized representative of a party state may request assistance of another party state by contacting the authorizing representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 90 days of the verbal request. Requests shall provide the following information:

(a) A description of the emergency service function for which assistance is needed, such as, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building *code* inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

Section 28. Paragraph (j) of subsection (3) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and programs; radon protection.—

(3) CERTIFICATION.—

(j) The department may set criteria and requirements for the application, certification, and annual renewal of certification for radon measurement and mitigation businesses, which may include:

1. Requirements for measurement devices and measurement procedures, including the disclosure of mitigation materials, systems, and other mitigation services offered.

2. The identification of certified specialists and technicians employed by the business and requirements for specialist staffing and duties.

3. The analysis of measurement devices by proficient analytical service providers.

4. Requirements for a quality assurance and quality control program.

5. The disclosure of client measurement reporting forms and warranties and operating instructions for mitigation systems.

6. Requirements for radon services publications and the identification of the radon business certification number in advertisements.

7. Requirements for a worker health and safety program.

8. Requirements for maintaining radon records.

9. The operation of branch office locations.

10. Requirements for supervising subcontractors who install mitigation systems.

11. Requirements for building *code* inspections and evaluation and standards for the design and installation of mitigation systems.

12. Prescribing conditions of mitigation measurements.

Section 29. Section 471.045, Florida Statutes, is amended to read:

471.045 Professional engineers performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building *code* inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. When performing these building *code* inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing,

investigation, and discipline that arise out of a professional engineer's performing building *code* inspection services shall be conducted by the Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors Board. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

Section 30. Section 481.222, Florida Statutes, is amended to read:

481.222 Architects performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building *code* inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. With respect to the performance of such building *code* inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building *code* inspection services shall be conducted by the Board of Architecture and Interior Design rather than the Florida Building Code Administrators and Inspectors Board. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

Section 31. Paragraph (b) of subsection (18) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(18) Any one-family, two-family, or three-family residence constructed by Habitat for Humanity International, Inc., or its local affiliates. Habitat for Humanity International, Inc., or its local affiliates, must:

(b) Obtain all required building *code* inspections.

Section 32. Section 725.06, Florida Statutes, is amended to read:

725.06 Construction contracts; limitation on indemnification.

(1) A construction contract may require a party to that contract to indemnify and hold harmless the other party to the contract, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to reasonable attorney's fees, to the extent caused by the negligence, recklessness or intentional wrongful misconduct of the indemnifying party and persons employed or utilized by the indemnifying party in the performance of the construction contract.

(2) Except as specifically provided in subsection (1), a construction contract may not require one party to indemnify the other party, its employees, officers, directors, or agents from any liability, damage, loss, claim, action, or proceeding, and any such contract provision is void as against public policy of this state.

~~Any portion of any agreement or contract for, or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating connected with it, or any guarantee of, or in connection with, any of them, between an owner of real property and an architect, engineer, general contractor, subcontractor, sub-subcontractor, or materialman, or between any combination thereof, wherein any party referred to herein obtains indemnification from liability for damages to persons or property caused in whole or in part by any act, omission, or default of that party arising from the contract or its performance shall be void and unenforceable unless:~~

~~(1) The contract contains a monetary limitation on the extent of the indemnification and shall be a part of the project specifications or bid documents, if any, or~~

~~(2) The person indemnified by the contract gives a specific consideration to the indemnitor for the indemnification that shall be provided for in his or her contract and section of the project specifications or bid documents, if any.~~

Section 33. Subsections (1) and (3) of section 471.025, Florida Statutes, are amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, a form of seal to be used by registrants holding valid certificates of registration. Each registrant shall obtain an impression-type metal seal in the form aforesaid and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record *and all final bid documents provided to the owner or the owner's representative* shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, *final bid documents,* or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

(3) No registrant shall affix or permit to be affixed his or her seal, name, or digital signature to any plan, specification, drawing, *final bid document,* or other document *that* ~~which~~ depicts work which he or she is not licensed to perform or which is beyond his or her profession or specialty therein.

Section 34. Paragraphs (j), (k), and (l) of subsection (3) of section 489.105, Florida Statutes, are amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, "demolish" applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences over three stories tall. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(j) "Commercial pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. *The scope of work includes*~~, including~~ the *installation,* repair, or replacement of existing equipment, *any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and* ~~or~~ the installation of new *pool/spa* equipment, *interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment,* ~~as necessary. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fiberglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, construction of equipment rooms or housing for pool equipment, and installation of package pool heaters~~ and also includes the scope of work of a swimming pool/spa servicing contractor. ~~However,~~ The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment.

Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

(k) "Residential pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any residential swimming pool, or hot tub or spa, regardless of use. *The scope of work includes*~~, including~~ the *installation,* repair, or replacement of existing equipment, *any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and* ~~or~~ the installation of new *pool/spa* equipment, *interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment,* ~~as necessary. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fiberglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, installation of housing for pool equipment, and installation of package pool heaters~~ and also includes the scope of work of a swimming pool/spa servicing contractor. ~~However,~~ The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

(l) "Swimming pool/spa servicing contractor" means a contractor whose scope of work involves, *but is not limited to, the repair and* ~~the~~ servicing ~~and repair~~ of any swimming pool, or hot tub or spa, whether public or private, *or otherwise, regardless of use.* The scope of ~~such~~ work *includes the repair or* ~~may include any necessary piping and repairs,~~ replacement ~~and repair~~ of existing equipment, *any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the* ~~or~~ installation of new *pool/spa* ~~additional~~ equipment, *interior refinishing, the reinstallation or addition of pool heaters, the* ~~as necessary. The scope of such work includes the reinstallation of tile and coping,~~ repair *or* ~~and~~ replacement of all *perimeter piping and filter* piping, *the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of any repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines* ~~filter equipment, and chemical feeders of any type, replastering, reconstruction of decks, and reinstallation or addition of pool heaters~~. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

Section 35. Section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p).

(2) Has, for that category, passed a written examination that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, ~~or~~ NAI/Block, *Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc.,* shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. *The board may not impose or make any requirements regarding the nature or content of these cited examinations.*

(3) Has at least 5 years of experience as a contractor in that contracting category, or as an inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required by this subsection.

(4) Has not had his or her contractor's license revoked at any time, had his or her contractor's license suspended within the last 5 years, or been assessed a fine in excess of $500 within the last 5 years.

(5) Is in compliance with the insurance and financial responsibility requirements in s. 489.115(5).

Applicants wishing to obtain a certificate pursuant to this section must make application by November 1, 2004.

Section 36. Section 489.128, Florida Statutes, is amended to read:

489.128 Contracts performed by unlicensed contractors unenforceable.—As a matter of public policy, contracts entered into on or after October 1, 1990, and performed in full or in part by any contractor who fails to obtain or maintain a license in accordance with this part shall be unenforceable in law or in equity. ~~However, in the event the contractor obtains or reinstates his or her license, the provisions of this section shall no longer apply.~~

Section 37. Subsections (12) and (15) of section 489.503, Florida Statutes, are amended to read:

489.503 Exemptions.—This part does not apply to:

(12) Any person as defined and licensed under chapter 527 *while engaged in work regulated under that chapter.*

(15) The provision, installation, testing, routine maintenance, factory-servicing, or monitoring of a personal emergency response system, as defined in s. 489.505, by an authorized person who:

(a) Is an employee of, or a volunteer supervised by an employee of, a health care facility licensed by the Agency for Health Care Administration;

(b) Performs services for the Department of Elderly Affairs;

(c) Performs services for the Department of Children and Family Services under chapter 410; or

(d) Is an employee of *or an authorized representative or distributor for* the producer of the personal emergency response system being monitored.

Section 38. Subsection (26) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(26) "Personal emergency response system" means any device which is simply plugged into a telephone jack or electrical receptacle and which is designed to initiate a telephone call to a person who responds to, or has a responsibility to determine the proper response to, personal emergencies, *but does not include hard-wired or wireless alarm systems designed to detect intrusion or fire.*

Section 39. Section 489.507, Florida Statutes, is amended to read:

489.507 Electrical Contractors' Licensing Board.—

(1) There is created in the department the Electrical Contractors' Licensing Board. The board shall consist of 11 members, 7 of whom shall be certified electrical contractors, 2 of whom shall be consumer members who are not, and have never been, electrical contractors or members of any closely related profession or occupation, and 2 of whom shall be certified alarm system contractors I. Members shall be appointed for 4-year terms.

(2) To be eligible to serve, each contractor member must have been certified by the board to operate as a contractor in the category with respect to which the member is appointed, be actively engaged in the construction business, and have been so engaged for a period of not less than 5 consecutive years before the date of appointment. Each appointee must be a citizen and resident of the state.

(3) The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.

(4) It is the intent of the Legislature that the board promulgate no rules and take no action to require that applicants for certification as alarm system contractors serve any type of apprenticeship before being allowed to sit for the certification examination.

(5) Any proposed board rule which has not been modified to remove proposed committee objections of the Administrative Procedures Committee must receive approval from the department prior to filing the rule with the Department of State for final adoption. The department may repeal any rule enacted by the board which has taken effect without having met proposed committee objections of the Administrative Procedures Committee.

(6)~~(5)~~ The Electrical Contractors' Licensing Board and the Construction Industry Licensing Board shall each appoint a committee to meet jointly at least twice a year.

Section 40. Section 489.514, Florida Statutes, is amended to read:

489.514 Certification for registered contractors; grandfathering provisions.—

(1) The board shall, upon receipt of a completed application, ~~and~~ appropriate fee*, and proof of compliance with the provisions of this section*, issue: ~~a certification in the appropriate category to~~

(a) To an applying registered electrical contractor a certificate as an electrical contractor, as defined in s. 489.505(12); or

(b) To an applying registered alarm system contractor a certificate in the matching alarm system contractor category, as defined in s. 489.505(2)(a) or (b); or

(c) To an applying registered electrical speciality contractor a certificate in the matching electrical speciality contractor category, as defined in s. 489.505(19).

(2) Any ~~any~~ contractor registered under this part who makes application *under this section* to the board *shall* ~~and can show that he or she meets~~ *meet* each of the following requirements *for certification*:

(a)~~(1)~~ Currently holds a valid registered local license in the category of electrical *contractor,* ~~or~~ alarm system contractor*, or electrical speciality contractor*.

(b)~~(2)~~Has, for that category, passed a written, *proctored* examination that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, ~~or~~ NAI/Block*, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc.,* shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. *The board may not impose or make any requirements regarding the nature or content of these cited examinations.*

(c)~~(3)~~ Has at least 5 years of experience as a contractor in that contracting category, or as a inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required under this subsection.

(d)~~(4)~~ Has not had his or her contractor's license revoked at anytime, had his or her contractor's license suspended in the last 5 years, or been assessed a fine in excess of $500 in the last 5 years.

(e)~~(5)~~ Is in compliance with the insurance and financial responsibility requirements in s. 489.515(1)(b).

(3) An applicant must make application by November 1, 2004, to be licensed pursuant to this section.

Section 41. Paragraph (e) is added to subsection (2) of section 489.5185, Florida Statutes, to read:

489.5185 Fire alarm system agents.—

(2)

(e) Persons who perform only monitoring are not required to complete the training required for fire alarm system agents.

Section 42. Subsection (1) of section 489.522, Florida Statutes, is amended to read:

489.522 Qualifying agents; responsibilities.—

(1)*(a)* A qualifying agent is a primary qualifying agent unless he or she is a secondary qualifying agent under this section. All primary qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization; for all field work at all sites; and for financial matters, both for the organization in general and for each specific job.

(b) When a qualifying agent ceases to qualify a business, the qualifying agent must transfer the license to another business, qualify himself or herself as an individual, or place the license in an inactive status within 60 days after termination of the qualifying status with the business.

Section 43. Subsection (5) of section 489.531, Florida Statutes, is renumbered as subsection (6) and amended, present subsections (3), (4), (6), and (7) are renumbered as subsections (4), (5), (7), and (8), respectively, and a new subsection (3) is added to said section, to read:

489.531 Prohibitions; penalties.—

(1) A person may not:

(a) Practice contracting unless the person is certified or registered;

(b) Use the name or title "electrical contractor" or "alarm system contractor" or words to that effect, or advertise himself or herself or a business organization as available to practice electrical or alarm system contracting, when the person is not then the holder of a valid certification or registration issued pursuant to this part;

(c) Present as his or her own the certificate or registration of another;

(d) Use or attempt to use a certificate or registration that has been suspended, revoked, or placed on inactive or delinquent status;

(e) Employ persons who are not certified or registered to practice contracting;

(f) Knowingly give false or forged evidence to the department, the board, or a member thereof;

(g) Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent;

(h) Conceal information relative to violations of this part;

(i) Commence or perform work for which a building permit is required pursuant to part VII of chapter 533 without the building permit being in effect; or

(j) Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors.

(3)(a) Any unlicensed person who violates any of the provisions of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any unlicensed person who commits a violation of subsection (1) after having been previously found guilty of such violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Any unlicensed person who commits a violation of subsection (1) during the existence of a state of emergency declared by executive order of the Governor commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

The remedies set forth in this subsection are not exclusive and may be imposed in addition to the remedies set forth in s. 489.533(2).

(6)~~(5)~~(a) The local governing body of a county or municipality, or its local enforcement body, is authorized to enforce the provisions of this part as well as its local ordinances against ~~locally licensed or~~ registered contractors, as appropriate. The local jurisdiction enforcement body may conduct disciplinary proceedings against a ~~locally licensed or~~ registered contractor and may require restitution or impose a suspension or revocation of the local license or a fine not to exceed $5,000, or a combination thereof, against the ~~locally licensed or~~ registered contractor, according to ordinances which a local jurisdiction may enact. In addition, the local jurisdiction may assess reasonable investigative and legal costs for the prosecution of the violation against the *registered contractor* ~~violator~~, according to such ordinances as the local jurisdiction may enact.

(b) In addition to any action the local jurisdiction enforcement body may take against the individual's local license, and any fine the local jurisdiction may impose, the local jurisdiction enforcement body shall issue a recommended penalty for board action. This recommended penalty may include a recommendation for no further action or a recommendation for suspension, revocation, or restriction of the registration or imposition of a fine to be levied by the board, or a combination thereof. The local jurisdiction enforcement body shall inform the disciplined *registered* contractor and the complainant of the local ~~license~~ penalty imposed, the board penalty recommended, the rights to appeal, and the consequences should the *registered* contractor decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the board of its action and the recommended board penalty.

(c) The department, the disciplined *registered* contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for board action to the Electrical Contractors' Licensing Board. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(d) Failure of the department, the disciplined *registered* contractor, or the complainant to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the board. A waiver of the right to a hearing before the board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by board rule without further board action. The disciplined *registered* contractor may appeal this board action to the district court.

(e) The department may investigate any complaint which is made with the department. However, if the department determines that the complaint against a registered contractor is for an action which a local jurisdiction enforcement body has investigated and reached adjudication or accepted a plea of nolo contendere, including a recommended penalty to the board, the department shall not initiate prosecution for that action, unless the secretary has initiated summary procedures pursuant to s. 455.225(8).

(f) Nothing in this subsection shall be construed to allow local jurisdictions to exercise disciplinary authority over certified contractors.

Section 44. Section 489.532, Florida Statutes, is amended to read:

489.532 Contracts performed by unlicensed contractors unenforceable.—As a matter of public policy, contracts entered into on or after October 1, 1990, and performed in full or in part by any contractor who fails to obtain or maintain his or her license in accordance with this part shall be unenforceable in law, and the court in its discretion may extend this provision to equitable remedies. ~~However, in the event the contractor obtains or reinstates the license the provisions of this section shall no longer apply.~~

Section 45. Subsections (14) through (26) of section 633.021, Florida Statutes, are renumbered as subsections (15) through (27), and a new subsection (14) is added to said section, to read:

633.021 Definitions.—As used in this chapter:

(14) "Layout" as used in this chapter means the layout of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations in accordance with the design concepts established through the provisions of s. 553.79(6)(c).

Section 46. *Subsection (8) of section 489.537, Florida Statutes, is repealed.*

Section 47. Subsections (21), (22), and (23) of section 489.505, Florida Statutes, are amended to read:

489.505 Definitions.—As used in this part:

(21) "Registered alarm system contractor I" means an alarm system contractor whose business includes all types of alarm systems for all purposes and who is registered with the department pursuant to s. 489.513 ~~or s. 489.537(8)~~. A registered alarm system contractor I may contract only in the jurisdictions for which his or her registration is issued.

(22) "Registered alarm system contractor II" means an alarm system contractor whose business includes all types of alarm systems, other than fire, for all purposes and who is registered with the department pursuant to s. 489.513 ~~or s. 489.537(8)~~. A registered alarm system contractor II may contract only in the jurisdiction for which his or her registration is issued.

(23) "Registered residential alarm system contractor" means an alarm system contractor whose business is limited to burglar alarm systems in single-family residential, quadruplex housing, and mobile homes of a residential occupancy class and who is registered with the department pursuant to s. 489.513 ~~or s. 489.537(8)~~. The board shall define "residential occupancy class" by rule. A registered residential alarm system contractor may contract only in the jurisdiction for which his or her registration is issued.

Section 48. Subsection (2) of section 489.515, Florida Statutes, is amended to read:

489.515 Issuance of certificates; registrations.—

(2) The department shall issue a registration to a person who is in compliance with the provisions of s. 489.513 ~~or s. 489.537(8)~~ and who the board certifies is qualified to be registered.

Section 49. Except as otherwise provided herein, this act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, line 2, through page 2, line 10,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to regulation of nonmedical professions; amending s. 471.038, F.S., the "Florida Engineers Management Corporation Act"; providing purpose; providing for per diem and travel expenses for the board of directors and staff of the management corporation; providing for termination of initial appointments and for new appointments to the board of directors; revising powers and duties of the management corporation; providing additional requirements of the contract between the management corporation and the Department of Business and Professional Regulation; changing the submission date of the management corporation's annual status report; specifying that meetings of the board of directors are open to the public as provided by law; providing for maintenance of board records by the management corporation; providing rulemaking authority to the board to ensure the security of examinations; eliminating a provision requiring the Office of Program Policy Analysis and Government Accountability to conduct performance audits at the request of the Joint Legislative Auditing Committee; abrogating the repeal of s. 471.038, F.S., the "Florida Engineers Management Corporation Act," notwithstanding s. 5, ch. 97-312, Laws of Florida; amending s. 471.005, F.S.; providing definitions; revising cross-references; amending s. 471.0035, F.S.; conforming cross-references; amending ss. 471.011, 471.015, 471.017, 471.021, 471.023, 471.033, F.S.; transferring to the management corporation duties of the department relating to issuance, reissuance, and renewal of licenses, certifications, and temporary registrations and to purchase of the licensure examination; revising cross-references; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Legislative Committee on Intergovernmental Relations, to conduct a study of construction retainage methods; specifying areas to be examined; requiring study conclusions and recommendations; amending s. 399.13, F.S.; correcting a reference with regard to the inspection code; amending s. 468.603, F.S.; redefining "building code inspector" and "categories of building inspectors" and defining "building code enforcement official"; revising intent with respect to the examination required for certification as a building code administrator, plans examiner, or building code inspector; increasing the validity period of a provisional certificate; clarifying to whom a provisional certificate may be issued; authorizing newly employed or hired persons applying for provisional certification to perform for a specified period the duties of a plans examiner or building code inspector under the direct supervision of a building code administrator holding limited or provisional certification in counties with populations below a specified level and the municipalities therein; deleting obsolete standard certificate equivalency provisions; providing for consistency in terminology; creating s. 468.619, F.S.; establishing special disciplinary procedures for building code enforcement officials; amending ss. 112.3145, 125.56, 212.08, 252.924, 404.056, 468.603, 468.604, 468.605, 468.607, 468.617, 468.621, 468.627, 468.631, 468.633, 471.045, 481.222, and 489.103, F.S.; providing for consistency in terminology; amending s. 725.06, F.S.; providing for indemnification in construction contracts and voiding all others as being against public policy; amending s. 471.025, F.S.; adding a circumstance under which engineering documents must be sealed; amending s. 489.105, F.S.; revising the scope of work of commercial and residential pool/spa contractors and swimming pool/spa servicing contractors; amending s. 489.118, F.S.; limiting the time period during which registered applicants must apply to receive certification; amending s. 489.128, F.S.; eliminating an exemption from a provision invalidating contracts with unlicensed contractors; amending s. 489.503, F.S.; revising exemptions from regulation under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; amending s. 489.505, F.S.; revising the definition of "personal emergency response system"; amending s. 489.507, F.S.; limiting the rule making authority of the Electrical Contractors Licensing Board; amending s. 489.514, F.S.; revising grandfathering provisions for certification of registered electrical and alarm system contractors; amending s. 489.5185, F.S.; providing that persons who perform only monitoring are not required to complete the training required for fire alarm system agents; amending s. 489.522, F.S.; providing requirements when a qualifying agent ceases to qualify a business; amending s. 489.531, F.S.; providing penalties for violations by unlicensed persons of acts prohibited under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; amending s. 489.532, F.S.; eliminating an exemption from a provision invalidating contracts with unlicensed contractors; amending s. 633.021, F.S.; adding a definition of "layout"; repealing s. 489.537(8), F.S., relating to obsolete provisions for the registration of alarm system contractors; amending ss. 489.505, 489.515, F.S.; deleting cross references, to conform; providing effective dates.

Rep. Ogles moved the adoption of the amendment.

Representative(s) Ogles offered the following:

(Amendment Bar Code: 392009)

Amendment 1 to Amendment 2 (with title amendment)—On page 4, lines 3-21,
remove from the amendment: all of said lines

And the title is amended as follows:

On page 51, lines 10-12, of the amendment
remove: all of said lines

and insert in lieu thereof: conclusions and recommendations; amending s.

Rep. Ogles moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted.

On motion by Rep. Ogles, the rules were suspended and CS for SB 220, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 556

Yeas—119

The Chair	Crist	Jacobs	Ritchie
Albright	Crow	Johnson	Ritter
Alexander	Detert	Jones	Roberts
Andrews	Diaz de la Portilla, R.	Kelly	Rojas
Argenio	Dockery	Kilmer	Rubio
Argenziano	Edwards	Kosmas	Russell
Arnall	Effman	Kyle	Ryan
Bainter	Eggelletion	Lacasa	Sanderson
Ball	Farkas	Lawson	Sembler
Barreiro	Fasano	Lee	Smith, C.
Bense	Feeney	Levine	Smith, K.
Betancourt	Fiorentino	Littlefield	Sobel
Bilirakis	Flanagan	Logan	Sorensen
Bitner	Frankel	Lynn	Spratt
Bloom	Fuller	Maygarden	Stafford
Boyd	Futch	Melvin	Stansel
Bradley	Garcia	Merchant	Starks
Bronson	Gay	Miller, J.	Suarez
Brown	Goode	Minton	Sublette
Brummer	Goodlette	Morroni	Trovillion
Bucher	Gottlieb	Murman	Tullis
Bullard	Green, C.	Ogles	Turnbull
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Wasserman Schultz
Casey	Harrington	Prieguez	Waters
Chestnut	Hart	Pruitt	Wiles
Constantine	Henriquez	Putnam	Wilson
Cosgrove	Heyman	Rayson	Wise
Crady	Hill	Reddick	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 430, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Comprehensive Planning, Local and Military Affairs, and Senator Carlton—

CS for SB 430—A bill to be entitled An act relating to emergency management planning; amending s. 215.559, F.S.; revising the amount of the annual appropriation from the Florida Hurricane Catastrophe Fund; requiring that funds from such appropriation be used for additional purposes; amending s. 235.26, F.S.; deleting an exemption from the requirement that certain educational facilities be constructed as public shelters; amending s. 240.295, F.S.; prescribing duties of the Board of Regents with respect to identifying public hurricane evacuation shelter space on certain campuses; requiring the submission of a capital improvements program; deleting a requirement for the submission of a report; revising a condition precedent to a requirement for specified building construction standards; revising applicability; removing an exemption; amending s. 252.35, F.S.; requiring that the Division of Emergency Management of the Department of Community Affairs adopt the state comprehensive emergency management plan as a rule; authorizing the division to adopt rules to administer and distribute federal financial assistance; amending s. 252.38, F.S.; revising provisions governing the appointment and control of the director of the county emergency management agency; amending s. 252.385, F.S.; revising legislative intent; including certain private facilities within a survey of prospective public hurricane evacuation shelters; including district school boards and community college boards of trustees among those coordinating and implementing such survey; revising completion dates for the retrofitting of specified facilities; exempting the owner or lessee of a shelter scheduled for retrofitting from a requirement to make certain improvements; providing that specified public facilities be made available as public hurricane evacuation shelters; requiring the Department of Management Services to incorporate public hurricane evacuation shelter provisions into lease agreements for state agencies; providing specifications for suitable leased public facilities; requiring that the department assess facilities to identify shelter space for hurricane evacuations; amending s. 252.373, F.S.; providing criteria for prioritizing retrofit projects for hurricane evacuation shelters; providing appropriations; authorizing the Department of Community Affairs to use certain federal mitigation funds for hurricane shelter retrofit projects; amending s. 252.51, F.S.; providing an exception to a limitation on liability; repealing s. 252.855, F.S., relating to reporting forms for specified storage tank registration programs and annual fee payments for reports by certain petroleum distributors and retail outlets; amending s. 252.355, F.S.; revising provisions relating to registration of persons requiring special needs assistance in emergencies; creating s. 381.0303, F.S.; providing for recruitment of health care practitioners for special needs shelters; providing for reimbursement and funding; providing duties of the Department of Health, the county health departments, and the local emergency management agencies; authorizing use of a health care practitioner registry; authorizing establishment of a special needs shelter interagency committee; providing membership and responsibilities; providing for rules; providing for review of emergency management plans; creating s. 400.492, F.S.; requiring home health agencies to prepare a comprehensive emergency management plan; specifying plan requirements; amending ss. 400.497 and 400.610, F.S.; providing minimum requirements for home health agency and hospice comprehensive emergency management plans; providing for rules; providing for plan review and approval; providing for plan review and approval for home health agencies and hospices operating in more than one county; providing an exception to comprehensive emergency management plan requirements; amending s. 400.506, F.S.; requiring nurse registries to assist at-risk clients with special needs registration and to prepare a comprehensive emergency management plan; specifying plan requirements; providing for plan review; amending s. 400.605, F.S.; requiring the Department of Elderly Affairs to include components for comprehensive emergency management plan in its rules establishing minimum standards for a hospice; amending s. 400.6095, F.S.; requiring that certain emergency care and service information be included in hospice patients' medical records; creating s. 401.273, F.S.; providing for establishment of a registry of emergency medical technicians and paramedics for disasters and emergencies; clarifying the functions of emergency medical technicians and paramedics; amending s. 408.15, F.S.; authorizing the Agency for Health Care Administration to establish uniform standards of care for special needs shelters; creating s. 455.718, F.S.; providing for establishment of a health practitioner registry for disasters and emergencies; requiring emergency and disaster planning provisions in certain state agency provider contracts; specifying minimum contract requirements; providing appropriations; providing an effective date.

—was read the first time by title. On motion by Rep. Ogles, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 557

Yeas—118

The Chair	Crow	Johnson	Ritchie
Albright	Detert	Jones	Ritter
Alexander	Diaz de la Portilla, R.	Kelly	Roberts
Andrews	Dockery	Kilmer	Rojas
Argenio	Edwards	Kosmas	Rubio
Argenziano	Effman	Kyle	Russell
Arnall	Eggelletion	Lacasa	Ryan
Bainter	Farkas	Lawson	Sanderson
Ball	Fasano	Lee	Sembler
Barreiro	Feeney	Levine	Smith, K.
Bense	Fiorentino	Littlefield	Sobel
Betancourt	Flanagan	Logan	Sorensen
Bilirakis	Frankel	Lynn	Spratt
Bitner	Fuller	Maygarden	Stafford
Bloom	Futch	Melvin	Stansel
Boyd	Garcia	Merchant	Starks
Bradley	Gay	Miller, J.	Suarez
Bronson	Goode	Miller, L.	Sublette
Brown	Goodlette	Minton	Trovillion
Brummer	Gottlieb	Morroni	Tullis
Bucher	Green, C.	Murman	Turnbull
Bullard	Greene, A.	Ogles	Villalobos
Bush	Greenstein	Patterson	Wallace
Byrd	Hafner	Peaden	Wasserman Schultz
Cantens	Harrington	Posey	Waters
Chestnut	Hart	Prieguez	Wiles
Constantine	Henriquez	Pruitt	Wilson
Cosgrove	Heyman	Putnam	Wise
Crady	Hill	Rayson	
Crist	Jacobs	Reddick	

Nays—None

Votes after roll call:
Yeas—Casey

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 2105, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 2105—A bill to be entitled An act relating to high school diplomas; amending s. 232.246, F.S.; providing for the award of a high school diploma to certain honorably discharged World War II veterans; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 1, between lines 22 and 23,

insert:

Section 2. Paragraph (f) of subsection (1) of section 229.551, Florida Statutes, is amended to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(f) Development and coordination of a common course designation and numbering system for postsecondary *and dual enrollment* education in school districts, community colleges, participating nonpublic postsecondary education institutions, and the State University System which will improve program planning, increase communication among all ~~postsecondary~~ delivery systems, and facilitate *student acceleration and* the transfer of students. The system shall not encourage or require course content prescription or standardization or uniform course testing, and the continuing maintenance of the system shall be accomplished by appropriate faculty committees representing public and participating nonpublic institutions. The Articulation Coordinating Committee, whose membership represents public and nonpublic ~~postsecondary~~ institutions, shall:

1. Identify the highest demand degree programs within the State University System.

2. Conduct a study of courses offered by universities and accepted for credit toward a degree. The study shall identify courses designated as either general education or required as a prerequisite for a degree. The study shall also identify these courses as upper-division level or lower-division level.

3. Appoint faculty committees representing both community college and university faculties to recommend a single level for each course included in the common course numbering and designation system. Any course designated as an upper-division level course must be characterized by a need for advanced academic preparation and skills that a student would be unlikely to achieve without significant prior coursework. A course that is offered as part of an associate in science degree program and as an upper-division course for a baccalaureate degree shall be designated for both the lower and upper division. Of the courses required for each baccalaureate degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower-division courses, except in degree programs approved by the Board of Regents pursuant to s. 240.209(5)(e). A course designated as lower-division may be offered by any community college. The Articulation Coordinating Committee shall recommend to the State Board of Education the levels for the courses. The common course numbering and designation system shall include the courses at the recommended levels, and, by fall semester of 1996, the registration process at each state university and community college shall include the courses at their designated levels and common course numbers.

4. Appoint faculty committees representing both community college and university faculties to recommend those courses identified to meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet these general education requirements by their common course code number. All community colleges and state universities shall accept these general education courses.

5. Appoint faculty committees representing both community colleges and universities to recommend common prerequisite courses and identify course substitutions when common prerequisites cannot be established for degree programs across all institutions. Faculty work groups shall adopt a strategy for addressing significant differences in prerequisites, including course substitutions. The Board of Regents shall be notified by the Articulation Coordinating Committee when significant differences remain. Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the Board of Regents pursuant to s. 240.209(5)(f). The Board of Regents shall work with the State Board of Community Colleges on the development of a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program.~~;~~

6. Appoint faculty committees representing public school, community college, and university faculties to identify postsecondary courses that meet the high school graduation requirements of s. 232.246, and to establish the number of postsecondary semester credit hours of instruction and equivalent high school credits earned through dual enrollment pursuant to s. 240.116 that are necessary to meet high school graduation requirements. Such equivalencies shall be determined solely on comparable course content and not on seat time traditionally allocated to such courses in high school. The Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet high school graduation requirements, based on mastery of course outcomes, by their common course code number, and all high schools shall accept these postsecondary education courses toward meeting the requirements of s. 232.246.

Section 3. Subsection (1), paragraph (c) of subsection (4), and subsection (9) of section 232.246, Florida Statutes, are amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics. Effective for students entering the 9th grade in the 1997-1998 school year and thereafter, one of these credits must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course.

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government, including study of the Constitution of the United States. For students entering the 9th grade in the 1997-1998 school year and thereafter, the study of Florida government, including study of the State Constitution, the three branches of state government, and municipal and county government, shall be included as part of the required study of American government.

(h)1. One credit in practical arts career education or exploratory career education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory career education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts career education or exploratory career education and performing fine arts, as defined in this paragraph.

Such credit for practical arts career education or exploratory career education or for performing fine arts shall be made available in the 9th grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, marriage and relationship skill-based education, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

(j) One credit in physical education to include assessment, improvement, and maintenance of personal fitness. Participation in an interscholastic sport at the junior varsity or varsity level, for two full seasons, shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A school board may not require that the one credit in physical education be taken during the 9th grade year.

(k) Eight and one-half elective credits.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholars award requirements as specified in a district's pupil progression plan. *A student shall be granted credit toward meeting the requirements of this subsection for equivalent courses, as identified pursuant to s. 229.551(1)(f)6., taken through dual enrollment.*

(4)

(c) District school boards are authorized and encouraged to establish requirements for high school graduation in excess of the minimum requirements; however, an increase in academic credit or minimum grade point average requirements shall not apply to those students enrolled in grades 9 through 12 at the time the district school board increases the requirements. *In addition, any increase in academic credit or minimum grade point average requirements shall not apply to a student who earns credit toward the graduation requirements of this section for equivalent courses taken through dual enrollment.*

(9) A student who meets all requirements prescribed in subsections (1), (4), and (5) shall be awarded a standard diploma in a form prescribed by the state board. A school board may attach the Florida gold seal vocational endorsement to a standard diploma or, instead of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and (4), but who is unable to meet the standards of paragraph (5)(a), paragraph (5)(b), or paragraph (5)(c), shall be awarded a certificate of completion in a form prescribed by the state board. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies. ~~This special instruction shall be funded from the state compensatory education funds of the district.~~

Section 4. Paragraph (a) of subsection (1) of section 232.2462, Florida Statutes, is amended to read:

232.2462 Definition of "credit".—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of *135* ~~150~~ hours of bona fide instruction in a designated course of study which contains student performance standards as provided for in s. 232.2454. *The Articulation Coordinating Committee shall determine the number of postsecondary* ~~Six semester~~ credit hours ~~of instruction which are~~ earned through *dual* enrollment pursuant to s. 240.116 and which satisfy the requirements of a district's interinstitutional articulation agreement according to s. 240.1161 *that* ~~also~~ equal one full credit *of the equivalent high school course identified pursuant to s. 229.551(1)(f)6.*

Section 5. Paragraphs (h) and (i) of subsection (1) of section 236.081, Florida Statutes, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(h) *Coenrollment* ~~Instruction outside required number of school days. Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required school days or year if such instruction counts as credit toward high school graduation. However,~~ If a high school student wishes to earn high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the community college shall be reimbursed for the costs incurred because of the high school student's coenrollment as provided in the General Appropriations Act.

(i) Instruction in family and consumer sciences.—Students in grades K through 12 who are enrolled for more than six semesters in practical arts family and consumer sciences courses ~~as defined in s. 228.041(22)(a)4.~~ may not be counted as full-time equivalent students for this instruction.

Section 6. Subsections (1), (2), and (3), and paragraph (a) of subsection (7) of section 240.116, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

240.116 Articulated acceleration.—

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a *high school diploma and a postsecondary* degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. *It is the intent of the Legislature that students who meet the eligibility requirements of this subsection and who choose to participate in dual enrollment programs be exempt from the payment of registration, matriculation, and laboratory fees. Such fees for dually enrolled students shall be reimbursed to participating postsecondary institutions as provided annually in the General Appropriations Act; however, a postsecondary institution that earns dual*

enrollment FTE funds from the Florida Education Finance Program as a charter school shall not be eligible for the tuition reimbursement. Articulated acceleration mechanisms shall include, but not be limited to, dual enrollment, early admission, advanced placement, credit by examination, and the International Baccalaureate Program. The State Board of Education shall adopt rules for any dual enrollment programs involving requirements for high school graduation.

(2)(a)1. The dual enrollment program is the enrollment of an eligible secondary student in a postsecondary course creditable toward a vocational certificate or an associate or baccalaureate degree. For the purpose of this subparagraph, an eligible secondary student is a student who is enrolled in a Florida public secondary school or in a Florida nonpublic secondary school which is in compliance with s. 229.808 and conducts a secondary curriculum pursuant to s. 232.246. Students enrolled in postsecondary instruction that is not creditable toward the high school diploma shall not be classified as dual enrollments. Students who are *eligible for dual enrollment pursuant to this section shall be* permitted to enroll in dual enrollment courses ~~may take courses~~ conducted during school hours, after school hours, and during the summer term. *Instructional time for such enrollment may exceed 900 hours; however, the school district may only report the student for a maximum of 1.0 FTE, as provided in s. 236.013(5).* Any student so enrolled is exempt from the payment of registration, matriculation, and laboratory fees. With the exception of vocational-preparatory instruction, college-preparatory instruction and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

2. The Department of Education shall adopt guidelines designed to achieve comparability across school districts of both student qualifications and teacher qualifications for dual enrollment courses. Student qualifications must demonstrate readiness for college-level coursework if the student is to be enrolled in college courses. Student qualifications must demonstrate readiness for vocational-level coursework if the student is to be enrolled in vocational courses. In addition to the common placement examination, student qualifications for *enrollment in* college credit dual enrollment courses must include a 3.0 unweighted grade point average, and student qualifications for *enrollment in* vocational certificate dual enrollment courses must include a 2.0 unweighted grade point average. Exceptions to the required grade point averages may be granted if the educational entities agree and the terms of the agreement are contained within the dual enrollment interinstitutional articulation agreement. *Community college boards of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 240.1161, to ensure student readiness for postsecondary instruction. Additional requirements included in the agreement shall not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses. School districts may not refuse to enter into an agreement with a local community college if that community college has the capacity to offer dual enrollment courses.*

(b) Vocational dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn a series of elective credits toward the high school diploma. However, vocational dual enrollment shall not supplant student acquisition of the diploma. Vocational dual enrollment shall be available for secondary students seeking a degree or certificate from a complete job-preparatory program, but shall not sustain student enrollment in isolated vocational courses. It is the intent of the Legislature that vocational dual enrollment be implemented as a positive measure. The provision of a comprehensive academic and vocational dual enrollment program within the vocational-technical center or community college is supportive of legislative intent; however, such provision is not mandatory.

(c)1. Each school district shall inform all secondary students of dual enrollment as an educational option and mechanism for acceleration. Students shall be informed of eligibility criteria, the option for taking dual enrollment courses beyond the regular school year, and the 24 minimum academic credits required for graduation. School districts shall annually assess the demand for dual enrollment and other advanced courses and the district school board shall consider strategies and programs to meet that demand.

2. The Articulation Coordinating Committee shall develop a statement on transfer guarantees which will inform students, prior to enrollment in a dual enrollment course, of the potential for the dual enrollment course to articulate as an elective or a general education course into a postsecondary education certificate or degree program. The statement shall be provided to each district superintendent of schools, who shall include the statement in the information provided to all secondary students as required pursuant to this paragraph. The statement may also include additional information including, but not limited to, dual enrollment options, guarantees, privileges, and responsibilities.

(3) Early admission shall be a form of dual enrollment through which eligible secondary students enroll in a postsecondary institution on a full-time basis in courses that are creditable toward the high school diploma and the associate or baccalaureate degree. ~~Participation in the early admission program shall be limited to students who have completed a minimum of 6 semesters of full-time secondary enrollment, including studies undertaken in the ninth grade.~~ Students enrolled pursuant to this subsection shall be exempt from the payment of registration, matriculation, and laboratory fees.

(7)(a) It is the intent of the Legislature to provide articulated acceleration mechanisms for students who are in home education programs, as defined in s. 228.041(34), consistent with the educational opportunities available to public and private secondary school students. Home education students may participate in dual enrollment, vocational dual enrollment, early admission, and credit by examination. *Credit earned by home education students through dual enrollment shall apply toward the completion of a home education program that meets the requirements of s. 232.0201.*

(8) The State Board of Education may adopt rules necessary to implement the provisions of this section pursuant to ss. 120.536(1) and 120.54.

Section 7. Subsections (1), (4), and (6), and paragraph (b) of subsection (2) of section 240.1161, Florida Statutes, are amended, and subsections (7) and (8) are added to said section, to read:

240.1161 District interinstitutional articulation agreements.—

(1) Superintendents of schools and community college presidents *shall jointly develop and implement* ~~are responsible for the development and implementation of~~ a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Within this general responsibility, each superintendent and president shall develop a comprehensive interinstitutional articulation agreement for the school district and community college that serves the school district. The superintendent and president shall establish an articulation committee for the purpose of developing this agreement. Each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreements for each school district within the university service area.

(2) The district interinstitutional articulation agreement for each school year must be completed before high school registration for the fall term of the following school year. The agreement must include, but is not limited to, the following components:

(b)1. A delineation of courses and programs *available to students eligible to participate in* ~~composed of~~ dual enrollment. *This delineation must include a plan for the community college to provide guidance services to participating students on the selection of courses in the dual enrollment program. The process of community college guidance should make maximum use of the automated advisement system for community colleges. The plan must assure that each dual enrollment student is*

encouraged to identify a postsecondary education objective with which to guide the course selection. At a minimum, each student's plan should include a list of courses that will result in an Applied Technology Diploma, an Associate in Science degree, or an Associate in Arts degree. If the student identifies a baccalaureate degree as the objective, the plan must include courses that will meet the general education requirements and any prerequisite requirements for entrance into a selected baccalaureate-degree program.

2. A delineation of the process by which students and their parents are informed about opportunities to participate in articulated acceleration programs.

3. A delineation of the process by which students and their parents exercise their option to participate in an articulated acceleration program.

4. A delineation of high school credits earned for completion of each dual enrollment course.

5. Provision for postsecondary courses that meet the criteria for inclusion in a district articulated acceleration program to be counted toward meeting the graduation requirements of s. 232.246.

6.~~2.~~ An identification of eligibility criteria for student participation in dual enrollment courses and programs.

7.~~3.~~ A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

8.~~4.~~ An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a delineation of institutional responsibilities for the maintenance of instructional quality.

9.~~5.~~ A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

10.~~6.~~ An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

11.~~7.~~ A delineation of the process for converting college credit hours earned through dual enrollment and early admission programs to high school credit based on mastery of course outcomes *as determined by the Articulation Coordinating Committee in accordance with s. 229.551(1)(f)6.*

(4) *The Articulation Coordinating Committee shall review each articulation agreement and certify the common course code number of postsecondary courses that meet each district's graduation requirements.* ~~Courses and programs may be added to or deleted from the district interinstitutional articulation agreement at any time. Such additions and deletions must be mutually approved by the superintendent of schools and community college president before incorporation into the agreement.~~

(6) The *Articulation Coordinating Committee* ~~Department of Education~~ shall approve any course for inclusion in the dual enrollment program that is contained within the common course designation and numbering system. However, college-preparatory and other forms of precollegiate instruction, and physical education and other courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, may not be so approved, but must be evaluated individually for potential inclusion in the dual enrollment program.

(7) The Department of Education shall provide the Articulation Coordinating Committee with the staff support and resources necessary to implement the provisions of this section.

(8) The State Board of Education may adopt rules necessary to implement the provisions of this section pursuant to ss. 120.536(1) and 120.54.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon

insert: amending s. 229.551, F.S.; clarifying the duty of the Commissioner of Education regarding the common course designation and numbering system for postsecondary education in school districts; revising the membership of the Articulation Coordinating Committee; requiring the Articulation Coordinating Committee to identify and recommend to the State Board of Education postsecondary courses that meet high school graduation requirements; amending s. 232.246, F.S.; providing for the award of credit toward graduation requirements for equivalent courses taken through dual enrollment; prohibiting increased graduation requirements from applying to dual enrollment students; deleting the requirement that certain special instruction be funded from the state compensatory education funds of the district; amending s. 232.2462, F.S.; requiring the Articulation Coordinating Committee to define credit for purposes of articulated acceleration programs; amending s. 236.081, F.S.; providing community college reimbursement for high school student coenrollment, regardless of whether the instruction counts as credit toward high school graduation; removing an obsolete cross reference; amending s. 240.116, F.S.; clarifying the intent of articulated acceleration programs; clarifying funding for dual enrollment; authorizing community college boards of trustees to adopt additional admissions criteria for dual enrollment programs; requiring that certain information be provided to students regarding dual enrollment programs; requiring an annual assessment and planning to meet the demand for dual enrollment; deleting the requirement that participating in the early admission program be limited to students who have completed a certain number of semesters in secondary school; providing for credit earned by home education students through dual enrollment courses to apply toward the completion of a home education program; authorizing the adoption of rules; amending s. 240.1161, F.S.; requiring superintendents of schools and community college presidents to jointly develop and implement comprehensive articulated acceleration programs; requiring a plan by which a community college will provide guidance services to dually enrolled students; encouraging a postsecondary education objective to be identified by the students; requiring the advisement process to identify specific courses to meet the student objective; requiring use of a certain automated system; requiring district interinstitutional articulation agreements to include additional provisions regarding dual enrollment programs; requiring the Articulation Coordinating Committee to review articulation agreements and certify common course code numbers of postsecondary courses that meet high school graduation requirements; requiring the Articulation Coordinating Committee, rather than the Department of Education, to approve courses for inclusion in the dual enrollment program that are contained within the common course designation and numbering system; requiring the Department of Education to provide the Articulation Coordinating Committee with staff support and resources; authorizing the adoption of rules;

On motion by Rep. Futch, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 2105. The vote was:

Session Vote Sequence: 558

Yeas—117

The Chair	Betancourt	Bush	Diaz de la Portilla, R.
Albright	Bilirakis	Byrd	Dockery
Alexander	Bitner	Cantens	Edwards
Andrews	Bloom	Casey	Effman
Argenio	Boyd	Chestnut	Eggelletion
Argenziano	Bradley	Constantine	Farkas
Arnall	Bronson	Cosgrove	Fasano
Bainter	Brown	Crady	Feeney
Ball	Brummer	Crist	Fiorentino
Barreiro	Bucher	Crow	Frankel
Bense	Bullard	Detert	Fuller

Futch	Kilmer	Peaden	Sorensen
Garcia	Kosmas	Posey	Spratt
Gay	Kyle	Prieguez	Stafford
Goode	Lacasa	Pruitt	Stansel
Goodlette	Lee	Putnam	Starks
Gottlieb	Levine	Rayson	Suarez
Green, C.	Littlefield	Reddick	Sublette
Greene, A.	Logan	Ritchie	Trovillion
Greenstein	Lynn	Ritter	Tullis
Hafner	Maygarden	Roberts	Villalobos
Harrington	Melvin	Rojas	Wallace
Hart	Merchant	Rubio	Wasserman Schultz
Henriquez	Miller, J.	Russell	Waters
Heyman	Miller, L.	Ryan	Wiles
Hill	Minton	Sanderson	Wilson
Jacobs	Morroni	Sembler	Wise
Johnson	Murman	Smith, C.	
Jones	Ogles	Smith, K.	
Kelly	Patterson	Sobel	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 794 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Saunders—

SB 794—A bill to be entitled An act relating to witnesses; amending s. 90.612, F.S.; requiring a judge to protect a witness under a specific age from undue harassment or embarrassment during interrogation and to restrict unnecessary repetition of questions; requiring that questions be stated in a form appropriate to the age and understanding of the witness; authorizing a court to forbid questions that are not in a form reasonably understood; providing an effective date.

—was read the first time by title. On motion by Rep. Wiles, the rules were suspended and the bill was read the second time by title.

Representative(s) Wiles offered the following:

(Amendment Bar Code: 412685)

Amendment 1 (with title amendment)—On page 1, line 28, through page 2, line 16,
remove from the bill: all of said lines

and insert in lieu thereof:

(2) Cross-examination of a witness is limited to the subject matter of the direct examination and matters affecting the credibility of the witness. The court may, in its discretion, permit inquiry into additional matters.

(3) Leading questions should not be used on the direct examination of a witness except as may be necessary to develop the witness's testimony. Ordinarily, leading questions should be permitted on cross-examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions.

The judge shall take special care to protect a witness under age 14 from questions that are in a form that cannot reasonably be understood by a person of the age and understanding of the witness, and shall take special care to restrict the unnecessary repetition of questions.

And the title is amended as follows:

On page 1, lines 4-12,
remove from the title of the bill: all of said lines

and insert in lieu thereof: witness under a specific age during interrogation and to restrict unnecessary repetition of questions; requiring that questions be stated in a form appropriate to the age and understanding of the witness; providing an effective date.

Rep. Wiles moved the adoption of the amendment, which was adopted.

Representative(s) C. Smith offered the following:

(Amendment Bar Code: 052143)

Amendment 2 (with title amendment)—On page 1, line 15,

insert:

Section 1. Subsection (6) is added to section 90.502, Florida Statutes, to read:

90.502 Lawyer-client privilege.—

(6) A discussion or activity that is not a meeting for purposes of s. 286.011 shall not be construed to waive the attorney-client privilege established in this section. This shall not be construed to constitute an exemption to either s. 119.07 or s. 286.011.

And the title is amended as follows:

On page 1, line 2, after the semicolon

insert: amending s. 90.502, F.S.; providing that a discussion or activity that is not a meeting for purposes of s. 286.011, F.S., does not waive the attorney-client privilege;

Rep. C. Smith moved the adoption of the amendment, which was adopted.

On motion by Rep. Wiles, the rules were suspended and SB 794, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 559

Yeas—115

The Chair	Crow	Jacobs	Reddick
Albright	Detert	Johnson	Ritchie
Alexander	Diaz de la Portilla, R.	Jones	Ritter
Andrews	Dockery	Kilmer	Roberts
Argenio	Edwards	Kosmas	Rojas
Argenziano	Effman	Kyle	Rubio
Arnall	Eggelletion	Lacasa	Russell
Bainter	Farkas	Lawson	Ryan
Ball	Fasano	Lee	Sanderson
Barreiro	Feeney	Levine	Sembler
Bense	Fiorentino	Littlefield	Smith, C.
Betancourt	Flanagan	Logan	Smith, K.
Bilirakis	Frankel	Lynn	Sobel
Bitner	Fuller	Maygarden	Sorensen
Bloom	Futch	Melvin	Spratt
Boyd	Garcia	Merchant	Stafford
Bronson	Gay	Miller, J.	Stansel
Brown	Goode	Miller, L.	Suarez
Brummer	Goodlette	Minton	Sublette
Bucher	Gottlieb	Morroni	Tullis
Bullard	Green, C.	Murman	Turnbull
Bush	Greene, A.	Ogles	Villalobos
Byrd	Greenstein	Patterson	Wallace
Cantens	Hafner	Peaden	Wasserman Schultz
Casey	Harrington	Posey	Waters
Chestnut	Hart	Prieguez	Wiles
Constantine	Henriquez	Pruitt	Wilson
Cosgrove	Heyman	Putnam	Wise
Crady	Hill	Rayson	

Nays—None

Votes after roll call:
Yeas—Crist, Trovillion

So the bill passed, as amended, and was immediately certified to the Senate.

REPRESENTATIVE CRADY IN THE CHAIR

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1114 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Policy, Agriculture and Consumer Services and Senator Thomas—

CS for CS for SB 1114—A bill to be entitled An act relating to protection of agriculture and horticulture; amending s. 581.091, F.S.; clarifying provisions with respect to a requirement to immediately inform the Department of Agriculture and Consumer Services upon receipt or possession of any noxious weed, plant, plant product, or regulated article infected or infested with any plant pest, declared to be a threat to the state's agricultural and horticultural interests, and to hold such weed, plant, or article for inspection; providing that it is unlawful to fail to disclose information regarding any infected or infested plant, plant product, regulated article, or noxious weed; amending s. 581.184, F.S.; defining the terms "infected or infested" and "exposed to infection" for purposes of the act; requiring the department to develop a risk-assessment program for commercial plantings; requiring the department to develop a statewide program of decontamination to prevent and limit the spread of citrus canker disease; providing program requirements; authorizing the department to develop specified compliance agreements and other agreements; requiring county sheriffs, upon request of the department, to provide assistance in obtaining access to private property for the purpose of enforcing citrus canker eradication efforts; specifying responsibilities of the sheriff; authorizing the department to reimburse the sheriff for reasonable costs of implementing the provisions of the act; providing for satisfaction of specified notice requirements; amending s. 193.461, F.S.; providing for classification of lands subject to eradication or quarantine programs; amending s. 298.005, F.S.; redefining the term "owner" for purposes of ch. 298, F.S., relating to drainage and water control; amending s. 298.11, F.S.; providing for assessable land to entitle a landowner to vote in an election of supervisors; amending s. 298.12, F.S.; limiting eligibility to vote in such election to landowners whose assessments are paid for the previous year; amending s. 298.22, F.S.; authorizing water control districts to construct and operate facilities to control and prevent agricultural pests and diseases; amending s. 298.225, F.S.; specifying those amendments that constitute insubstantial amendments to a water control plan; providing an effective date.

—was read the first time by title. On motion by Rep. Putnam, the rules were suspended and the bill was read the second time by title.

Representative(s) Putnam offered the following:

(Amendment Bar Code: 665157)

Amendment 1—On page 3, lines 22-24
remove from the bill: all of said lines

and insert in lieu thereof:

WHEREAS, the Third District Court of Appeals, in Sapp Farms, Inc., v. Florida Department of Agriculture and Consumer Services, DCA Case No. 3D00-487, held that citrus

Rep. Putnam moved the adoption of the amendment, which was adopted.

Representative(s) Putnam offered the following:

(Amendment Bar Code: 722481)

Amendment 2—On page 4 of the bill, line 14 after *has*,

insert: *knowingly*

Rep. Putnam moved the adoption of the amendment, which was adopted.

Representative(s) Putnam offered the following:

(Amendment Bar Code: 234649)

Amendment 3—On page 5, line 6,
remove from the bill: *, within a 1,900 foot radius,*

Rep. Putnam moved the adoption of the amendment, which was adopted.

Representative(s) Putnam offered the following:

(Amendment Bar Code: 574661)

Amendment 4 (with title amendment)—On page 6, lines 11-12,
remove from the bill: all of said lines

And the title is amended as follows:

On page 1, line 19 after the semicolon, through the semicolon on line 21,
remove from the title of the bill: all of said lines

Rep. Putnam moved the adoption of the amendment, which was adopted.

Representative(s) Putnam offered the following:

(Amendment Bar Code: 592919)

Amendment 5—On page 6 of the bill, line 20 after the period,

insert: *In order to prevent contamination of soil and water, such rules shall be developed in consultation with the Department of Environmental Protection.*

Rep. Putnam moved the adoption of the amendment, which was adopted.

Representative(s) Putnam offered the following:

(Amendment Bar Code: 320487)

Amendment 6 (with title amendment)—On page 6 of the bill, between lines 23 & 24,

insert:

(6) Owners and/or operators of non-production vehicles and equipment shall follow the department guidelines for citrus canker decontamination effective June 15, 2000. The department shall publish the guidelines in the Florida Administrative Weekly and on the department internet web site. The guidelines shall be posted no later than May 15, 2000.

And the title is amended as follows:

On page 1, line 25 after the semicolon,

insert: providing for decontamination of non-production vehicles and equipment;

Rep. Putnam moved the adoption of the amendment, which was adopted.

Representative(s) Putnam offered the following:

(Amendment Bar Code: 532733)

Amendment 7 (with title amendment)—On page 6 of the bill, between lines 23 and 24,

insert:

(6) Notwithstanding any provision of law, the Department of Environmental Protection is not authorized to institute proceedings against any person under the provisions of s. 376.307(5) to recover any costs or damages associated with contamination of soil or water, or the evaluation, assessment, or remediation of contamination of soil or water, including sampling, analysis, and restoration of soil or potable water supplies, where the contamination of soil or water is determined to be the result of a program of decontamination to prevent and limit the spread of citrus canker disease pursuant to rules developed under this section. This subsection does not limit regulatory authority under a federally delegated or approved program.

And the title is amended as follows:

On page 1, line 24, after the semicolon,

insert: providing liability waiver for costs or damages associated with soil or water contamination;

Rep. Putnam moved the adoption of the amendment, which was adopted.

Representative(s) Putnam offered the following:

(Amendment Bar Code: 664283)

Amendment 8 (with title amendment)—On page 15 of the bill, between lines 10 and 11,

insert:

Section 9. Subsection (34) is added to section 212.02, Florida Statutes, 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:

(34) "Agricultural production" means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

Section 10. Paragraphs (a) and (d) of subsection (13) of section 253.025, Florida Statutes, are amended to read:

253.025 Acquisition of state lands for purposes other than preservation, conservation, and recreation.—

(13)(a) ~~Notwithstanding the provisions of this chapter and chapters 259 and 375,~~ The *Board of Trustees of the Internal Improvement Trust Fund may deed property to the* Department of Agriculture and Consumer Services, *so that the department shall be able* ~~shall have the authority, with the consent of the majority of the Governor and Cabinet,~~ to sell, convey, transfer, exchange, trade, or purchase land on which a forestry facility resides for money or other more suitable property on which to relocate the facility. Any sale or purchase of property by the Department of Agriculture and Consumer Services shall follow the requirements of subsections (5)-(9). Any sale shall be at fair market value, and any trade shall ensure that the state is getting at least an equal value for the property. *Except as provided in subsections (5)-(9), the Department of Agriculture and Consumer Services is excluded from following the provisions of this chapter and chapters 259 and 375. This exclusion shall not apply to lands acquired for conservation purposes in accordance with s. 253.034(6)(a) or (b).*

(d) There is hereby created in the Department of Agriculture and Consumer Services the Relocation and Construction Trust Fund. The trust fund is to be used for the sole purpose of effectuating the orderly relocation of the forestry fire towers and work centers ~~as follows: Crestview Work Center, Marianna Work Center, Panama City Headquarters, Tallahassee Headquarters, Southside Towersite, Gainesville Headquarters, Ocala Work Center, Orlando Headquarters, Lakeland Headquarters, Dunedin Work Center, Hamner Towersite, Bradenton Headquarters, Venetia Towersite, Fort Myers Headquarters, Naples Work Center, Philpot Towersite, Sand Hill Towersite, Mayo Work Center, Benton Towersite, Plymouth Towersite, Longwood Work Center, Oviedo Towersite, Valrico Work Center, and Belle Glade Work Center~~.

Section 11. Subsection (5) of section 482.051, Florida Statutes, is amended to read:

482.051 Rules.—The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

(5) That any pesticide used for preconstruction ~~soil~~ treatments for the prevention of subterranean termites be applied in the amount, concentration, and treatment area in accordance with the label; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; and that the licensee maintain for 3 years the record of each preconstruction ~~soil~~ treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied.

Section 12. Paragraph (g) is added to subsection (2) of section 482.132, Florida Statutes, to read:

482.132 Qualifications for examination and certification.—

(2) Each applicant for examination for a pest control operator's certificate must possess the minimum qualifications specified in one of the following paragraphs:

(g) Three years' full-time employment as a service employee of the United States Department of Defense, who has been certified to perform pest control in the category or categories in which the applicant seeks certification, 1 year of which employment must have been completed in this state during the year immediately preceding application for examination. Additionally, the application for certification must be submitted to the Department of Agriculture and Consumer Services within 12 months after the date of termination of employment from the Department of Defense.

Section 13. Subsection (3) of section 487.041, Florida Statutes, is amended to read:

487.041 Registration.—

(3) The department shall adopt rules governing the procedures for pesticide registration and for the review of data submitted by an applicant for registration of a pesticide. The department shall determine whether a pesticide should be registered, registered with conditions, or tested under field conditions in this state. The department shall determine that all requests for pesticide registrations meet the requirements of current state and federal law. The department, whenever it deems it necessary in the administration of this part, may require the manufacturer or registrant to submit the complete formula, quantities shipped into or manufactured in the state for distribution and sale, evidence of the efficacy and the safety of any pesticide, and other relevant data. *The department may review and evaluate a registered pesticide if new information is made available which indicates that use of the pesticide has caused an unreasonable adverse effect on public health or the environment. Such review shall be conducted upon the request of the Secretary of the Department of Health in the event of an unreasonable adverse effect on public health or the Secretary of the Department of Environmental Protection in the event of an unreasonable adverse effect on the environment. Such review may result in modifications, revocation, cancellation or suspension of a pesticide registration.* The department, for reasons of adulteration, misbranding,

or other good cause, may refuse or revoke the registration of any pesticide, after notice to the applicant or registrant giving the reason for the decision. The applicant may then request a hearing, pursuant to chapter 120, on the intention of the department to refuse or revoke registration, and, upon his or her failure to do so, the refusal or revocation shall become final without further procedure. In no event shall registration of a pesticide be construed as a defense for the commission of any offense prohibited under this part.

Section 14. Subsection (6) is added to section 487.081, Florida Statutes, to read:

487.081 Exemptions.—

(6) The Department of Environmental Protection is not authorized to institute proceedings against any property owner or leaseholder of property under the provisions of s. 376.307(5) to recover any costs or damages associated with pesticide contamination of soil or water, or the evaluation, assessment, or remediation of pesticide contamination of soil or water, including sampling, analysis, and restoration of soil or potable water supplies, subject to the following conditions:

(a) The pesticide contamination of soil or water is determined to be the result of the use of pesticides by the property owner or leaseholder, in accordance with state and federal law, applicable registered labels, and rules on property classified as agricultural land pursuant to s. 193.461;

(b) The property owner or leaseholder maintains records of such pesticide applications and such records are provided to the department upon request;

(c) In the event of pesticide contamination of soil or water, the department, upon request, shall make such records available to the Department of Environmental Protection;

(d) This subsection does not limit regulatory authority under a federally delegated or approved program; and

(e) This subsection is remedial in nature and shall apply retroactively.

The department, in consultation with the Secretary of the Department of Environmental Protection, may adopt rules prescribing the format, content, and retention time for records to be maintained under this subsection.

Section 15. Paragraph (b) of subsection (1) of section 500.12, Florida Statutes, is amended to read:

500.12 Food permits; building permits.—

(1)

(b) An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule, which may not exceed $350, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed $1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed $250. The fee for operating a bottled water plant or a packaged ice plant shall be set by rule of the department ~~in an amount sufficient to meet, but not exceed, the total direct and indirect costs incurred by the department in carrying out its permitting, inspection, sampling, enforcement, and administrative responsibilities for those operations~~. Food permits must be renewed annually on or before January 1. If an application for renewal of a food permit is not received by the department within 30 days after its due date, a late fee, in an amount not exceeding $100, must be paid in addition to the food permit fee before the department may issue the food permit. The moneys collected shall be deposited in the General Inspection Trust Fund.

Section 16. Subsection (4) of section 500.459, Florida Statutes, is amended to read:

500.459 Water vending machines.—

(4) FEES.—A person seeking an operating permit must pay the department a fee not exceeding $200, which fee shall be set by rule of the department ~~in an amount sufficient to meet, but not exceed, the total direct and indirect costs incurred by the department in carrying out its permitting, inspection, sampling, enforcement, and administrative responsibilities under this section~~. Such fees shall be deposited in the General Inspection Trust Fund ~~and shall be used for the sole purpose of this section~~.

Section 17. Subsections (2) and (3) of section 526.311, Florida Statutes, are amended to read:

526.311 Enforcement; civil penalties; injunctive relief.—

(2) The Department of Agriculture and Consumer Services shall investigate any complaints regarding violations of this act and may request in writing the production of documents and records as part of its investigation of a complaint. ~~Trade secrets, as defined in s. 812.081, and proprietary confidential business information contained in the documents or records received by the department pursuant to a written request or a Department of Legal Affairs subpoena are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~ If the person upon whom such request was made fails to produce the documents or records within 30 days after the date of the request, the department, *through the department's office of general counsel, may* ~~of Agriculture and Consumer Services may request that the Department of Legal Affairs~~ issue and serve *a subpoena* ~~subpoenas~~ to compel the production of such documents and records. If any person shall refuse to comply with a subpoena issued under this section, the department ~~of Legal Affairs~~ may petition a court of competent jurisdiction to enforce the subpoena and assess such sanctions as the court may direct. Refiners shall afford the department ~~of Agriculture and Consumer Services~~ reasonable access to the refiners' posted terminal price. ~~After completion of an investigation, the Department of Agriculture and Consumer Services shall give the results of its investigation to the Department of Legal Affairs. The Department of Legal Affairs may then subpoena additional relevant records or testimony if it determines that the Department of Agriculture and Consumer Services' investigation shows a violation has likely occurred.~~ Any records, documents, papers, maps, books, tapes, photographs, files, sound recordings, or other business material, regardless of form or characteristics, obtained by *the* ~~a~~ department ~~of Legal Affairs subpoena~~ are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution while the investigation is pending. At the conclusion of an investigation, any matter determined by the department ~~of Legal Affairs~~ or by a judicial or administrative body, federal or state, to be a trade secret or proprietary confidential business information held by the department pursuant to such investigation shall be considered confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such materials may be used in any administrative or judicial proceeding so long as the confidential or proprietary nature of the material is maintained.

(3) The civil penalty imposed under this section may be assessed and recovered in a civil action brought by the department ~~of Legal Affairs~~ in any court of competent jurisdiction. If the department ~~of Legal Affairs~~ prevails in a civil action, the court may award it reasonable attorneys' fees as it deems appropriate. All funds recovered by the department ~~of Legal Affairs~~ shall be *deposited into* ~~shared equally between the Department of Legal Affairs Trust Fund and~~ the General Inspection Trust Fund.

Section 18. Subsection (2) of section 526.312, Florida Statutes, is amended to read:

526.312 Enforcement; private actions; injunctive relief.—

(2) On the application for a temporary restraining order or a preliminary injunction, the court, in its discretion having due regard for the public interest, may require or dispense with the requirement of a bond, with or without surety, as conditions and circumstances may require. If a bond is required, the amount shall not be greater than $50,000. Upon proper application by the plaintiff, the court shall grant preliminary injunctive relief if the plaintiff shows:

(a) That he or she is a proper person to seek the relief requested.

(b) There exist sufficiently serious questions going to the merits to make such questions a fair ground for litigation; and the court determines, on balance, the hardships imposed on the defendant and the public interest by the issuance of such preliminary injunctive relief will be less than the hardship which would be imposed on the plaintiff if such preliminary injunctive relief were not granted.

The standards specified in paragraphs (a) and (b) shall also apply to actions for injunctive relief brought by the department ~~of Legal Affairs~~ under s. 526.311.

Section 19. Section 526.313, Florida Statutes, is amended to read:

526.313 Limitations period for actions.—Any action brought by the department ~~of Legal Affairs~~ shall be brought within 2 years after the alleged violation occurred or should reasonably have been discovered. Any action brought by any other person shall be brought within 1 year after the alleged violation occurred or should reasonably have been discovered, except that a private action brought under s. 526.305 for unlawful price discrimination shall be brought within 2 years from the date the alleged violation occurred or should reasonably have been discovered.

Section 20. Section 526.3135, Florida Statutes, is amended to read:

526.3135 Reports by the *Division of Standards* ~~Department of Agriculture and Consumer Services~~.—The *Division of Standards* ~~Department of Agriculture and Consumer Services~~ is directed to compile a report pursuant to s. 570.544 of all complaints received by the Department of Agriculture and Consumer Services pursuant to this act. Such report shall contain at least the information required by s. 570.544(6)(b)2.-4. and shall be presented to the Speaker of the House of Representatives and the President of the Senate no later than January 1 of each year.

Section 21. There is hereby appropriated $100,000 from the General Revenue Fund and two full-time equivalent positions to the Department of Agriculture and Consumer Services to implement the provisions of Chapter 526, Part I, F.S.

Section 22. Subsection (16) is added to section 531.41, Florida Statutes, to read:

531.41 Powers and duties of the department.—The department shall:

(16) Provide by rule for the voluntary registration with the department of private weighing and measuring device service agencies or personnel. Such rule shall grant private agencies and personnel that meet all registration requirements and maintain current registered status with the department the authority to place devices that meet all state requirements into commercial service until such time as the devices can be inspected and tested as provided for in subsection (10), provided such devices are reported to the department as prescribed by the rule.

The provisions of this chapter and rules adopted thereunder notwithstanding, scales routinely used by providers of weight control services shall not be considered commercial weights and measures when used to determine human weight or to compute charges or payments for services rendered by such providers on the basis of said weight, measure, or count.

Section 23. Subsection (34) of section 570.07, Florida Statutes, is amended, and subsection (35) is added to said section, to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(34) To adopt policies creating, and providing for the operation of, an employees' benefit fund. *Notwithstanding the provisions of chapter 273, the department may deposit moneys received from the disposition of state-owned tangible personal property, specifically livestock maintained and located at the Doyle E. Conner Agricultural Complex, in the employees' benefit fund.*

(35) Under emergency conditions, to authorize the purchase of supplemental nutritional food and drink items and set temporary meal expenditure limits for employees engaged in physical activity for prolonged periods of time in excess of the rate established by s. 112.061(6), but not to exceed $50 per day.

Section 24. Paragraph (f) is added to subsection (1) of section 570.242, Florida Statutes, to read:

570.242 Definitions.—For purposes of this act, the following terms shall have the following meanings:

(1) "Agriculturally depressed area" means a rural area which has declining profitability from agricultural enterprises and one or more of the following characteristics:

(f) Crop losses or economic depression resulting from a natural disaster or socioeconomic conditions or events which negatively impact a crop.

Section 25. Paragraph (c) of subsection (1) of section 570.248, Florida Statutes, is amended to read:

570.248 Agricultural Economic Development Project Review Committee; powers and duties.—

(1) There is created an Agricultural Economic Development Project Review Committee consisting of five members appointed by the commissioner. The members shall be appointed based upon the recommendations submitted by each entity represented on the committee and shall include:

(c) One representative from *Enterprise Florida, Inc* ~~the Florida Rural Development Committee~~.

Section 26. Section 570.249, Florida Statutes, is created to read:

570.249 Agricultural Economic Development Program disaster loans.—

(1) USE OF LOAN FUNDS.—Loan funds to agricultural producers who have experienced crop losses from a natural disaster or a socioeconomic condition or event may be used to restore or replace essential physical property, such as animals, fences, equipment, structural production facilities, and orchard trees; pay all or part of production costs associated with the disaster year; pay essential family living expenses; and restructure farm debts. Funds may be issued as direct loans, or as loan guarantees for up to 90 percent of the total loan, in amounts not less than $30,000 nor more than $250,000. Applicants must provide at least 10 percent equity.

(2) ELIGIBLE CROPS.—Crops eligible for the emergency loan program include:

(a) Crops grown for human consumption.

(b) Crops planted and grown for livestock consumption, including, but not limited to, grain, seed, and forage crops.

(c) Crops grown for fiber, except for trees.

(d) Specialty crops, such as aquacultural, floricultural, or ornamental nursery crops; Christmas trees; turf for sod; industrial crops; and seed crops used to produce eligible crops.

(3) FARMING INFORMATION.—A borrower must keep complete and acceptable farm records and present them as proof of production levels. A borrower must operate in accordance with a farm plan that he or she develops and that is approved by the commissioner. A borrower may be required to participate in a financial management training program and obtain crop insurance.

(4) LOAN APPLICATION.—In order to qualify for a loan under this section, an applicant must submit an application to the committee within 30 days after the date the natural disaster or socioeconomic condition or event occurs or the crop damage becomes apparent. An applicant must be a citizen of the United States, a bona fide resident of the state and, together with the applicant's spouse and their dependents, have a total

net worth of less than $100,000. The value of any residential homestead owned by the applicant must not be included in determining the applicant's net worth. An applicant must also demonstrate the need for economic assistance, be worthy of credit according to standards established by the commissioner, prove that he or she cannot obtain commercial credit, and demonstrate that he or she has the ability to repay the loan.

(5) LOAN SECURITY REQUIREMENTS.—All loans must be fully collateralized. A first lien is required on all property or product acquired, produced, or refinanced with loan funds. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant.

(6) LOAN REPAYMENT.—Repayment of loans for crops, livestock, and non-real-estate losses shall normally be made within 7 years or, in special circumstances, within 20 years. Loans for physical losses to real estate and buildings shall not exceed 30 years. Borrowers are expected to return to conventional credit sources when they are financially able. Loans are a temporary source of credit and borrowers must be reviewed periodically to determine whether they can return to conventional credit.

Section 27. Section 570.92, Florida Statutes, is created to read:

570.92 Equestrian educational sports program.—The department shall establish an equestrian educational sports program with one or more accredited 4-year state universities, designed to give student riders the opportunity to learn, compete, and succeed at the collegiate level while at the same time promoting the state's multibillion dollar equine industry.

Section 28. Subsection (2) of section 570.952, Florida Statutes, is amended to read:

570.952 Florida Agriculture Center and Horse Park Authority.—

(2) The authority shall be composed of *21* ~~23~~ members appointed by the commissioner.

(a) Members shall include:

1. *Three citizens-at-large* ~~One citizen-at-large~~, who shall represent the views of the general public toward agriculture and equine activities in the state.

2. One representative from the Department of Agriculture and Consumer Services.

3. One representative from Enterprise Florida, Inc.

4. One representative from the Department of Environmental Protection, Office of Greenways *and Trails* ~~Management~~.

5. One member of the Ocala/Marion County Chamber of Commerce.

6. Two representatives of the tourism or hospitality industry.

7. Three representatives of the commercial agriculture industry.

8. Three representatives from recognized horse breed associations.

9. One representative of the veterinary industry.

10. Three representatives from the competitive equine industry.

~~6. One public/private partnership expert.~~

~~7. One member of a private environmental organization.~~

~~8. One fruit and vegetable grower.~~

~~9. One citrus grower.~~

~~10. One commercial feed producer.~~

~~11. One livestock/cattle breeder.~~

~~12. One quarter horse breeder.~~

~~13. One thoroughbred horse breeder.~~

~~14. One standardbred horse breeder.~~

~~15. One Arabian horse breeder.~~

~~16. One color breeds horse breeder.~~

~~17. One licensed veterinarian.~~

~~18. One Paso Fino horse breeder.~~

~~19. One ornamental or nursery stock grower.~~

~~20. One representative from the horse show industry.~~

~~21. One representative from the horse sport industry.~~

11.~~22.~~ One representative from the horse *pleasure and trail riding* ~~trailriders~~ industry.

12.~~23.~~ One representative *recommended by* ~~from~~ the Board of County Commissioners of Marion County.

~~(b) With the exception of department employees and the citizen-at-large, each member shall be selected from two or three nominees submitted by recognized statewide organizations representing each interest or trade enumerated in this section. In the absence of nominations, the commissioner shall appoint persons who otherwise meet the qualifications for nomination and appointment to the authority.~~

(b)~~(c)~~ Initially, *the commissioner shall appoint 11 members* ~~12 members shall be appointed~~ for 4-year terms and *10* ~~11~~ members ~~shall be appointed~~ for 2-year terms. Thereafter, each member shall be appointed for a term of 4 years from the date of appointment, except that a vacancy shall be filled by appointment for the remainder of the term.

(c)~~(d)~~ Any member of the authority who fails to attend three consecutive authority meetings without good cause shall be deemed to have resigned from the authority. The commissioner shall appoint a person representing the same interest or trade as the resigning member. *Current members shall continue to serve until successors are appointed.*

Section 29. Section 585.89, Florida Statutes, is renumbered as section 287.0822, Florida Statutes, and subsection (1) of said section is amended to read:

287.0822 ~~585.89~~ Beef and pork; prohibition on purchase; bid specifications; penalty.—

(1) Fresh or frozen beef or pork that has not been inspected by the United States Department of Agriculture or *by another state's inspection program which has been approved by the United States Department of Agriculture* ~~the department~~ shall not be purchased, or caused to be purchased, by any agency of the state or of any municipality, political subdivision, school district, or special district for consumption in this state or for distribution for consumption in this state. Bid invitations issued by any agency of the state or of any municipality, political subdivision, school district, or special district for the purchase of fresh or frozen beef or pork must specify that only beef or pork inspected and passed by either the United States Department of Agriculture or *by another state's inspection program which has been approved by the United States Department of Agriculture* ~~the department~~ will be accepted. The supplier or vendor shall certify on the invoice that the fresh or frozen beef or pork or imported beef or pork supplied is either domestic or complies with this subsection.

Section 30. Section 585.92, Florida Statutes, is renumbered as section 287.0821, Florida Statutes, and amended to read:

287.0821 ~~585.92~~ All American and Genuine Florida meat or meat products.—*As allowed by the United States Department of Agriculture,* each slaughterhouse or meatpacking or processing plant in the state or other person vending any meat or meat product, the meat of which is entirely produced in the United States, may label such meat or meat product "All American", and any such vendor selling any such meat or meat product, the meat of which is entirely produced in the state, may label such meat or meat product "Genuine Florida."

Section 31. Subsection (5) of section 590.015, Florida Statutes, is amended to read:

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

(5) "Wild land" means any public or private managed or unmanaged forest, urban/interface, *pasture or* range land, recreation lands, or any other land at risk of wildfire.

Section 32. Section 590.14, Florida Statutes, is amended to read:

590.14 ~~Warning citation;~~ Notice of violation; penalties.—

~~(1) If unpredicted atmospheric conditions occur which cause an authorized fire to escape from the boundaries of the authorized area, if the fire does not leave the land owned or controlled by the authorization holder, and if no damage has occurred, the division may issue a warning citation of violation of s. 590.125.~~

(1)~~(2)~~ If a division employee determines that a person has violated chapter 589 or chapter 590, he or she may issue a notice of violation indicating the statute violated. This notice will be filed with the division and a copy forwarded to the appropriate law enforcement entity for further action if necessary.

(2)~~(3)~~ In addition to any ~~other~~ penalties provided by law, any person who causes a wildfire or permits any authorized fire to escape the boundaries of the authorization or to burn past the time of the authorization is liable for the payment of all reasonable costs and expenses incurred in suppressing the fire or $150, whichever is greater. All costs and expenses incurred by the division shall be payable to the division. When such costs and expenses are not paid within 30 days after demand, the division may take proper legal proceedings for the collection of the costs and expenses. Those costs incurred by an agency acting at the division's direction are recoverable by that agency.

(3)~~(4)~~ The department may also impose an administrative fine, not to exceed $1,000 per violation of any section of chapter 589 or chapter 590. The fine shall be based upon the degree of damage and prior violation record of the person. The fines shall be deposited in the Incidental Trust Fund of the division.

(4)~~(5)~~ The penalties provided in this section shall extend to both the actual violator and the person or persons, firm, or corporation causing, directing, or permitting the violation.

Section 33. Section 590.28, Florida Statutes, is amended to read:

590.28 Intentional or *reckless* ~~careless~~ burning of lands.—

(1) Whoever intentionally burns, sets fire to, or causes to be burned or causes any fire to be set to, any wild land or vegetative land clearing debris not owned by, or in the lawful possession of, the person setting such fire or burning such lands or causing such fire to be set or lands to be burned without complying with s. 590.125, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever *recklessly* ~~carelessly~~ burns, sets fire to, or causes to be burned any wild lands not owned by, or in the lawful possession of, the person setting the fire or burning the lands or causing the fire to be set or lands to be burned, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 34. Paragraph (b) of subsection (5) and paragraph (a) of subsection (7) of section 616.242, Florida Statutes, are amended to read:

616.242 Safety standards for amusement rides.—

(5) ANNUAL PERMIT.—

(b) To apply for an annual permit an owner must submit to the department a written application on a form prescribed by rule of the department, which must include the following:

1. The legal name, address, and primary place of business of the owner.

2. A description, manufacturer's name, serial number, model number and, if previously assigned, the United States Amusement Identification Number of the amusement ride.

3. A valid certificate of insurance or bond for each amusement ride.

4. An affidavit of compliance that the amusement ride was inspected in person by the affiant and that the amusement ride is in general conformance with the requirements of this section and all applicable rules adopted by the department. The affidavit must be executed by a professional engineer or a qualified inspector no earlier than 60 days before, but not later than, the date of the filing of the application with the department. The owner shall request inspection and permitting of the amusement ride within 60 days of the date of filing the application with the department. The department shall inspect and permit the amusement ride within 60 days *after filing the application with the department* ~~of the date the affidavit was executed~~.

5. If required by subsection (6), an affidavit of nondestructive testing dated and executed no earlier than 60 days prior to, but not later than, the date of the filing of the application with the department. The owner shall request inspection and permitting of the amusement ride within 60 days of the date of filing the application with the department. The department shall inspect and permit the amusement ride within 60 days *after filing the application with the department* ~~of the date the affidavit was executed~~.

6. A request for inspection.

7. Upon request, the owner shall, at no cost to the department, provide the department a copy of the manufacturer's current recommended operating instructions in the possession of the owner, the owner's operating fact sheet, and any written bulletins in the possession of the owner concerning the safety, operation, or maintenance of the amusement ride.

(7) DEPARTMENT INSPECTIONS.—

(a) In order to obtain an annual permit, an amusement ride must be inspected by the department in accordance with subsection (11) and receive an inspection certificate. In addition, each permanent amusement ride must be inspected semi-annually by the department in accordance with subsection (11) and receive an inspection certificate, and each temporary amusement ride must be inspected by the department in accordance with subsection (11), and must receive an inspection certificate each time the ride is set up or moved to a new location in this state unless the temporary amusement ride is:

1. Used at a private event; *or*

~~2. Used at a public event when there are no more than three amusement rides at the event, and the capacity of each amusement ride at the event does not exceed eight persons;~~

2.~~3.~~ A simulator, the capacity of which does not exceed 16 persons.~~; or~~

~~4. A kiddie train used at a public event if there are no more than three amusement rides at the event.~~

Section 35. Subsection (4) of section 828.12, Florida Statutes, is amended to read:

828.12 Cruelty to animals.—

(4) A person who intentionally trips, fells, ropes, or lassos the legs of a horse by any means for the purpose of ~~wagering for~~ entertainment or sport ~~purposes~~ shall be guilty of a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, "trip" means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and "horse" means any animal of any registered breed of the genus Equus, or any recognized hybrid thereof. The provisions of this subsection shall not apply when tripping is used:

(a) To control a horse that is posing an immediate threat to other livestock or human beings;

(b) For the purpose of identifying ownership of the horse when its ownership is unknown; or

(c) For the purpose of administering veterinary care to the horse.

Section 36. Subsection (7) of section 828.27, Florida Statutes, is amended to read:

828.27 Local animal control or cruelty ordinances; penalty.—

(7) Nothing contained in this section shall prevent any county or municipality from enacting any ordinance relating to animal control or cruelty which is identical to the provisions of this chapter or any other state law, except as to penalty. However, no county or municipal ordinance relating to animal control or cruelty shall conflict with the provisions of this chapter or any other state law. *Notwithstanding the provisions of this subsection, the governing body of any county or municipality is authorized to enact ordinances prohibiting or regulating noise from any domesticated animal, violation of which shall be punishable upon conviction by a fine not to exceed $500 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment, for each violation of such ordinance. This subsection shall not apply to animals on land zoned for agricultural purposes.*

Section 37. *The Department of Agriculture and Consumer Services is authorized to negotiate agreements with landowners for water supply in rural areas, provided that:*

(1) The water to be supplied is currently available to property owned or controlled by the department; and

(2) The intended use and quantity are not inconsistent with any permit required under part II of chapter 373, Florida Statutes, for the source of supply in effect at the time of the agreement.

Section 38. *Repealing ss. 205.1951, 585.70, 585.71, 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903, 585.904, 585.91, 585.93, and 585.96, Florida Statutes.*

And the title is amended as follows:

On page 2, line 22 after the semicolon,

insert: amending s. 212.02, F.S.; defining "agricultural production"; amending s. 253.025, F.S.; clarifying provisions relating to conveyance of state lands to the department for forestry facilities; deleting references to specific fire tower sites and work centers with respect to use of the department's Relocation and Construction Trust Fund; amending s. 482.051, F.S.; revising authority of the department to adopt rules relating to pesticides used for preconstruction treatments; amending s. 482.132, F.S.; providing for pest control operator certification of qualified United States Department of Defense employees; amending s. 487.041, F.S.; authorizing the department to review and evaluate registered pesticides if new information is made available indicating adverse effects on public health or environment; amending s. 487.081, F.S.; waiving liability for pesticide contamination when pesticides are used in accordance with state and federal law; providing for inspection of records; providing rulemaking authority; providing retroactive application; amending ss. 500.12 and 500.459, F.S.; deleting certain requirements relating to the setting and use of fees for bottled water plants, packaged ice plants, and water vending machines; amending s. 526.311, F.S.; revising enforcement provisions; transferring from the Department of Legal Affairs to the Department of Agriculture and Consumer Services responsibilities as the lead agency to enforce the Motor Fuel Marketing Practices Act; revising disposition of funds collected in civil actions; amending ss. 526.312 and 526.313, F.S., to conform; amending s. 526.3135, F.S.; specifying certain required reporting by the Division of Standards of the Department of Agriculture and Consumer Services; providing an appropriation; amending s. 531.41, F.S.; authorizing the department to provide by rule for voluntary registration of private weighing and measuring device service agencies and personnel; amending s. 570.07, F.S.; authorizing deposit of certain moneys in the department's employees' benefit fund; authorizing the department to purchase supplemental food and drink items and set temporary meal expenditure limits, under emergency conditions; providing restrictions; amending s. 570.242, F.S.; revising the definition of "agriculturally depressed area" under the Agricultural Economic Development Act; amending s. 570.248, F.S.; revising membership of the Agricultural Economic Development Project Review Committee; creating s. 570.249, F.S.; providing for Agricultural Economic Development Program disaster loans; providing criteria for use of loan funds, eligible crops, and loan applications; providing requirements for loan security and loan repayment; creating s. 570.92, F.S.; providing for an equestrian educational sports program at 4-year state universities; amending s. 570.952, F.S.; revising provisions relating to membership appointment and terms of the Florida Agriculture Center and Horse Park Authority; renumbering and amending s. 585.89, F.S.; authorizing state agencies and entities to purchase fresh or frozen beef or pork inspected by another state's federally approved inspection program; renumbering and amending s. 585.92, F.S.; clarifying provisions relating to "All American" and "Genuine Florida" meat or meat products; amending s. 590.015, F.S.; revising the definition of "wild land" in provisions relating to forest protection; amending s. 590.14, F.S.; deleting authority of the Division of Forestry to issue warning citations relating to certain authorized fires; clarifying a penalty; amending s. 590.28, F.S.; providing a penalty for intentional or reckless burning of lands; amending s. 616.242, F.S.; revising timing requirements for inspection and permitting of amusement rides; deleting exemptions from inspection requirements for certain temporary amusement rides at public events; amending s. 828.12, F.S.; revising provisions relating to cruelty to animals; providing authority to the department to negotiate agreements with certain landowners for water use in rural areas; amending s. 828.27, F.S.; authorizing counties and municipalities to enact ordinances prohibiting or regulating noise from domesticated animals; providing nonapplicability; providing penalties; repealing s. 205.1951, F.S., relating to local occupational licenses for establishments regulated under the state meat inspection program; repealing ss. 585.70, 585.71, 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903, 585.904, 585.91, 585.93, and 585.96, F.S., relating to the state meat inspection program;

Rep. Putnam moved the adoption of the amendment, which was adopted.

On motion by Rep. Putnam, the rules were suspended and CS for CS for SB 1114, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 560

Yeas—118

The Chair	Bullard	Frankel	Kilmer
Albright	Bush	Fuller	Kosmas
Alexander	Byrd	Futch	Kyle
Andrews	Cantens	Garcia	Lacasa
Argenio	Casey	Gay	Lawson
Argenziano	Chestnut	Goode	Lee
Arnall	Constantine	Goodlette	Levine
Bainter	Cosgrove	Gottlieb	Littlefield
Ball	Crist	Green, C.	Logan
Barreiro	Crow	Greene, A.	Lynn
Bense	Detert	Greenstein	Maygarden
Betancourt	Diaz de la Portilla, R.	Hafner	Melvin
Bilirakis	Dockery	Harrington	Merchant
Bitner	Edwards	Hart	Miller, J.
Bloom	Effman	Henriquez	Miller, L.
Boyd	Eggelletion	Heyman	Minton
Bradley	Farkas	Hill	Morroni
Bronson	Fasano	Jacobs	Murman
Brown	Feeney	Johnson	Ogles
Brummer	Fiorentino	Jones	Patterson
Bucher	Flanagan	Kelly	Peaden

Posey	Rubio	Spratt	Villalobos
Prieguez	Russell	Stafford	Wallace
Pruitt	Ryan	Stansel	Wasserman Schultz
Putnam	Sanderson	Starks	Waters
Rayson	Sembler	Suarez	Wiles
Reddick	Smith, C.	Sublette	Wilson
Ritter	Smith, K.	Trovillion	Wise
Roberts	Sobel	Tullis	
Rojas	Sorensen	Turnbull	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 2365, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 2365—A bill to be entitled An act relating to wetlands mitigation; amending s. 373.4135, F.S.; requiring establishment and operation of mitigation projects under a memorandum of agreement, under certain conditions; providing requirements and exclusions; authorizing certain mitigation options for private single-family lots or homeowners; providing for notice; amending s. 373.4136, F.S.; revising provisions relating to size and characteristics of the mitigation service area; providing for use of regional watersheds to guide establishment of mitigation service areas; requiring satisfaction of cumulative impact considerations; amending s. 373.414, F.S.; revising reporting requirements relating to money donated as wetlands mitigation; specifying conditions under which proposed mitigation shall satisfy cumulative impact considerations for a regulated activity; requiring the Department of Environmental Protection and certain water management districts to adopt a single uniform wetland mitigation assessment method, by rule, by a specified date; directing local government use of the assessment method; providing conditions and procedures for use of the assessment method; deleting obsolete language; directing study by the Office of Program Policy Analysis and Government Accountability on mitigation cumulative impact considerations; directing the St. Johns River Water Management District to classify the Lake Jesup Basin as a separate and distinct basin for certain purposes, and to treat it as a vested basin; creating s. 373.200, F.S.; specifying the role of the Seminole Tribe Water Rights Compact; providing an effective date.

Senate Amendment 1—On page 14, lines 25, after the comma,

insert: *including those adopted by a county which is an approved local program under s. 403.182,*

On motion by Rep. Alexander, the House concurred in Senate Amendment 1.

Senate Amendment 2—On page 14, lines 5-16, delete those lines

and insert: *different areas of the state. In developing the uniform wetland mitigation assessment method, the department and water management districts shall consult with approved local programs under s. 403.182 which have an established wetland mitigation program. The department and water management districts shall consider the recommendations submitted by such approved local programs, including any recommendations relating to the adoption by the department and water management districts of any uniform wetland mitigation methodology that has been adopted and used by an approved local program in its established wetland mitigation program. Environmental resource permitting rules may*

On motion by Rep. Alexander, the House concurred in Senate Amendment 2.

THE SPEAKER IN THE CHAIR

Senate Amendment 3 (with title amendment)—On page 2, line 10,

insert:

Section 1. Subsection (5) is added to section 373.083, Florida Statutes, to read:

373.083 General powers and duties of the governing board.—In addition to other powers and duties allowed it by law, the governing board is authorized to:

(5) Execute any of the powers, duties, and functions vested in the governing board through a member or members thereof, the executive director, or other district staff as designated by the governing board. The governing board may establish the scope and terms of any delegation. However, if the governing board delegates the authority to take final action on permit applications under part II or part IV, or petitions for variances or waivers of permitting requirements under part II or part IV, the governing board shall provide a process for referring any denial of such application or petition to the governing board to take final action. The authority in this subsection is supplemental to any other provision of this chapter granting authority to the governing board to delegate specific powers, duties, or functions.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon,

insert: amending s. 373.083, F.S.; authorizing a water management district governing board to delegate its powers, duties, and functions;

REPRESENTATIVE CRADY IN THE CHAIR

On motion by Rep. Alexander, the House concurred in Senate Amendment 3.

Senate Amendment 4 (with title amendment)—On page 16, between lines 19 and 20,

insert:

Section 4. Subsection 10 of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(10) There is created as a part of the Department of Environmental Protection an Environmental Regulation Commission. The commission shall be composed of seven residents of this state appointed by the Governor, subject to confirmation by the Senate. *In making appointments, the Governor shall provide reasonable representation from all sections of the state.* ~~The commission shall include one, but not more than two, members from each water management district who have resided in the district for at least 1 year, and the remainder shall be selected from the state at large.~~ Membership shall be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering. The Governor shall appoint the chair, and the vice chair shall be elected from among the membership. The members serving on the commission on July 1, 1995, shall continue to serve on the commission for the remainder of their current terms. All appointments thereafter shall continue to be for 4-year terms. The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other support services necessary for the commission shall be furnished by the department.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon

insert: amending s. 20.255, F.S.; requiring the Governor to provide reasonable representation from all sections of the state in making appointments to the Environmental Regulation Commission;

On motion by Rep. Alexander, the House concurred in Senate Amendment 4.

Senate Amendment 5 (with title amendment)—On page 16, between lines 19 and 20,

insert:

Section 4. Paragraph (c) of subsection (2) of section 287.042, Florida Statutes, is amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(2)

(c) Any person who files an action protesting a decision or intended decision pertaining to contracts administered by the department, *a water management district*, or a state agency pursuant to s. 120.57(3)(b) shall post with the department, *the water management district*, or the state agency at the time of filing the formal written protest a bond payable to the department, *the water management district*, or state agency in an amount equal to 1 percent of the department's, *the water management district's* or the state agency's estimate of the total volume of the contract or $5,000, whichever is less, which bond shall be conditioned upon the payment of all costs which may be adjudged against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. For protests of decisions or intended decisions of the department pertaining to agencies' requests for approval of exceptional purchases, the bond shall be in an amount equal to 1 percent of the requesting agency's estimate of the contract amount for the exceptional purchase requested or $5,000, whichever is less. In lieu of a bond, the department, *the water management district*, or state agency may, in either case, accept a cashier's check or money order in the amount of the bond. If, after completion of the administrative hearing process and any appellate court proceedings, the *water management district or* agency prevails, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. This section shall not apply to protests filed by the Minority Business Advocacy and Assistance Office. Upon payment of such costs and charges by the person protesting the award, the bond, cashier's check, or money order shall be returned to him or her. If the person protesting the award prevails, he or she shall recover from the agency *or water management district*, all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon

insert: amending s. 287.042, F.S.; providing specific procurement powers for water management districts;

On motion by Rep. Alexander, the House concurred in Senate Amendment 5.

The question recurred on the passage of CS/HB 2365. The vote was:

Session Vote Sequence: 561

Yeas—116

The Chair	Argenio	Ball	Bilirakis
Albright	Argenziano	Barreiro	Bitner
Alexander	Arnall	Bense	Bloom
Andrews	Bainter	Betancourt	Boyd
Bradley	Flanagan	Lawson	Rubio
Bronson	Frankel	Lee	Russell
Brown	Fuller	Levine	Ryan
Brummer	Futch	Logan	Sanderson
Bucher	Gay	Lynn	Sembler
Bullard	Goode	Maygarden	Smith, C.
Bush	Goodlette	Merchant	Smith, K.
Byrd	Gottlieb	Miller, J.	Sobel
Cantens	Green, C.	Miller, L.	Sorensen
Casey	Greene, A.	Minton	Spratt
Chestnut	Greenstein	Morroni	Stafford
Constantine	Hafner	Murman	Stansel
Cosgrove	Harrington	Ogles	Starks
Crist	Hart	Patterson	Suarez
Crow	Henriquez	Peaden	Sublette
Detert	Heyman	Posey	Trovillion
Diaz de la Portilla, R.	Hill	Prieguez	Tullis
Dockery	Jacobs	Pruitt	Turnbull
Edwards	Johnson	Putnam	Villalobos
Effman	Jones	Rayson	Wallace
Eggelletion	Kelly	Reddick	Wasserman Schultz
Farkas	Kilmer	Ritchie	Waters
Fasano	Kosmas	Ritter	Wiles
Feeney	Kyle	Roberts	Wilson
Fiorentino	Lacasa	Rojas	Wise

Nays—None

Votes after roll call:
Yeas—Melvin
Yeas to Nays—Argenziano

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 318 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Rossin—

SB 318—A bill to be entitled An act relating to public records; amending s. 787.03, F.S.; providing an exemption from public records requirements for information provided to sheriffs and state attorneys by persons who take minor children when fleeing from domestic violence; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the first time by title. On motion by Rep. A. Greene, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 562

Yeas—116

The Chair	Boyd	Crow	Gay
Albright	Bradley	Detert	Goode
Alexander	Bronson	Diaz de la Portilla, R.	Goodlette
Andrews	Brown	Dockery	Gottlieb
Argenio	Brummer	Edwards	Green, C.
Argenziano	Bucher	Effman	Greene, A.
Arnall	Bullard	Eggelletion	Greenstein
Bainter	Bush	Farkas	Harrington
Ball	Byrd	Fasano	Hart
Barreiro	Cantens	Feeney	Heyman
Bense	Casey	Fiorentino	Hill
Betancourt	Chestnut	Flanagan	Jacobs
Bilirakis	Constantine	Frankel	Johnson
Bitner	Cosgrove	Fuller	Jones
Bloom	Crist	Futch	Kelly

Kilmer	Miller, L.	Ritter	Stansel
Kosmas	Minton	Roberts	Starks
Kyle	Morroni	Rojas	Suarez
Lacasa	Murman	Rubio	Sublette
Lawson	Ogles	Russell	Trovillion
Lee	Patterson	Ryan	Tullis
Levine	Peaden	Sanderson	Turnbull
Littlefield	Posey	Sembler	Villalobos
Logan	Prieguez	Smith, C.	Wallace
Lynn	Pruitt	Smith, K.	Wasserman Schultz
Maygarden	Putnam	Sobel	Waters
Melvin	Rayson	Sorensen	Wiles
Merchant	Reddick	Spratt	Wilson
Miller, J.	Ritchie	Stafford	Wise

Nays—1

Henriquez

Votes after roll call:
Yeas—Hafner
Nays to Yeas—Henriquez

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 320 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Rossin—

SB 320—A bill to be entitled An act relating to interference with custody; amending s. 787.03, F.S.; providing that it is an additional defense to the offense of interference with custody to be a victim of domestic violence or believe that interference with custody is necessary to protect a person from domestic violence; prescribing duties of any person who takes a minor child when fleeing from situations of actual or threatened domestic violence; providing an effective date.

—was read the first time by title. On motion by Rep. A. Greene, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 563

Yeas—114

The Chair	Casey	Hafner	Morroni
Albright	Chestnut	Harrington	Murman
Alexander	Constantine	Hart	Ogles
Andrews	Cosgrove	Henriquez	Patterson
Argenio	Crist	Heyman	Peaden
Argenziano	Crow	Hill	Posey
Arnall	Diaz de la Portilla, R.	Jacobs	Prieguez
Bainter	Dockery	Johnson	Pruitt
Ball	Effman	Jones	Putnam
Barreiro	Eggelletion	Kelly	Rayson
Bense	Farkas	Kilmer	Reddick
Betancourt	Fasano	Kosmas	Ritter
Bilirakis	Feeney	Kyle	Roberts
Bitner	Fiorentino	Lacasa	Rojas
Bloom	Flanagan	Lawson	Rubio
Boyd	Frankel	Lee	Russell
Bradley	Fuller	Levine	Ryan
Bronson	Futch	Littlefield	Sanderson
Brown	Gay	Lynn	Sembler
Brummer	Goode	Maygarden	Smith, C.
Bucher	Goodlette	Melvin	Smith, K.
Bullard	Gottlieb	Merchant	Sobel
Bush	Green, C.	Miller, J.	Sorensen
Byrd	Greene, A.	Miller, L.	Spratt
Cantens	Greenstein	Minton	Stafford
Stansel	Trovillion	Wallace	Wilson
Starks	Tullis	Wasserman Schultz	Wise
Suarez	Turnbull	Waters	
Sublette	Villalobos	Wiles	

Nays—None

Votes after roll call:
Yeas—Edwards, Logan, Ritchie

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 768 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Transportation and Senator Latvala and others—

CS for SB 768—A bill to be entitled An act relating to license plates; amending s. 320.089, F.S.; providing for the deposit of certain funds generated under s. 320.089, F.S., into the Grants and Donations Trust Fund established by s. 296.38, F.S.; amending s. 320.08058, F.S.; revising provisions relating to the Sea Turtle License Plate; providing for a distribution of 25 percent of the annual use fees from the Share the Road license plate to Bike Florida, Inc., rather than to the Governor's Council on Physical Fitness and Amateur Sports; providing an effective date.

—was read the first time by title. On motion by Rep. J. Miller, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 564

Yeas—116

The Chair	Crist	Jacobs	Reddick
Albright	Crow	Johnson	Ritchie
Alexander	Detert	Jones	Ritter
Andrews	Diaz de la Portilla, R.	Kelly	Roberts
Argenio	Dockery	Kilmer	Rojas
Argenziano	Edwards	Kosmas	Rubio
Arnall	Effman	Kyle	Russell
Bainter	Eggelletion	Lawson	Ryan
Ball	Farkas	Lee	Sembler
Barreiro	Fasano	Levine	Smith, C.
Bense	Feeney	Littlefield	Smith, K.
Betancourt	Fiorentino	Logan	Sobel
Bilirakis	Flanagan	Lynn	Sorensen
Bitner	Frankel	Maygarden	Spratt
Bloom	Fuller	Melvin	Stafford
Boyd	Futch	Merchant	Stansel
Bradley	Gay	Miller, J.	Starks
Bronson	Goode	Miller, L.	Suarez
Brown	Goodlette	Minton	Sublette
Brummer	Gottlieb	Morroni	Trovillion
Bucher	Green, C.	Murman	Tullis
Bullard	Greene, A.	Ogles	Turnbull
Bush	Greenstein	Patterson	Villalobos
Byrd	Hafner	Peaden	Wallace
Cantens	Harrington	Posey	Wasserman Schultz
Casey	Hart	Prieguez	Waters
Chestnut	Henriquez	Pruitt	Wiles
Constantine	Heyman	Putnam	Wilson
Cosgrove	Hill	Rayson	Wise

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 340 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Governmental Oversight and Productivity, Children and Families and Senators Forman, Carlton and Grant—

CS for CS for SB 340—A bill to be entitled An act relating to human rights; creating s. 402.164, F.S., and amending ss. 402.165, 402.166, 402.167, F.S.; renaming the statewide and district human rights advocacy committees as the Florida statewide and local advocacy councils; providing legislative intent with respect to the duties and powers of the councils; defining the terms "client" and "client services" as used in ss. 402.164-402.167, F.S.; providing for the duties of the councils with respect to monitoring the activities of, and investigating complaints against, state agencies that provide client services; revising council membership, appointment, officers, and terms of service; providing for revision of local council service areas; providing statewide council staff with select exempt service status; providing for access to records of the state agencies subject to council investigations; providing rulemaking authority to such state agencies; amending ss. 39.001, 39.202, 39.302, 393.13, 394.459, 394.4595, 394.4597, 394.4598, 394.4599, 394.4615, 400.0067, 400.0089, 400.118, 400.141, 400.419, 400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 430.04, F.S.; conforming references; providing an effective date.

—was read the first time by title. On motion by Rep. Littlefield, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 565

Yeas—117

The Chair	Crow	Johnson	Ritter
Albright	Detert	Jones	Roberts
Alexander	Diaz de la Portilla, R.	Kelly	Rojas
Andrews	Dockery	Kilmer	Rubio
Argenio	Edwards	Kosmas	Russell
Argenziano	Effman	Kyle	Ryan
Arnall	Eggelletion	Lacasa	Sanderson
Bainter	Farkas	Lawson	Sembler
Ball	Fasano	Lee	Smith, C.
Barreiro	Feeney	Levine	Smith, K.
Bense	Fiorentino	Littlefield	Sobel
Betancourt	Flanagan	Logan	Sorensen
Bilirakis	Frankel	Lynn	Spratt
Bitner	Fuller	Maygarden	Stafford
Bloom	Futch	Merchant	Stansel
Boyd	Garcia	Miller, J.	Starks
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morroni	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bucher	Green, C.	Ogles	Villalobos
Bullard	Greene, A.	Patterson	Wallace
Bush	Greenstein	Peaden	Wasserman Schultz
Byrd	Hafner	Posey	Waters
Cantens	Harrington	Prieguez	Wiles
Casey	Hart	Pruitt	Wilson
Chestnut	Henriquez	Putnam	Wise
Constantine	Heyman	Rayson	
Cosgrove	Hill	Reddick	
Crist	Jacobs	Ritchie	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2190, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senator Saunders—

CS for SB 2190—A bill to be entitled An act relating to business entities; amending ss. 607.11101, 608.4383, 620.204, 620.8906, F.S.; deleting requirement that a deed be recorded in order to transfer title to real property incident to merger; requiring a surviving entity in certain circumstances to record certain documents; amending s. 865.09, F.S.; providing that a registered fictitious name is not required to contain the legal designation of the entity registering the fictitious name; clarifying necessary elements of a fictitious name; amending s. 620.8904, F.S.; deleting requirement that a deed be recorded in order to transfer title to real property incident to conversion of a partnership or a limited partnership; requiring a surviving partnership in certain circumstances to record certain documents; creating s. 694.16, F.S., relating to conveyances incident to the merger or conversion of a business entity; providing a directive to the Division of Statutory Revision; providing an effective date.

—was read the first time by title. On motion by Rep. Goodlette, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 566

Yeas—117

The Chair	Crow	Johnson	Roberts
Albright	Detert	Jones	Rojas
Alexander	Diaz de la Portilla, R.	Kelly	Rubio
Andrews	Dockery	Kilmer	Russell
Argenio	Edwards	Kyle	Ryan
Argenziano	Effman	Lacasa	Sanderson
Arnall	Eggelletion	Lawson	Sembler
Bainter	Farkas	Lee	Smith, C.
Ball	Fasano	Levine	Smith, K.
Barreiro	Feeney	Littlefield	Sobel
Bense	Fiorentino	Logan	Sorensen
Betancourt	Flanagan	Lynn	Spratt
Bilirakis	Frankel	Maygarden	Stafford
Bitner	Fuller	Melvin	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morroni	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bucher	Green, C.	Ogles	Villalobos
Bullard	Greene, A.	Patterson	Wallace
Bush	Greenstein	Posey	Wasserman Schultz
Byrd	Hafner	Prieguez	Waters
Cantens	Harrington	Pruitt	Wiles
Casey	Hart	Putnam	Wilson
Chestnut	Henriquez	Rayson	Wise
Constantine	Heyman	Reddick	
Cosgrove	Hill	Ritchie	
Crist	Jacobs	Ritter	

Nays—None

Votes after roll call:
Yeas—Kosmas, Peaden

So the bill passed and was immediately certified to the Senate.

Motions Relating to Committee References

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, the rules were suspended and HRs 9193, 9197, 9199, 9201,

9203, 9205, 9207, 9209, 9211, 9213, and 9215 were allowed for adoption by publication in the *Journal*.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 682, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Children and Families and Senator Forman—

CS for SB 682—A bill to be entitled An act relating to mental health services for children and adolescents; amending s. 39.407, F.S.; revising provisions governing the medical, psychiatric, and psychological examination and treatment of children; prescribing procedures for the admission of children or adolescents to residential treatment centers for residential mental health treatment; amending s. 394.4785, F.S.; prohibiting children and adolescents from admission to state mental health treatment facilities; requiring residential treatment centers for children and adolescents to adhere to certain standards; amending s. 394.67, F.S.; defining the term "residential treatment center for children and adolescents"; amending s. 394.875, F.S.; requiring the licensure of residential treatment centers for children and adolescents; requiring the Department of Children and Family Services to adopt rules; amending s. 409.175, F.S.; specifying that residential child-caring agencies do not include residential treatment centers for children and adolescents; providing an effective date.

—was read the first time by title. On motion by Rep. Murman, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 567

Yeas—119

The Chair	Crow	Johnson	Ritchie
Albright	Detert	Jones	Ritter
Alexander	Diaz de la Portilla, R.	Kelly	Roberts
Andrews	Dockery	Kilmer	Rojas
Argenio	Edwards	Kosmas	Rubio
Argenziano	Effman	Kyle	Russell
Arnall	Eggelletion	Lacasa	Ryan
Bainter	Farkas	Lawson	Sanderson
Ball	Fasano	Lee	Sembler
Barreiro	Feeney	Levine	Smith, C.
Bense	Fiorentino	Littlefield	Smith, K.
Betancourt	Flanagan	Logan	Sobel
Bilirakis	Frankel	Lynn	Sorensen
Bitner	Fuller	Maygarden	Spratt
Bloom	Futch	Melvin	Stafford
Boyd	Garcia	Merchant	Stansel
Bradley	Gay	Miller, J.	Starks
Bronson	Goode	Miller, L.	Suarez
Brown	Goodlette	Minton	Sublette
Brummer	Gottlieb	Morroni	Trovillion
Bucher	Green, C.	Murman	Tullis
Bullard	Greene, A.	Ogles	Turnbull
Bush	Greenstein	Patterson	Villalobos
Byrd	Hafner	Peaden	Wallace
Cantens	Harrington	Posey	Wasserman Schultz
Casey	Hart	Prieguez	Waters
Chestnut	Henriquez	Pruitt	Wiles
Constantine	Heyman	Putnam	Wilson
Cosgrove	Hill	Rayson	Wise
Crist	Jacobs	Reddick	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/CS/HB 593, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/CS/HB 593—A bill to be entitled An act relating to vacation and timeshare plans; amending s. 719.103, F.S.; providing for governance of a timeshare cooperative; defining the term "timeshare estate" for purposes of ch. 719, F.S., the Cooperative Act; amending s. 719.107, F.S.; providing for joint and several liability for payments of assessments and charges with respect to a timeshare unit; amending s. 719.114, F.S.; providing for assessing timeshare estates for purposes of ad valorem taxes and special assessments; amending s. 719.3026, F.S.; exempting certain contracts from provisions governing products and services; amending s. 719.401, F.S.; specifying the term of the leasehold for a timeshare cooperative; amending s. 719.503, F.S.; requiring that certain additional disclosures be made prior to the sale or transfer of a timeshare estate; amending s. 719.504, F.S.; requiring that the creation and sale of a timeshare estate with respect to a cooperative unit be disclosed in the prospectus or offering circular; amending s. 721.03, F.S.; revising language with respect to the scope of the Florida Vacation Plan and Timesharing Act; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising requirements with respect to contracts for the purchase of timeshare interests; amending s. 721.065, F.S.; providing for resale listings; providing legislative intent; providing for the deposit of certain advance fees in a trust account; providing requirements with respect to resale; providing penalties; amending s. 721.07, F.S.; revising language with respect to public offering statements; providing conditions for the delivery of a purchaser public offering statement which is not yet approved by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 721.075, F.S.; revising language with respect to incidental benefits; amending s. 721.08, F.S.; revising language with respect to escrow accounts; providing additional criteria with respect to compliance with certain conditions for the release of escrow funds; providing requirements with respect to unclaimed escrow funds; amending s. 721.09, F.S.; revising language with respect to reservation agreements; amending s. 721.10, F.S.; revising language with respect to cancellation; amending s. 721.11, F.S.; providing a filing fee with respect to advertising materials filed with the division; revising language with respect to advertising materials; providing additional criteria for advertising materials; amending s. 721.111, F.S.; revising language with respect to prize and gift promotional offers; amending s. 721.12, F.S., relating to recordkeeping by a seller; amending s. 721.13, F.S.; revising language with respect to management; providing additional powers of the board of administration of the owners' association; amending s. 721.14, F.S., relating to discharge of the managing entity; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; providing requirements with respect to insurance; amending s. 721.16, F.S.; revising language with respect to liens for overdue assessments and liens for labor performed on, or materials furnished to a timeshare unit; providing a lien for certain damages done by a guest; amending s. 721.165, F.S.; providing penalties for failure to obtain certain insurance; amending s. 721.17, F.S.; revising language with respect to transfer of interest; amending s. 721.18, F.S., relating to exchange programs; amending s. 721.19, F.S., relating to provisions requiring the purchase or lease of timeshare property by owners' associations or purchasers; amending s. 721.20, F.S.; revising language with respect to licensing requirements; amending s. 721.21, F.S., relating to purchasers' remedies; amending s. 721.24, F.S.; revising language with respect to firesafety; amending s. 721.26, F.S.; revising language with respect to regulation by the division; amending s. 721.27, F.S.; revising language with respect to the annual fee for each timeshare unit in the plan; creating s. 721.29, F.S.; providing for the protection of purchasers' rights when recording is not available in certain jurisdictions; amending s. 721.51, F.S.; revising language with respect to legislative purpose and scope concerning vacation clubs; amending s. 721.52, F.S.; revising the definition of the term "multisite timeshare plan"; amending s. 721.53, F.S.; providing an additional piece of information which the developer

may provide to the division prior to offering an accommodation or facility as a part of a multisite timeshare plan; amending s. 721.55, F.S.; revising language with respect to the public offering statement for a multisite timeshare plan; amending s. 721.551, F.S., relating to the delivery of a multisite timeshare plan public offering statement; amending s. 721.552, F.S., relating to additions, substitutions, or deletions of component site accommodations or facilities; repealing s. 721.553, F.S., relating to the portrayal of proposed component sites; amending s. 721.56, F.S.; revising language with respect to the management of multisite timeshare plans; amending s. 721.81, F.S.; revising legislative purpose with respect to the Timeshare Lien Foreclosure Act; amending s. 721.82, F.S.; revising the definition of the term "assessment lien"; amending s. 721.84, F.S., relating to the appointment of a resident agent; amending s. 721.85, F.S., relating to service to notice address or on registered agent; amending s. 721.86, F.S., including a cross reference; amending s. 718.103, F.S.; correcting a cross reference; providing severability; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 178, line 15, through page 179, line 10, delete those lines

and insert:

Section 47. Subsection (3) is added to section 617.3075, Florida Statutes, to read:

617.3075 Prohibited clauses in homeowners' association documents.—

(3) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not preclude the display of one United States flag by property owners. However, the flag must be displayed in a respectful way and may be subject to reasonable standards for size, placement, and safety, as adopted by the homeowners' association, consistent with Title 36 U.S.C. Chapter 10 and any local ordinances.

Section 48. Section 718.103, Florida Statutes, is amended to read:

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

(1) "Assessment" means a share of the funds which are required for the payment of common expenses, which from time to time is assessed against the unit owner.

(2) "Association" means, in addition to *any entity* ~~those entities~~ responsible for the operation of common elements owned in undivided shares by unit owners, any entity which operates or maintains other real property in which ~~condominium~~ unit owners have use rights, where ~~unit owner~~ membership in the entity is composed exclusively of ~~condominium~~ unit owners or their elected or appointed representatives~~,~~ and ~~where membership in the entity~~ is a required condition of unit ownership.

(3) "Association property" means that property, real and personal, which is owned or leased by, or is dedicated by a recorded plat to, the association for the use and benefit of its members.

(4) "Board of administration" *or "board"* means the board of directors or other representative body which is responsible for administration of the association.

(5) "Buyer" means a person who purchases a condominium *unit*. The term "purchaser" may be used interchangeably with the term "buyer."

(6) "Bylaws" means the bylaws of the association as they *are amended* ~~exist~~ from time to time.

(7) "Committee" means a group of board members, unit owners, or board members and unit owners appointed by the board or a member of the board to make recommendations to the board regarding the *proposed annual* ~~association~~ budget or *to* take action on behalf of the board.

(8) "Common elements" means the portions of the condominium property ~~which are~~ not included in the units.

(9) "Common expenses" means all expenses ~~and assessments which are~~ properly incurred by the association *in the performance of its duties, including expenses specified in s. 718.115* ~~for the condominium~~.

(10) "Common surplus" means the *amount* ~~excess~~ of all receipts *or revenues,* ~~of the association collected on behalf of a condominium (~~including~~, but not limited to,~~ assessments, rents, *or* profits, *collected by a condominium association which exceeds*~~, and revenues on account of the common elements) over the~~ common expenses.

(11) "Condominium" means that form of ownership of real property ~~which is~~ created pursuant to ~~the provisions of~~ this chapter, which is comprised *entirely* of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

(12) "Condominium parcel" means a unit, together with the undivided share in the common elements ~~which is~~ appurtenant to the unit.

(13) "Condominium property" means the lands, leaseholds, and personal property that are subjected to condominium ownership, whether or not contiguous, and all improvements thereon and all easements and rights appurtenant thereto intended for use in connection with the condominium.

(14) "Conspicuous type" means *bold* type in capital letters no smaller than the largest type, exclusive of headings, on the page on which it appears and, in all cases, at least 10-point type. Where conspicuous type is required, it must be separated on all sides from other type and print. Conspicuous type may be used in *a contract* ~~contracts~~ for purchase *and sale of a unit, a lease of a unit for more than 5 years,* or *a prospectus or offering circular* ~~public offering statements~~ only where required by law.

(15) "Declaration" or "declaration of condominium" means the instrument or instruments by which a condominium is created, as they are from time to time amended.

(16) "Developer" means a person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business, but does not include an owner or lessee of a condominium or cooperative unit who has acquired the unit for his or her own occupancy, nor does it include a cooperative association which creates a condominium by conversion of an existing residential cooperative after control of the association has been transferred to the unit owners if, following the conversion, the unit owners will be the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion.

(17) "Division" means the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation.

(18) "Land" means~~, unless otherwise defined in the declaration as hereinafter provided,~~ the surface of a legally described parcel of real property and includes, unless otherwise specified in the declaration and whether separate from or including such surface, airspace lying above and subterranean space lying below such surface. However, if so defined in the declaration, the term "land" may mean all or any portion of the airspace or subterranean space between two legally identifiable elevations and may exclude the surface of a parcel of real property and may mean any combination of the foregoing, whether or not contiguous.

(19) "Limited common elements" means those common elements which are reserved for the use of a certain ~~condominium~~ unit or units to the exclusion of *all* other units, as specified in the declaration ~~of condominium~~.

(20) "Multicondominium" means a real estate development containing two or more condominiums all of which are operated by the same association.

(21)~~(20)~~ "Operation" or "operation of the condominium" includes the administration and management of the condominium property.

(22)~~(21)~~ "Rental agreement" means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.

(23)~~(22)~~ "Residential condominium" means a condominium consisting of *two or more* ~~condominium~~ units, any of which are intended for use as a private temporary or permanent residence, except that a condominium is not a residential condominium if the use for which the units are intended is primarily commercial or industrial and not more than three units are intended to be used for private residence, and are intended to be used as housing for maintenance, managerial, janitorial, or other operational staff of the condominium. With respect to a condominium that is not a timeshare condominium, a residential unit includes a unit intended as a private temporary or permanent residence as well as a unit not intended for commercial or industrial use. With respect to a timeshare condominium, the timeshare instrument as defined in *s. 721.05(33)* ~~s. 721.05(30)~~ shall govern the intended use of each unit in the condominium. If a condominium is a residential condominium but contains units intended to be used for commercial or industrial purposes, then, with respect to those units which are not intended for or used as private residences, the condominium is not a residential condominium. A condominium which contains both commercial and residential units is a mixed-use condominium *and is* subject to the requirements of s. 718.404.

(24)~~(23)~~ "Special assessment" means any assessment levied against *a* unit *owner* ~~owners~~ other than the assessment required by a budget adopted annually.

(25)~~(24)~~ "Timeshare estate" means any interest in a unit under which the exclusive right of use, possession, or occupancy of the unit circulates among the various purchasers of a timeshare plan pursuant to chapter 721 on a recurring basis for a period of time.

(26)~~(25)~~ "Timeshare unit" means a unit in which timeshare estates have been created.

(27)~~(26)~~ "Unit" means a part of the condominium property which is subject to exclusive ownership. A unit may be in improvements, land, or land and improvements together, as specified in the declaration.

(28)~~(27)~~ "Unit owner" or "owner of a unit" means a record owner of legal title to a condominium parcel.

(29)~~(28)~~ "Voting certificate" means a document which designates one of the record title owners, or the corporate, partnership, or entity representative, who is authorized to vote on behalf of a condominium unit that is owned by more than one owner or by any entity.

(30)~~(29)~~ "Voting *interests* ~~interest~~" means the voting rights distributed to the association members pursuant to s. 718.104(4)(i). *In a multicondominium association, the voting interests of the association are the voting rights distributed to the unit owners in all condominiums operated by the association. On matters related to a specific condominium in a multicondominium association, the voting interests of the condominium are the voting rights distributed to the unit owners in that condominium.*

Section 49. Subsection (2) and paragraphs (f) and (g) of subsection (4) of section 718.104, Florida Statutes, are amended, and paragraph (h) is added to subsection (4), to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(2) A condominium is created by recording a declaration in the public records of the county where the land is located, executed and acknowledged with the requirements for a deed. All persons who have record title to the interest in the land being submitted to condominium ownership, or their lawfully authorized agents, must join in the execution of the declaration. Upon the recording of the declaration, or an amendment adding a phase to the condominium under s. 718.403(6), all units described in the declaration or phase amendment as being located in or on the land then being submitted to condominium ownership shall come into existence, regardless of the state of completion of planned improvements in which the units may be located. Upon recording the declaration of condominium pursuant to this section, the developer shall file the recording information with the division within *120 calendar* ~~30 business~~ days on a form prescribed by the division.

(4) The declaration must contain or provide for the following matters:

(f) The undivided share *of ownership of* ~~in~~ the common elements *and common surplus of the condominium that is* appurtenant to each unit stated as *a percentage or a fraction of* ~~percentages or fractions, which, in the aggregate, must equal~~ the whole. In the declaration of condominium for residential condominiums created after April 1, 1992, the ownership share of the common elements assigned to each residential unit shall be based either upon the total square footage of each residential unit in uniform relationship to the total square footage of each other residential unit in the condominium or on an equal fractional basis.

(g) The *percentage or fractional shares of liability for* ~~proportions or percentages of and manner of sharing~~ common expenses *of the condominium* ~~and owning common surplus~~, which, for *all* ~~a~~ residential *units* ~~condominium~~, must be the same as the undivided shares *of ownership of* ~~in~~ the common elements *and common surplus appurtenant to each unit as provided for in paragraph (f).*

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. If the declaration as originally recorded fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number "one" and the denominator of which is the total number of units in all condominiums operated by the association.

Section 50. Subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(a) An undivided share in the common elements and common surplus.

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, *including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted under s. 718.110(2).*

(c) An exclusive easement for the use of the airspace occupied by the unit as it exists at any particular time and as the unit may lawfully be altered or reconstructed from time to time. An easement in airspace which is vacated shall be terminated automatically.

(d) Membership in the association designated in the declaration, with the full voting rights appertaining thereto.

(e) Other appurtenances as may be provided in the declaration.

Section 51. Subsections (4) and (9) of section 718.110, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any

~~condominium~~ unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the *unit* owner ~~of the parcel~~ shares the common expenses *of the condominium* and owns the common surplus *of the condominium* unless the record owner of the unit and all record owners of liens on *the unit* ~~it~~ join in the execution of the amendment and unless all the record owners of all other units *in the same condominium* approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. A declaration recorded after April 1, 1992, may not require *the approval of* less than a majority of total voting interests *of the condominium* for amendments under this subsection, unless *otherwise* required by *a* ~~any~~ governmental entity.

(9) If there is an omission or error in a declaration ~~of condominium~~, or in any other document required by law to establish the condominium, the association may correct the error or omission by an amendment to the declaration or to the other document required to create a condominium in the manner provided in the declaration to amend the declaration or, if none is provided, by vote of a majority of the voting interests *of the condominium*. The amendment is effective when passed and approved and a certificate of ~~the~~ amendment is executed and recorded as provided in *subsections (2) and (3)* ~~s. 718.104~~. This procedure for amendment cannot be used if such an amendment would materially or adversely affect property rights of unit owners, unless the affected unit owners consent in writing. This subsection does not restrict the powers of the association to otherwise amend the declaration, or other documentation, but authorizes a simple process of amendment requiring a lesser vote for the purpose of curing defects, errors, or omissions when the property rights of unit owners are not materially or adversely affected.

(12)(a) With respect to an existing multicondominium association, any amendment to change the fractional or percentage share of liability for the common expenses of the association and ownership of the common surplus of the association must be approved by at least a majority of the total voting interests of each condominium operated by the association unless the declarations of all condominiums operated by the association uniformly require approval by a greater percentage of the voting interests of each condominium.

(b) Unless approval by a greater percentage of the voting interests of an existing multicondominium association is expressly required in the declaration of an existing condominium, the declaration may be amended upon approval of at least a majority of the total voting interests of each condominium operated by the multicondominium association for the purpose of:

1. Setting forth in the declaration the formula currently utilized, but not previously stated in the declaration, for determining the percentage or fractional shares of liability for the common expenses of the multicondominium association and ownership of the common surplus of the multicondominium association.

2. Providing for the creation or enlargement of a multicondominium association by the merger or consolidation of two or more associations and changing the name of the association, as appropriate.

Section 52. Paragraphs (a) and (c) of subsection (12) and subsections (13), (14), and (15) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, when applicable, which shall constitute the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer pursuant to s. 718.301(4).

2. A photocopy of the recorded declaration of condominium of each condominium operated by the association and of each amendment to each declaration.

3. A photocopy of the recorded bylaws of the association and of each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and of each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books which contain the minutes of all meetings of the association, of the board of directors, and of unit owners, which minutes shall be retained for a period of not less than 7 years.

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium which the association operates~~, according to good accounting practices~~. All accounting records shall be maintained for a period of not less than 7 years. The accounting records shall include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures.

b. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid upon the account, and the balance due.

c. All audits, reviews, accounting statements, and financial reports of the association or condominium.

d. All contracts for work to be performed. Bids for work to be performed shall also be considered official records and shall be maintained for a period of 1 year.

12. Ballots, sign-in sheets, voting proxies, and all other papers relating to voting by unit owners, which shall be maintained for a period of 1 year from the date of the election, vote, or meeting to which the document relates.

13. All rental records, when the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described by s. 718.504.

15. All other records of the association not specifically included in the foregoing which are related to the operation of the association.

(c) The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the association member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying. The failure of an association to provide the records within 10 working days after receipt of a written request shall create a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this paragraph. The minimum damages shall be $50 per calendar day up to 10 days, the

calculation to begin on the 11th working day after receipt of the written request. The failure to permit inspection of the association records as provided herein entitles any person prevailing in an enforcement action to recover reasonable attorney's fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records for inspection. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet provided for in s. 718.504 and year-end financial information required in this section on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the same. Notwithstanding the provisions of this paragraph, the following records shall not be accessible to unit owners:

1. *Any record protected by the lawyer-client privilege as described in s. 90.502, and any record protected by the work-product privilege including any* ~~A~~ record ~~which was~~ prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings until the conclusion of the litigation or adversarial administrative proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

3. Medical records of unit owners.

(13) FINANCIAL *REPORTING* ~~REPORTS~~.—*Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or cause to be prepared and completed by a third party, a financial report for the preceding fiscal year. Within 21 days after the financial report is completed or received by the association from the third party, the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:*

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $100,000 or more, but less than $200,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $200,000, but less than $400,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. ~~Within 60 days following the end of the fiscal or calendar year or annually on such date as is otherwise provided in the bylaws of the association, the board of administration of the association shall mail or furnish by personal delivery to each unit owner a complete financial report of actual receipts and expenditures for the previous 12 months, or a complete set of financial statements for the preceding fiscal year prepared in accordance with generally accepted accounting principles. The report shall show the amounts of receipts by accounts and receipt classifications and shall show the amounts of expenses by accounts and expense classifications, including, if applicable, but not limited to, the following:~~

~~(a) Costs for security;~~

~~(b) Professional and management fees and expenses;~~

~~(c) Taxes;~~

~~(d) Costs for recreation facilities;~~

~~(e) Expenses for refuse collection and utility services;~~

~~(f) Expenses for lawn care;~~

~~(g) Costs for building maintenance and repair;~~

~~(h) Insurance costs;~~

~~(i) Administrative and salary expenses; and~~

~~(j) Reserves for capital expenditures, deferred maintenance, and any other category for which the association maintains a reserve account or accounts.~~

~~(14) The division shall adopt rules which may require that the association deliver to the unit owners, in lieu of the financial report required by subsection (13), a complete set of financial statements for the preceding fiscal year. The financial statements shall be delivered within 90 days following the end of the previous fiscal year or annually on such other date as provided by the bylaws. The rules of the division may require that the financial statements be compiled, reviewed, or audited, and the rules shall take into consideration the criteria set forth in s. 718.501(1)(j). The requirement to have the financial statements compiled, reviewed, or audited does not apply to associations when a majority of the voting interests of the association present at a duly called meeting of the association have determined for a fiscal year to waive this requirement. In an association in which turnover of control by the developer has not occurred, the developer may vote to waive the audit requirement for the first 2 years of the operation of the association, after which time waiver of an applicable audit requirement shall be by a majority of voting interests other than the developer. The meeting shall be held prior to the end of the fiscal year, and the waiver shall be effective for only 1 fiscal year. This subsection does not apply to a condominium which consists of 50 or fewer units.~~

(14)~~(15)~~ COMMINGLING.—*All funds collected by an association shall be maintained separately in the association's name. For investment purposes only, reserve funds may be commingled with operating funds of the association. Commingled operating and reserve funds shall be accounted for separately and a commingled account shall not, at any time, be less than the amount identified as reserve funds. This subsection does not prohibit a multicondominium association from commingling the operating funds of separate condominiums or the reserve funds of separate condominiums. Furthermore, for investment purposes only, a multicondominium association may commingle the operating funds of separate condominiums with the reserve funds of separate condominiums. A manager or business entity required to be licensed or registered under s. 468.432, or an agent, employee, officer, or director of an association, shall not commingle any association funds with his or her funds or with the funds of any other condominium association or the funds of a community association as defined in s. 468.431.* ~~All funds shall be maintained separately in the association's name. Reserve and operating funds of the association shall not be commingled unless combined for investment purposes. This subsection is not meant to prohibit prudent investment of association funds even if combined with operating or other reserve funds of the same association, but such funds must be accounted for separately, and the combined account balance may not, at any time, be less than the amount identified as reserve funds in the combined account. No manager or business entity required to be licensed or registered under s. 468.432, and no agent, employee, officer, or director of a condominium association shall commingle any association funds with his or her funds or with the funds of any other condominium association or community association as defined in s. 468.431.~~

Section 53. Paragraphs (d), (e), and (f) of subsection (2) of section 718.112, Florida Statutes, are amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(d) Unit owner meetings.—

1. There shall be an annual meeting of the unit owners. Unless the bylaws provide otherwise, a vacancy on the board ~~of administration~~ caused by the expiration of a director's term shall be filled by electing a new board member, and the election shall be by secret ballot; however, if the number of vacancies equals or exceeds the number of candidates, no election is required. If there is no provision in the bylaws for terms of the members of the board ~~of administration~~, the terms of all members of the board ~~of administration~~ shall expire upon the election of their successors at the annual meeting. Any unit owner desiring to be a candidate for board membership shall comply with subparagraph 3. ~~In order to be eligible for board membership, a person must meet the requirements set forth in the declaration.~~ A person who has been convicted of any felony by any court of record in the United States and who has not had his or her right to vote restored pursuant to law in the jurisdiction of his or her residence is not eligible for board membership. The validity of an action by the board is not affected if it is later determined that a member of the board is ineligible for board membership due to having been convicted of a felony.

2. The bylaws shall provide the method of calling meetings of unit owners, including annual meetings. Written notice, which notice must include an agenda, shall be mailed or *hand* delivered to each unit owner at least 14 days prior to the annual meeting and shall be posted in a conspicuous place on the condominium property at least 14 continuous days preceding the annual meeting. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the condominium property or association property upon which all notices of unit owner meetings shall be posted; however, if there is no condominium property or association property upon which notices can be posted, this requirement does not apply. Unless a unit owner waives in writing the right to receive notice of the annual meeting ~~by mail~~, *such* ~~the~~ notice ~~of the annual meeting~~ shall be *hand delivered or mailed* ~~sent by mail~~ to each unit owner. *Notice for meetings and notice for all other purposes shall be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if* ~~Where~~ a unit is owned by more than one person, the association shall provide notice, for meetings and all other purposes, to that one address which the developer initially identifies for that purpose and thereafter as one or more of the owners of the unit shall so advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, shall provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered, in accordance with this provision~~, to each unit owner at the address last furnished to the association~~.

3. The members of the board ~~of administration~~ shall be elected by written ballot or voting machine. Proxies shall in no event be used in electing the board ~~of administration~~, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. Not less than 60 days before a scheduled election, the association shall mail or deliver, whether by separate association mailing or included in another association mailing or delivery including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. Any unit owner or other eligible person desiring to be a candidate for the board ~~of administration~~ must give written notice to the association not less than 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 2., the association shall mail or deliver a second notice of the election to all unit owners entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the association shall include an information sheet, no larger than 8½ inches by 11 inches, which must be furnished by the candidate not less than 35 days before the election, to be included with the mailing of the ballot, with the costs of mailing or delivery and copying to be borne by the association. ~~However,~~ The association *is not liable* ~~has no liability~~ for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with the provisions contained herein, including rules providing for the secrecy of ballots. Elections shall be decided by a plurality of those ballots cast. There shall be no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election of members of the board ~~of administration~~. No unit owner shall permit any other person to vote his or her ballot, and any such ballots improperly cast shall be deemed invalid, *provided any unit owner who violates this provision may be fined by the association in accordance with s. 718.303.* A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain assistance in casting the ballot. ~~Any unit owner violating this provision may be fined by the association in accordance with s. 718.303.~~

The regular election shall occur on the date of the annual meeting. The provisions of this subparagraph shall not apply to timeshare condominium associations. Notwithstanding the provisions of this subparagraph, an election *is* ~~and balloting are~~ not required unless more candidates file notices of intent to run or are nominated than *board* vacancies exist ~~on the board~~.

4. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), shall be made at a duly noticed meeting of unit owners and shall be subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any statute that provides for such action.

5. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any statute.

6. Unit owners shall have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

7. Any unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

8. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to the requirements of subparagraph 3. unless the association has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (j) and rules adopted by the division.

Notwithstanding subparagraphs (b)2. and (d)3., an association may, by the affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which vote may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(e) Budget meeting.—

1. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. At least 14 days prior to such a meeting, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association by the unit owner, a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement and such affidavit shall be filed among the official records of the association.

2.a. If a board adopts in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall conduct a special meeting of the unit owners to consider a substitute budget if the board receives, within 21 days after adoption of the annual budget, a written request for a special meeting from at least 10 percent of all voting interests. The special meeting shall be conducted within 60 days after adoption of the annual budget. At least 14 days prior to such special meeting, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement and such affidavit shall be filed among the official records of the association. Unit owners may consider and adopt a substitute budget at the special meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If there is not a quorum at the special meeting or a substitute budget is not adopted, the annual budget previously adopted by the board shall take effect as scheduled.

b. Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for reasonable reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis, or assessments for betterments to the condominium property.

c. If the developer controls the board, assessments shall not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests. ~~The board of administration shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a meeting notice and copies of the proposed annual budget of common expenses not less than 14 days prior to the meeting of the unit owners or the board of administration at which the budget will be considered. Evidence of compliance with this 14-day notice must be made by an affidavit executed by an officer of the association or the manager or other person providing notice of the meeting and filed among the official records of the association. The meeting must be open to the unit owners. If an adopted budget requires assessments against the unit owners in any fiscal or calendar year which exceed 115 percent of the assessments for the preceding year, the board, upon written application of 10 percent of the voting interests to the board, shall call a special meeting of the unit owners within 30 days upon not less than 10 days' written notice to each unit owner. At the special meeting, unit owners shall consider and enact a budget. Unless the bylaws require a larger vote, the adoption of the budget requires a vote of not less than a majority vote of all the voting interests. The board of administration may propose a budget to the unit owners at a meeting of members or in writing, and if the budget or proposed budget is approved by the unit owners at the meeting or by a majority of all the voting interests in writing, the budget is adopted. If a meeting of the unit owners has been called and a quorum is not attained or a substitute budget is not adopted by the unit owners, the budget adopted by the board of directors goes into effect as scheduled. In determining whether assessments exceed 115 percent of similar assessments in prior years, any authorized provisions for reasonable reserves for repair or replacement of the condominium property, anticipated expenses by the condominium association which are not anticipated to be incurred on a regular or annual basis, or assessments for betterments to the condominium property must be excluded from the computation. However, as long as the developer is in control of the board of administration, the board may not impose an assessment for any year greater than 115 percent of the prior fiscal or calendar year's assessment without approval of a majority of all the voting interests.~~

(f) Annual budget.—

1. The proposed annual budget of common expenses shall be detailed and shall show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in *s. 718.504(21)* ~~s. 718.504(20)~~. *A multicondominium association shall adopt a separate budget of common expenses for each condominium the association operates and shall adopt a separate budget of common expenses for the association.* In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached thereto shall show amounts budgeted therefor. If, after turnover of control of the association to the unit owners, any of the expenses listed in *s. 718.504(21)* ~~s. 718.504(20)~~ are not applicable, they need not be listed.

2. In addition to annual operating expenses, the budget shall include reserve accounts for capital expenditures and deferred maintenance. These accounts shall include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount

of deferred maintenance expense or replacement cost, and for any other item for which the deferred maintenance expense or replacement cost exceeds $10,000. The amount to be reserved shall be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. This subsection does not apply to *an adopted budget* ~~budgets~~ in which the members of an association have *determined*, by a majority vote at a duly called meeting of the association, ~~and voting determined for a fiscal year~~ to provide no reserves or *less* reserves ~~less adequate~~ than required by this subsection. However, prior to turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 718.301, the developer may vote to waive the reserves or reduce the funding of reserves for the first 2 *fiscal* years of the *association's* operation ~~of the association~~, *beginning with the fiscal year in which the initial declaration is recorded,* after which time reserves may be waived or reduced only upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association. If a meeting of the unit owners has been called to determine *whether to waive or reduce the funding of* ~~to provide no reserves or~~ reserves ~~less adequate than required~~, and *no* such result is *achieved* ~~not attained~~ or a quorum is not attained, the reserves as included in the budget shall go into effect. *After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.*

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote at a duly called meeting of the association. Prior to turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association shall not vote to use reserves for purposes other than that for which they were intended without the approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association.

4. In a multicondominium association, the only voting interests which are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question.

Section 54. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)*(a)* Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration. If the declaration does not specify the procedure for approval of *material* alterations or *substantial* additions, 75 percent of the total voting interests of the association must approve the alterations or additions.

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums. If a declaration does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted.

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required.

Section 55. Section 718.115, Florida Statutes, is amended to read:

718.115 Common expenses and common surplus.—

(1)(a) Common expenses include the expenses of the operation, maintenance, repair, replacement, or protection of the common elements and association property, costs of carrying out the powers and duties of the association, and any other expense, whether or not included in the foregoing, designated as common expense by this chapter, the declaration, the documents creating the association, or the bylaws. Common expenses also include reasonable transportation services, insurance for directors and officers, road maintenance and operation expenses, in-house communications, and security services, which are reasonably related to the general benefit of the unit owners even if such expenses do not attach to the common elements or property of the condominium. However, such common expenses must either have been services or items provided *on or after* ~~from~~ the date ~~the~~ control ~~of the board of administration~~ of the association *is* ~~was~~ transferred from the developer to the unit owners or must be services or items provided for in the condominium documents or bylaws.

(b) The common expenses of a condominium within a multicondominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium.

(c) The common expenses of a multicondominium association may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multicondominium association.

(d)~~(b)~~ If so provided in the declaration, the cost of a master antenna television system or duly franchised cable television service obtained pursuant to a bulk contract shall be deemed a common expense. If the declaration does not provide for the cost of a master antenna television system or duly franchised cable television service obtained under a bulk contract as a common expense, the board ~~of administration~~ may enter into such a contract, and the cost of the service will be a common expense but allocated on a per-unit basis rather than a percentage basis if the declaration provides for other than an equal sharing of common expenses, and any contract entered into before July 1, 1998, in which the cost of the service is not equally divided among all unit owners, may be changed by vote of a majority of the voting interests present at a regular or special meeting of the association, to allocate the cost equally among all units. The contract shall be for a term of not less than 2 years.

1. Any contract made by the board after the effective date hereof for a community antenna system or duly franchised cable television service may be canceled by a majority of the voting interests present at the next regular or special meeting of the association. Any member may make a motion to cancel said contract, but if no motion is made or if such motion fails to obtain the required majority at the next regular or special meeting, whichever is sooner, following the making of the contract, then such contract shall be deemed ratified for the term therein expressed.

2. Any such contract shall provide, and shall be deemed to provide if not expressly set forth, that any hearing impaired or legally blind unit owner who does not occupy the unit with a non-hearing-impaired or sighted person, *or any unit owner receiving supplemental security income under Title XVI of the Social Security Act or food stamps as administered by the Department of Children and Family Services pursuant to s. 414.31,* may discontinue the service without incurring

disconnect fees, penalties, or subsequent service charges, and as to such units, the owners shall not be required to pay any common expenses charge related to such service. If less than all members of an association share the expenses of cable television, the expense shall be shared equally by all participating unit owners. The association may use the provisions of s. 718.116 to enforce payment of the shares of such costs by the unit owners receiving cable television.

(e)~~(c)~~ The expense of installation, replacement, operation, repair, and maintenance of hurricane shutters by the board pursuant to s. 718.113(5) shall constitute a common expense as defined herein and shall be collected as provided in this section. Notwithstanding the provisions of s. 718.116(9), a unit owner who has previously installed hurricane shutters in accordance with s. 718.113(5) or laminated glass architecturally designed to function as hurricane protection which complies with the applicable building code shall receive a credit equal to the pro rata portion of the assessed installation cost assigned to each unit. However, such unit owner shall remain responsible for the pro rata share of expenses for hurricane shutters installed on common elements and association property by the board pursuant to s. 718.113(5), and shall remain responsible for a pro rata share of the expense of the replacement, operation, repair, and maintenance of such shutters.

(f)~~(d)~~ If any unpaid share of common expenses or assessments is extinguished by foreclosure of a superior lien or by a deed in lieu of foreclosure thereof, the unpaid share of common expenses or assessments are common expenses collectible from all the unit owners in the condominium in which the unit is located.

(2) Except as otherwise provided by this chapter, funds for ~~the~~ payment of *the* common expenses *of a condominium* shall be collected by assessments against *the units in that condominium* ~~unit owners~~ in the proportions or percentages provided in *that condominium's* ~~the~~ declaration. In a residential condominium, or mixed-use condominium created after January 1, 1996, *each unit's share* ~~unit owners' shares~~ of *the* common expenses *of the condominium* and common surplus *of the condominium* shall be *the same as the unit's appurtenant* ~~in the same proportions as their~~ ownership interest in the common elements.

(3) Common surplus is owned by unit owners in the same shares as their ownership interest in the common elements.

(4)(a) Funds for payment of the common expenses of a condominium within a multicondominium shall be collected as provided in subsection (2). Common expenses of a multicondominium association shall be funded by assessments against all unit owners in the association in the proportion or percentage set forth in the declaration as required by s. 718.104(4)(h) or s. 718.110(12), as applicable.

(b) In a multicondominium association, the total common surplus owned by a unit owner consists of that owner's share of the common surplus of the association plus that owner's share of the common surplus of the condominium in which the owner's unit is located, in the proportion or percentage set forth in the declaration as required by s. 718.104(4)(h) or s. 718.110(12), as applicable.

Section 56. Subsection (9) of section 718.116, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 718.116(9), F.S., for present text.)

718.116 Assessments; liability; lien and priority; interest; collection.—

(9)(a) A unit owner may not be excused from payment of the unit owner's share of common expenses unless all other unit owners are likewise proportionately excluded from payment, except as provided in subsection (1) and in the following cases:

1. If authorized by the declaration, a developer who is offering units for sale may elect to be excused from payment of assessments against those unsold units for a stated period of time after the declaration is recorded. However, the developer must pay common expenses incurred during such period which exceed regular periodic assessments against other unit owners in the same condominium. The stated period must terminate no later than the first day of the fourth calendar month following the month in which the first closing occurs of a purchase contract for a unit in that condominium. If a developer-controlled association has maintained all insurance coverage required by s. 718.111(11)(a), common expenses incurred during the stated period resulting from a natural disaster or an act of God occurring during the stated period, which are not covered by proceeds from insurance maintained by the association, may be assessed against all unit owners owning units on the date of such natural disaster or act of God, and their respective successors and assigns, including the developer with respect to units owned by the developer. In the event of such an assessment, all units shall be assessed in accordance with s. 718.115(2).

2. A developer who owns condominium units, and who is offering the units for sale, may be excused from payment of assessments against those unsold units for the period of time the developer has guaranteed to all purchasers or other unit owners in the same condominium that assessments will not exceed a stated dollar amount and that the developer will pay any common expenses that exceed the guaranteed amount. Such guarantee may be stated in the purchase contract, declaration, prospectus, or written agreement between the developer and a majority of the unit owners other than the developer and may provide that after the initial guarantee period, the developer may extend the guarantee for one or more stated periods. If a developer-controlled association has maintained all insurance coverage required by s. 718.111(11)(a), common expenses incurred during a guarantee period, as a result of a natural disaster or an act of God occurring during the same guarantee period, which are not covered by the proceeds from such insurance, may be assessed against all unit owners owning units on the date of such natural disaster or act of God, and their successors and assigns, including the developer with respect to units owned by the developer. Any such assessment shall be in accordance with s. 718.115(2) or (4), as applicable.

(b) If the purchase contract, declaration, prospectus, or written agreement between the developer and a majority of unit owners other than the developer, provides for the developer to be excused from payment of assessments under paragraph (a), only regular periodic assessments for common expenses as provided for in the declaration and prospectus and disclosed in the estimated operating budget shall be used for payment of common expenses during any period in which the developer is excused. Accordingly, no funds which are receivable from unit purchasers or unit owners and payable to the association, including capital contributions or startup funds collected from unit purchasers at closing, may be used for payment of such common expenses.

(c) If a developer of a multicondominium is excused from payment of assessments under paragraph (a), the developer's financial obligation to the multicondominium association during any period in which the developer is excused from payment of assessments is as follows:

1. The developer shall pay the common expenses of a condominium affected by a guarantee, including the funding of reserves as provided in the adopted annual budget of that condominium, which exceed the regular periodic assessments at the guaranteed level against all other unit owners within that condominium.

2. The developer shall pay the common expenses of a multicondominium association, including the funding of reserves as provided in the adopted annual budget of the association, which are allocated to units within a condominium affected by a guarantee and which exceed the regular periodic assessments against all other unit owners within that condominium.

Section 57. Subsection (11) is added to section 718.117, Florida Statutes, to read:

718.117 Termination.—

(11) This section does not apply to the termination of a condominium incident to a merger of that condominium with one or more other condominiums under s. 718.110(7).

Section 58. Subsection (8) of section 718.403, Florida Statutes, is amended to read:

718.403 Phase condominiums.—

(8) Upon recording the declaration of condominium or amendments adding phases pursuant to this section, the developer shall file the recording information with the division within *120 Calendar* ~~30 working~~ days on a form prescribed by the division.

Section 59. Section 718.405, Florida Statutes, is created to read:

718.405 Multicondominiums; multicondominium associations.—

(1) An association may operate more than one condominium if the declaration for each condominium to be operated by that association provides for participation in a multicondominium, in conformity with this section, and discloses or describes:

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

(d) The voting rights of the unit owners in the election of directors and in other multicondominium association affairs when a vote of the owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(2) If any declaration requires a developer to convey additional lands or facilities to a multicondominium association and the developer fails to do so within the time specified, or within a reasonable time if none is specified in the declaration, any unit owner or the association may enforce that obligation against the developer or bring an action against the developer for specific performance or for damages that result from the developer's failure or refusal to convey the additional lands or facilities.

(3) The declaration for each condominium to be operated by a multicondominium association may not, at the time of the initial recording of the declaration, contain any provision with respect to allocation of the association's assets, liabilities, common surplus, or common expenses which is inconsistent with this chapter or the provisions of a declaration for any other condominium then being operated by the multicondominium association.

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation.

Section 60. *Section 718.5019, Florida Statutes, is repealed.*

Section 61. Present subsections (15) through (27) of section 718.504, Florida Statutes, are redesignated as subsections (16) through (28), respectively, and a new subsection (15) is added to that section, to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If the condominium is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 62. *Paragraph (j) of subsection (1) of section 718.501, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines,

and insert: An act relating to real property; amending s. 617.3075, F.S.; prohibiting homeowners' associations from prohibiting display of the United States flag; amending s. 718.103, F.S.; revising definitions; providing an additional definition; amending s. 718.104, F.S.; providing additional requirements for a declaration of condominium; modifying time period for filing recorded documents; providing for determining the percentage share of liability for common expenses and ownership; amending s. 718.106, F.S.; providing for the right to assign exclusive use; providing for the right to seek election; amending s. 718.110, F.S.; clarifying requirements for amending and recording the declaration of condominium; providing for determining the percentage share of liability for common expenses and ownership for purposes of condominiums comprising a multicondominium development; amending s. 718.111, F.S.; clarifying an attorney-client privilege; revising requirements for financial reporting; authorizing certain financial statements in lieu of reports; deleting requirements for financial statements; revising certain limitations on the commingling of funds maintained in the name of a condominium association or multicondominium; amending s. 718.112, F.S.; revising requirements for budget meetings; requiring separate budgets for condominiums and associations; providing conditions under which a multicondominium association may waive or reduce its funding of reserves; amending s. 718.113, F.S.; providing certain limitations on making material alterations or additions to multicondominiums; providing a procedure for approving an alteration or addition if not provided for in the bylaws; revising requirements for condominium boards with respect to installing and maintaining hurricane shutters; specifying expenses that constitute common expenses of a multicondominium association; providing for an association's bylaws to allow certain educational expenses of the officers or directors to be a permitted common expense; amending s. 718.115, F.S.; providing for determining the common surplus owned by a unit owner of a multicondominium; authorizing condominium households receiving supplemental security income or food stamps to discontinue cable television service without fees, penalties, or service charges; amending s. 718.116, F.S.; revising circumstances under which a developer may be excused from paying certain common expenses and assessments; providing for the developer's obligation for such expenses with respect to a multicondominium association; amending s. 718.117, F.S.; providing that certain requirements governing the termination of a condominium are inapplicable to the merger of a condominium with one or more other condominiums; amending s. 718.403, F.S.; modifying time period for filing recorded documents; creating s. 718.405, F.S.; providing for the creation of multicondominiums; providing requirements for the declaration of condominium; providing for the merger or consolidation of condominium associations; repealing s. 718.5019, F.S., relating to the Advisory Council on Condominiums; amending s. 718.504, F.S.; providing requirements for the prospectus or offering circular for a condominium that is or may become part of a multicondominium; amending s. 721.13, F.S.; conforming a cross-reference; repealing s. 718.501(1)(j), F.S., relating to uniform accounting principles, policies, and standards required to be adopted by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 719.103, F.S.; providing for

Senate Amendment 2—On page 121, line 22, delete that line,

and insert: requirement of s. 718.111(13) or *s. 719.104(4)* ~~(14)~~, the

On motion by Rep. Cantens, the House concurred in Senate Amendments 1 and 2. The question recurred on the passage of CS/CS/HB 593. The vote was:

Session Vote Sequence: 568

Yeas—118

The Chair	Argenio	Ball	Bilirakis
Albright	Argenziano	Barreiro	Bitner
Alexander	Arnall	Bense	Bloom
Andrews	Bainter	Betancourt	Boyd
Bradley	Frankel	Levine	Russell
Bronson	Fuller	Littlefield	Ryan
Brown	Futch	Logan	Sanderson
Brummer	Garcia	Lynn	Sembler
Bucher	Gay	Maygarden	Smith, C.
Bullard	Goode	Melvin	Smith, K.
Bush	Goodlette	Merchant	Sobel
Byrd	Gottlieb	Miller, J.	Sorensen
Cantens	Green, C.	Miller, L.	Spratt
Casey	Greene, A.	Minton	Stafford
Chestnut	Greenstein	Morroni	Stansel
Constantine	Hafner	Murman	Starks
Cosgrove	Harrington	Ogles	Suarez
Crist	Hart	Patterson	Sublette
Crow	Henriquez	Peaden	Trovillion
Detert	Heyman	Posey	Tullis
Diaz de la Portilla, R.	Hill	Prieguez	Turnbull
Dockery	Jacobs	Pruitt	Villalobos
Edwards	Johnson	Putnam	Wallace
Effman	Jones	Rayson	Wasserman Schultz
Eggelletion	Kilmer	Reddick	Waters
Farkas	Kosmas	Ritchie	Wiles
Fasano	Kyle	Ritter	Wilson
Feeney	Lacasa	Roberts	Wise
Fiorentino	Lawson	Rojas	
Flanagan	Lee	Rubio	

Nays—None

Votes after roll call:
Yeas—Kelly

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

THE SPEAKER IN THE CHAIR

Conference Committee Report on HB 2145

In compliance with Article III, Section 19(d) and Joint Rule 2, the necessary 72-hour waiting period having expired, on motion by Rep. Pruitt, the House took up the following Report of the Conference Committee on HB 2145:

The Honorable Toni Jennings May 2, 2000
President of the Senate

The Honorable John Thrasher
Speaker, House of Representatives

Dear President Jennings and Speaker Thrasher:

Your Conference Committee on the disagreeing votes of the two houses on the Senate amendments to House Bill 2145, same being:

An act making appropriations; providing moneys for the annual period beginning July 1, 2000, and ending June 30, 2001, to pay salaries, and other expenses, capital outlay-buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

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

1. That the Senate recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee amendment attached hereto, and by reference made a part of this report.

Kenneth P. "Ken" Pruitt, Chair *Locke Burt, Chair*
Lesley "Les" Miller, Jr., Vice Chair
Randy Ball *Charlie Bronson*
Allan Bense *Walter "Skip" Campbell*
Rudolph "Rudy" Bradley *W. D. Childers*

Johnnie Byrd
Robert K. "Bob" Casey
Cynthia Chestnut
Lee Constantine
George Crady
Victor Crist
Larry Crow
Paula Dockery
Josephus Eggelletion
Frank Farkas
Tom Feeney
James B. "Jim" Fuller
Rodolfo "Rudy" Garcia
Lars A. Hafner
Dennis Jones
Bruce Kyle
Carlos A. Lacasa
Alfred J. "Al" Lawson, Jr.
Willie F. Logan
Evelyn Lynn
Jerry Maygarden
Jerry G. Melvin
Jefferson B. "Jeff" Miller
O. R. "Rick" Minton, Jr.
Sandra L. "Sandy" Murman
Durell Peaden, Jr.
Alzo J. Reddick, Sr.
Beryl Roberts
Debby Sanderson
Charles W. "Charlie" Sembler II
Kelley R. Smith
Marjorie R. Turnbull
J. Alex Villalobos
Debbie Wasserman Schultz
Stephen R. Wise
Managers on the part of the House of Representatives

Charlie Clary
Buddy Dyer
James "Jim" Hargrett
Betty S. Holzendorf
Jim Horne
George G. Kirkpatrick
Patsy Ann Kurth
Jack Latvala
John F. Laurent
William G. Myers, M.D.
Burt L. Saunders
Jim A. Scott
Ronald A. Silver
Donald C. Sullivan
Daniel Webster
Managers on the part of the Senate

Conference Committee Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 2000, and ending June 30, 2001, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

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

The moneys contained herein are appropriated from the named funds for the 2000-2001 Fiscal Year to the State agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The moneys contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

1 FIXED CAPITAL OUTLAY
CLASSROOMS FIRST AND 1997 SCHOOL CAPITAL OUTLAY BOND PROGRAMS - OPERATING FUNDS AND DEBT SERVICE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 180,000,000

SECTION 1
SPECIFIC
APPROPRIATION

The funds in Specific Appropriation 1 are for the cash and debt service requirements of the Classrooms First and 1997 School Capital Outlay Bond Programs established in Chapter 97-384, Laws of Florida.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

2 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 143,100,000

2A SPECIAL CATEGORIES
TRANSFER TO STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 19,400,000

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM TRUST FUNDS 162,500,000

TOTAL ALL FUNDS 162,500,000

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP

3 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT DISCRETIONARY LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 190,125,000

Funds appropriated in Specific Appropriation 3 are provided as enhancement funds for school districts and shall be allocated by prorating each district's K-12 base funding entitlement to the amount of the appropriation.

Districts shall use a unique fund source code for accounting for the receipt and expenditure of all Educational Enhancement Trust Funds.

Prior to the expenditure of funds appropriated in Specific Appropriation 3, each school district shall establish policies and procedures that define enhancement and the types of expenditures that will be considered consistent with that definition. Districts shall provide to the Department of Education a copy of all policies and procedures that relate to the use of enhancement funds and shall annually, within a sixty day period following the end of each fiscal year, submit a report to the Department of Education showing the actual expenditure of all enhancement funds.

From the funds provided in Specific Appropriation 3, school boards must allocate, not later than October 1, 2000, at least $10 per unweighted FTE student to be used at the discretion of the School Advisory Committee or, in the absence of such a committee, at the discretion of the staff and parents of the school. A portion of the money should be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable.

Funding for use by the School Advisory Councils should be allocated directly to the School Advisory Councils, should be clearly earmarked for their use and is not subject to override by the Principal or interim approvals by school district staff. The funds must be accounted for and subject to being audited on a yearly basis.

PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP

4 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRANSFER LOTTERY TO EXECUTIVE OFFICE OF THE GOVERNOR/ PARTNERSHIP FOR SCHOOL READINESS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,075,000

SECTION 1
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5 SPECIAL CATEGORIES
SCHOOL RECOGNITION/MERIT SCHOOLS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 60,000,000

From the funds provided in Specific Appropriation 5, up to $100 per student in each qualifying school shall be awarded by the Commissioner as provided in section 231.2905, Florida Statutes. If the funds in Specific Appropriation 5 are insufficient to pay $100 per student these funds shall be prorated among all eligible students.

5A SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW
PERFORMING SCHOOLS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 17,250,000

Funds in Specific Appropriation 5A shall be used to provide incentives and support for school districts to test and evaluate the use of reading programs and strategies that show promise in improving the reading skills of students who are below minimum standards in reading. Grant awards shall not supplant existing funding efforts in school districts to improve students' reading proficiency. As a requirement to participate, superintendents shall certify that the programs and strategies supported in these pilot programs shall be formally considered for adoption by the school board if found to be successful and cost effective.

The superintendent shall certify that funds requested for eligible programs shall not supplant those used to support the instructional process, or federal and state supplemental funds. The grant funds shall be used for special materials, supplies, assistance, training and other costs necessary to implement the programs. Districts proposing the broadest implementation for their students with the most critical needs for assistance will be given priority for funding.

From the funds in Specific Appropriation 5A, $7,250,000 is provided for intensive reading programs targeted at improving the reading proficiency of students in kindergarten through grade three who are enrolled in schools receiving a grade of D or F on the State School Accountability Report. The appropriation shall be distributed through a grant program to school districts. The Commissioner of Education shall establish guidelines and eligibility criteria for awarding these funds. The awards will cover the school district's expense of curriculum materials, coaches, teacher professional development, and a senior trainer and program administrator and will require the LEA's to follow developer guidelines for reaching grade level performance standards for all students. The reading programs funded under this appropriation should be validated by multiple large scale experimental studies with at-risk populations. The programs should include systematic and explicit phonics instruction targeted at language concepts needed for later success in school, and should be congruent with research findings on effective reading, i.e., research of the NICHD on beginning reading. The program will follow the program design of the Direct Instruction Curriculum developed at the University of Oregon or its equivalent. The Commissioner of Education shall establish accountability criteria which shall include pre- and post-student testing and will report the outcomes to the President of the Senate, the Speaker of the House, and the Governor. School districts receiving an award may delay implementation of the program until the 2001-2002 school year at the district's discretion. Grant awards shall be distributed to school districts no later than December 1, 2000.

From the funds in Specific Appropriation 5A, $1,500,000 is provided to the Department of Education for a grant to the Institute for School Innovation for the continuation of a research study to determine the effect of class size on academic achievement in reading, writing and mathematics. The Department of Education shall make funds available for this program no later than August 1, 2000.

From the funds in Specific Appropriation 5A, $1,000,000 is provided to the Department of Education for a grant to the Institute for School Innovation for contracting with "D" and "F" schools to provide Project CHILD at individual schools. "D" and "F" schools may contract with the Institute for School Innovation at a rate not to exceed $580.00 per student. The institute shall provide the school with the appropriate materials, teacher training, leadership training and other necessary services to fully implement Project CHILD. The Department of Education shall make funds available for this program no later than August 1, 2000.

From the funds in Specific Appropriation 5A, $6,500,000 shall be used for competitive grants to school districts to implement a pilot test for a failure free reading program which is an Education Commission of the States promising practice and is proven to improve the reading skills of students who have scored in the lowest quartile in reading as measured by standardized tests. The failure free reading program shall consist of two major study groups: (1) non-reading students in residential commitment programs under the control of the Department of Juvenile Justice and (2) non-reading students in low performing public elementary and middle schools. All approved programs shall include a bridges component which is a comprehensive assessment of cognitive, processing, and perceptual skills and abilities including attention, visual and auditory sequencing, memory, and comprehension. The failure free reading program eligible for funding shall include a verbal interactive computer component designed for rapid word recognition and retention and shall be limited to those with national validation or identification as promising programs for the lowest level readers based on student performance data. Each participating district shall use a portion of the grant funds to support participation in a common evaluation of the effect of strategies and materials on student reading proficiency. Funds from this appropriation may be used to support evaluation activities and the Commissioner shall contract with an independent evaluator to manage the project. The end of year report shall be presented to the Governor, Speaker of the House and President of the Senate and shall be considered in future funding of reading programs.

From the funds in Specific Appropriation 5A, the Commissioner of Education shall allocate $575,000 for the Northeast Florida Educational Consortium Best Practices Reading Initiative.

From the funds in Specific Appropriation 5A, $425,000 shall be used to develop a pilot program to improve reading skills for students in prekindergarten and kindergarten. The pilot program shall provide instructional services for one year for a group of at least 300 children and no more than 400 children. The program will use a combination of computers and instructors to teach children reading, mathematics, motor skills, and vocabulary. The Department of Education shall issue a request for proposals for the pilot program by August 1, 2000, and shall enter into an agreement with the successful bidder no later than September 1, 2000. Criteria for the pilot program and request for proposal must be developed by the Department of Education and include standards for evaluation, measurements and outcomes. At the conclusion of the pilot, the successful bidder and the Department of Education must provide a report to the Legislature detailing the number of children who joined the program and the progress they demonstrated over the term of the pilot.

6 SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 103,765,000

The Commissioner of Education is authorized to allocate funds in Specific Appropriation 6 among the following programs: Pre-kindergarten Early Intervention, Early Childhood Services, Migrant 3 and 4 Year Old Program and the Florida First Start program.

7 SPECIAL CATEGORIES
GRANTS AND AIDS - COALITION INCENTIVE
FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,085,000

TOTAL: PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP
FROM TRUST FUNDS 184,175,000

SECTION 1
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TOTAL ALL FUNDS 184,175,000

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

8 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 102,200,000

Funds provided in Specific Appropriation 8 shall be allocated as follows:

Brevard	4,042,142
Broward	6,597,611
Central Florida	2,015,516
Chipola	695,149
Daytona Beach	5,955,666
Edison	2,477,404
Florida CC at Jacksonville	9,748,622
Florida Keys	444,366
Gulf Coast	1,733,542
Hillsborough	5,231,237
Indian River	4,338,824
Lake City	1,049,784
Lake-Sumter	635,595
Manatee	2,096,206
Miami-Dade	16,576,825
North Florida	470,223
Okaloosa-Walton	1,896,183
Palm Beach	4,567,745
Pasco-Hernando	1,511,997
Pensacola	3,755,837
Polk	1,580,517
St. Johns	1,104,255
St. Petersburg	5,364,234
Santa Fe	4,084,665
Seminole	3,449,221
South Florida	1,310,300
Tallahassee	2,798,730
Valencia	6,667,604

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

The funds in Specific Appropriations 9A through 9D shall be used for university enhancements. The Board of Regents shall allocate to each university its proportional share to be used for enhanced programs to be determined by each respective university. The Board of Regents may allocate up to $500,000 of these funds (off-the-top) for implementing system-wide or state-wide priorities. Funds appropriated herein may be transferred to one or more appropriation categories for expenditure; however, the Board of Regents shall establish a mechanism for tracking such transferred funds back to the original appropriation. The Board of Regents shall submit an annual report reflecting how these funds were expended.

9A LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 89,511,077

Specific Appropriation 9A includes an increase above the recurring FY 1999-2000 appropriation of $5,030,000 for Graduate Assistant and Fellowship Fee Waivers. These funds shall be allocated as follows:

UF	1,415,510
FSU	1,068,640
FAMU	151,237
USF	842,604
FAU	197,354
UWF	89,170
UCF	622,051
FIU	369,623
UNF	273,811

9B LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL
SCIENCES OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 5,322,263

9C LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,898,477

9D LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER
OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,468,183

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM TRUST FUNDS 102,200,000

TOTAL ALL FUNDS 102,200,000

TOTAL OF SECTION 1

FROM TRUST FUNDS 921,200,000

TOTAL ALL FUNDS 921,200,000

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF
EDUCATION

The Commissioner of Education is authorized to establish and implement accountability measures of student achievement for grants approved by the Commissioner from the funds provided in Specific Appropriations 1 through 121.

Funds in Specific Appropriations 3 through 182 as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the Fiscal Year based on projects, grants, contracts and allocation conference documents.

When a public educational institution has been fully funded by an external agency for direct instructional costs of any course or program, the FTE generated shall not be reported for state funding.

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 9E through 10D shall constitute authorized capital outlay projects within the meaning and as required by s. 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each project is the maximum sum to be expended for each specified phase of the project from funds accruing under s. 9(a)(2), Article XII of the State Constitution. The scope of each project shall be planned so that the amounts specified shall not be exceeded, or any excess in costs shall be funded by sources other than this appropriation. Such excess costs may be funded from the Public Education Capital Outlay and Debt Service Trust Fund only as the result of fund transfers pursuant to s. 216.292(5)(b), Florida Statutes. Each project shall be constructed on the site specified. If existing

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facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of s. 216.301(3), Florida Statutes, shall apply to all capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 2000-2001 appropriation, and shall also apply to funds appropriated from the General Revenue Fund in Specific Appropriations 9E through 10D.

The Governor's Office of Policy and Budget shall establish Fixed Capital Outlay budget authority within the SUS Construction Trust Fund to enable expenditure of funds appropriated for the State University System.

9E FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 203,400,000

Funds provided in Specific Appropriation 9E shall be allocated in accordance with s. 235.435(1), Florida Statutes, as follows:

Public Schools.....160,675,132
Community Colleges..... 16,232,070
State University System..... 26,492,798

9F FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM GENERAL REVENUE FUND 114,551,388
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 15,400,000

From the funds provided in Specific Appropriation 9F, $1,642,014 shall be distributed to developmental research schools and allocated in accordance with s. 228.053(9)(e), Florida Statutes. The remaining funds shall be allocated to school districts and developmental research schools in accordance with s. 235.435(3), Florida Statutes.

9G FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 223,602,938

The following community college projects are included in the funds provided in Specific Appropriation 9G.

BREVARD
Gen/ren/Rem, Fac's 1 OCC. & Fac 4 Gym & Site Improv Titusville..... 2,446,327
BROWARD
Student Ctr Bldg 19 Addition/Rem - Central complete (c,e). 1,000,000
Gen ren/rem, HVAC, comm sys, ADA, roofs, utilities, site impr..... 2,542,550
Rem/ren Bus Ed/Science Bldg 71 - South..... 286,899
Rem/ren Bldg 48 Student Svsc - North partial..... 3,849,002
Clsrms/Labs/Library w/local Partnership - Weston complete (p,c,e)..... 4,000,000
CFLA
Gen Ren/Rem, mech/elec, ADA, roofing, site improvements... 943,310
Rem/ren Bldg 5 & 9 - Main partial..... 833,612
Major Ren/Rem Health Occu & Lab Bldg 19 - Main complete... 1,561,346
CHIP
Gen ren/rem, ADA, utilities, roofs, site improvements, LRC 594,542
Rem/ren Nursing Cosmetology/English..... 1,632,630
Allied Health/Workforce Dev Clsrms/Lab Bldg (3) complete (ce)..... 2,132,915
Clsrms/Lab Therapy Bldg, Phys Ed Bldg addition complete (ce)..... 1,797,927
DAYT
Gen ren/rem, undergrd utilities, Bldgs 12, 15, 28, LRC, site imprv..... 1,941,136
Rem/ren Allied Health/Science Bldg 27 - Main partial..... 5,465,670
Student Svcs/Admin/Child Serv Bldg 7 - West partial (ce).. 7,860,922

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Daytona Bch CC/Volusia Sch Dist Charter Technical Center (e)..... 4,241,465
DBCC/Seminole C/WCP High Tech Trng Center partial (p,c)... 4,000,000
EDIS
Allied Health Inst Fac - Main complete (ce)..... 945,000
Gen ren/rem, energy proj 13 Bldgs, fire safety, HVAC, site imprv..... 915,530
Rem/ren Bldgs 1-7, 9, 10, 12, 20-26, 28 - Main partial.... 800,000
Clsrms/Distance Lng/Video Conf Fac/Stu Svcs - Main partial (c)..... 4,000,000
FJAX
Gen ren/rem, ADA, HVAC, lights, utilities, roofs, floors, site imprv..... 2,891,405
Rem/ren Workforce Labs Bldgs B & C - Downtown partial..... 603,947
Rem/ren Aviation/Aerospace Ctr. - Cecil Field (3) complete 7,100,000
Student Services Bldg - Kent complete (ce)..... 1,400,000
Clsrms/Labs/Lib/Stu Svcs Ph II & III - Nassau complete (ce)..... 311,000
FKEY
Gen ren/rem, roofs, telecomm, elec/mech/HVAC, ADA, site imprv..... 272,180
GULF
Gen ren/rem, HVAC Soc Sci, LRC & Nat Sci Labs, security sys..... 910,597
Rem/ren Social Science Bldg - Main partial..... 250,000
Adjacent land acquisition - Main, Gulf/Franklin, CJ Ctr partial (spc)..... 555,499
Health/Wellness/Voc Ed Facility partial (s,p,c)..... 1,500,000
HILL
Gen ren/rem, HVAC, energy mgt, parking, ADA, utilities, comm sys..... 1,309,125
Rem/Ren Library floors 2 & 3 - Dale Mabry partial..... 2,170,612
Rem/ren Business Labs Bldg 201 - Ybor City partial..... 633,589
HCC/UF IFAS Horticulture Studies Center (p,c)..... 500,000
INDR
Gen ren/rem, roofs, ADA, chiller plt, utilities, parking, site imprv, HVAC..... 994,574
Rem/ren Bldgs 6 & parts of 3, 10, 12 & 18 - Main partial.. 3,200,000
Adjacent land acquisition - Main, Chastain, Mueller, St. Lucie W (spc)..... 1,000,000
Treasure Coast Workforce Development Education Center..... 9,544,000
Technology Bldg partial (ce)..... 8,298,259
Classroom Building - Chastain Center (1) complete (pce)... 4,680,690
LCTY
Gen ren/rem, HVAC, Admin & Tech Bldgs, roads, site imprv.. 641,385
LSUM
Gen ren/rem, energy mgt, site imp. roofs, ADA, lighting, HVAC..... 445,533
Gym HVAC..... 250,000
MANA
Gen ren/rem, utilities, storm main, HVAC, ducts, paving, roofs, ADA..... 2,324,285
Major ren/Rem Sci Lab Bldg 800 & Mach Bldg 1800 complete.. 901,172
Rem/ren Bldgs 100,200 & 300 - Main..... 1,205,039
Workforce Development Corprate Training Center (s,p,c).... 482,321
MIAM
Bldg 7000 (Parking Facility for Phase III) - Wolfson complete (ce)..... 7,988,000
Gen ren/rem - collegewide..... 5,757,282
Rem/ren clrms/labs/sup fac - Wolfson partial..... 2,000,000
Rem/ren clrms/labs/sup fac - InterAmerican partial..... 3,230,700
Rem/ren clrms/labs/sup fac Bldg 2000 - North..... 2,456,480
Land & facilities acquisition - Wolfson partial (spc)..... 223,441
Rem/Ren Bldg 400 Phase I..... 2,500,000
NFLA
Gen ren/rem, site imp, roofing, handicap access, ADA..... 397,434
Rem/ren Tech Ctr Nursing Partial..... 282,151
EMT Suite Addition - Main (3) complete (pce)..... 483,337
OKLA
Gen ren/rem, utilities, energy mgt, parking, site imps, safety, elec..... 1,016,991
Rem/ren Facility 50 for Nursing Main - Partial..... 183,000
Library Bldg - Main partial (c)..... 1,000,000
PALM

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Gen ren/rem, safety, comm and tech sys, EMS, roofs, parkg, utilities, lights, rds, site improv..... 2,502,078
Rem/ren Bldgs 104 & 208 w/ addition - Central; 104 -South partial..... 1,385,240
Workforce Training Center Phase 1 - Central (1) complete (pce)..... 10,000,000

PASC
Gen ren/rem, roofs, HVAC, elec/light sys, ADA..... 653,879
Rem/ren Bldgs 1 Clasrms/Labs Admin - East..... 1,674,612

PENS
Gen ren/rem, indoor aiq, HVAC, Visual Arts, roofs, site imp, lights..... 2,047,739
Rem/ren Health Education Bldg - Warrington partial..... 108,969
Health Sci Clsrms/Labs w local match - Warrington complete (ce)..... 3,191,163
Adjacent land acquisition - Main partial (spc)..... 500,000

POLK
Gen ren/rem, comm sys, ADA, 3 Bldgs, HVAC, road, roofs, parking..... 863,081

SANF
Library partial (pce)..... 8,502,255
Gen ren/rem, HVAC, ADA, utilities, sys, roofs, site imp... 1,112,684
Rem/ren Bldgs A Clsrms, D Telecom & T Security..... 576,612

SEMI
Gen ren/rem, e-mgt comm sys, ADA, 3 Bldgs, HVAC, road, roofs, parking, site dev..... 1,011,912
Rem/ren Science Bldg 201..... 575,817
Clsrms, Sci Labs, Office Bldgs - East Ctr. Ph IB complete (ce)..... 3,659,624
Seminole/WCF High Tech Training Fac (p)..... 750,000

SFLA
Gen ren/rem, roofing, lights, drainage, ADA, site improvement..... 457,393
Rem/ren Lcture Ctr 400 & Cafeteria 700 partial..... 239,886
SFCC University Center..... 5,000,000

ST.P
Gen ren/rem, roofs, HVAC, ADA, Tech Bldg site improvement. 3,305,923
Rem/ren Crossroads Bldg - CL partial..... 1,148,623
Rem/ren Voc & Fire Sci Labs w/site dev - Allstate partial. 270,051
St Petersburg Junior College/City of Seminole Library..... 3,000,000
Major Ren/Rem Soc Arts Bldg w/chiller replacement - SP/G partial..... 5,504,489
Clsrms, Labs, Offices Ph II - TS partial (c,e)..... 4,442,945
Workforce & Economic Dev. Complex - cl partial (p,c,e).... 1,500,000

STJR
Gen ren/rem, HVAC, piping, roofs, ADC..... 705,025
JT/Clay Co Schs-clsrms/Auditorium w/ County match complete (ce)..... 3,000,000

TALL
Gen ren/rem, roofs, infrastructure imp. utilities, comm sys, HVAC, ADA..... 676,275
Adjacent land acquisition partial (spc)..... 500,000
Ren/rem, life/safety, HVAC, water sys, road, site imprv-PTLEA (2)..... 1,826,511
Social Science/Laboratory Building complete (ce)..... 6,000,000

VALE
Gen ren/rem & Site improvements - collegewide & land acquisition CJ facility..... 4,025,341
Clsrms, Voc & Tech Labs Bldg 8 E/w local match complete (ce)..... 6,000,000
Valencia/UCF Jt. Use Facility-Osceola County partial (p).. 1,200,000

9H FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 235,770,898

The following projects in the State University System are included in the funds appropriated in Specific Appropriation 9H.

FAMU
Utilities/Infrastructure/Capital Renewal/Roofs (p,c)..... 2,500,000
Pharmacy Building - Phase I (e)..... 2,895,122
Journalism Building (c)..... 6,300,000

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Coleman Library Expansion (c)..... 6,000,000
Land Acquisition (s)..... 1,500,000

FAU
Utilities/Infrastructure/Capital Renewal/Roofs (p,c)..... 930,000
Life Behavioral Science Complex Renov/Expansion (c)..... 8,500,000
Henderson Lab School Addition..... 1,740,000
FAU/FMR/Harbor Branch Oceanographic Institute partial..... 10,998,843
Student Support Services Bldg (p)..... 1,070,000

FGCU
Academic Building Four/Fine Arts Classrooms & Labs (e).... 500,000
Multi-Purpose Bldg (c,e)..... 8,000,000
Teaching Gymnasium (c)..... 8,304,812
Clsrm/Office/Labs Academic 5 (p)..... 650,000
Library Expansion (p)..... 500,000

FIU
Utilities/Infrastructure/Capital Renewal/Roofs (p,c)..... 2,152,752
Health & Life Sciences Expansion/Rem/Renov (c,e)..... 12,362,500

FSU
Utilities/Infrastructure/Capital Renewal/Roofs (p,c)..... 5,000,000
Science Bldg. Support Systems (p,c)..... 2,200,000
Psychology Center (p)..... 1,500,000
Montgomery Gym Remodeling (c)..... 9,785,280
Communications Facility (Univ. Center)..... 6,000,000

UCF
Utilities/Infrastructure/Capital Renewal/Roofs (p,c)..... 1,470,343
Engineering Building II (e)..... 2,000,000
Biological Sciences Annex & Remodeling (c)..... 10,500,000
Health & Public Affairs Building II (e)..... 1,125,000
Teaching Center (p)..... 4,250,000
Business Building (p)..... 800,000
Lively Arts Community Center (p)..... 1,760,000
Partnership II Building partial..... 15,000,000

UF
Utilities/Infrastructure/Capital Renewal/Roofs (p,c)..... 3,500,000
Health Professions/Nursing/Pharmacy Complex (p,c,e)..... 10,094,000
Weil Hall Renovation/Remodeling (p,c,e)..... 8,382,721
IFAS Gulf Coast Research & Education Center..... 1,500,000
Univ Medical Center-Shands Jacksonville Proton Beam Equip/Facility..... 6,000,000
Center for Marine Studies-Whitney Lab..... 5,537,387
Center for Marine Animal Health-Whitney Lab..... 5,750,000
Shands Jacksonville Radiology Equipment Upgrade..... 4,000,000
Pediatric Inpatient Expansion..... 3,000,000
Shands Pediatric Emergency Center..... 3,000,000
Constans Theatre Addition (p)..... 600,000
IFAS Monticello Facility..... 340,000
IFAS Aquaculture Research & Demonstration Facility..... 4,600,000
IFAS Quincy - N FL REC completion & equipment..... 800,000

UNF
Utilities/Infrastructure/Capital Renewal/Roofs (p,c)..... 1,246,915
Fine Arts Complex (e)..... 1,200,000
Science/Engineering Lab/Office Building (c)..... 12,400,000
Library Addition (p)..... 500,000

USF
Natural & Environmental Sciences Bldg..... 1,000,000
Utilities & Infrastructure/Capital Renewal/Roofs (p,c).... 3,000,000
Engineering Building III (e)..... 600,000
Kopp Engineering Bldg. Remodeling (c)..... 7,711,000
Health Care and Education Center partial..... 10,000,000

UWF
Utilities/Infrastructure/Capital Renewal/Roofs (p,c)..... 1,500,000
Health, Leisure & Sports Fieldhouse Facility partial (p,c) 3,214,223

9I FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM GENERAL REVENUE FUND 13,586,800
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 26,726,164

Funds provided in Specific Appropriation 9I shall be allocated pursuant to s. 235.435(2), Florida Statutes for the following projects:

DeSoto County
Desoto Middle School Add/Ren/Rem (p,c,e)..... 10,251,379

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Columbia County
New High School (s,p,c,e) (Cont from Previous Yr)..... 2,787,000
Madison County
New K-8 School (s,p,c,e)..... 13,016,155
New K-5 School (s,p,c,e)..... 4,434,485
Jackson County
New Marianna High School (s,p,c,e)..... 9,823,945

Funds provided in Specific Appropriation 9I for the Jackson County New Marianna High School are contingent upon House Bill 289 or similar legislation becoming law.

10 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 18,500,000
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 595,480,000
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 98,015,000

10A FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM GENERAL REVENUE FUND 10,835,358

Funds provided in Specific Appropriation 10A are for the following projects:

Vocational Building..... 4,000,000
Site Acquisition..... 1,391,586
Campus Safety Related Projects..... 432,434
Renovations..... 5,006,338
Master Plan Update..... 5,000

10B FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM GENERAL REVENUE FUND 15,000,000

Funds provided in Specific Appropriation 10B shall be used to complete the Analog to Digital Television Conversion project. The funds for Digital Television Conversion are contingent upon the recipient entity matching the appropriation, in an equal amount, with local or private funds and the recipient contractually committing to provide specific educational services as determined by the Department. Prior to transferring the funds to the appropriate entity, the Department shall verify that the required level of matching funds has been committed by the recipient.

10C FIXED CAPITAL OUTLAY
PUBLIC SCHOOL FACILITIES
FROM GENERAL REVENUE FUND 19,045,484

Funds provided in Specific Appropriation 10C are for the following projects:

Osceola County/Lake County School District Shared K-8 Facility..... 2,865,484
Indian River School District Auditorium..... 3,000,000
Broward School District New Lauderdale Lakes Elem Sch Site Bridge..... 280,000
St. Lucie School District Agriculture Education Center (p,c,e)..... 4,300,000
Escambia School Board-Model Technical High School Infrastructure..... 500,000
P.K. Yonge Laboratory School Structural Emergency Phase I... 1,500,000
Martin County School District/IRCC Career Tech Center..... 6,600,000

10D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
COMMUNITY SCIENCE/LEARNING CENTERS
FROM GENERAL REVENUE FUND 7,222,000

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Funds provided in Specific Appropriation 10D are for the following projects:

Duval County Museum of Science and History..... 1,250,000
Odyssey Science Center in Leon County..... 1,800,000
Broward Museum of Discovery and Science..... 2,000,000
Florida Environmental Learning Center at Tuscawilla Preserve 1,200,000
Manatee County Emerson Point Environmental Center..... 600,000
Manatee County Project T.E.C. Facility..... 372,000

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 180,241,030
FROM TRUST FUNDS 1416,895,000

TOTAL ALL FUNDS 1597,136,030

VOCATIONAL REHABILITATION

10E SALARIES AND BENEFITS POSITIONS 933
FROM GENERAL REVENUE FUND 7,556,212
FROM FEDERAL REHABILITATION TRUST FUND . . 27,546,310

From the funds in Specific Appropriations 10E through 10N, the Vocational Rehabilitation Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to empower individuals with disabilities to maximize their employment, economic self-sufficiency and independence.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Rate and number of VR customers placed in competitive employment	97.5%/10,237
Rate and number of customers gainfully employed (rehabilitated) at least 90 days	63%/10,500
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 10E and through 10H and 10N shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.	

From Funds in Specific Appropriations 10E through 10N for the Vocational Rehabilitation program, effective July 1, 2000, the Department of Education is the designated state agency and the Division of Occupational Access and Opportunity is the designated state unit for purposes of compliance with the federal Rehabilitation Act of 1973, as amended. Effective October 1, 2000, the Occupational Access and Opportunity Commission is the designated state agency for purposes of compliance with the Rehabilitation Act of 1973, as amended. The Occupational and Opportunity Access Commission is authorized to submit no later than October 1, 2000, a plan detailing the resources necessary to implement the approved State Plan for Vocational Rehabilitation. The plan shall be approved pursuant to the notice and review requirements of s. 216.177, Florida Statutes.

10F OTHER PERSONAL SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 819,103

10G EXPENSES
FROM FEDERAL REHABILITATION TRUST FUND . . 11,850,017

10H OPERATING CAPITAL OUTLAY
FROM FEDERAL REHABILITATION TRUST FUND . . 480,986

10I SPECIAL CATEGORIES
VOCATIONAL REHABILITATIVE SERVICES
FROM GENERAL REVENUE FUND 1,000,000

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From the funds in Specific Appropriation 10I, $300,000 from the General Revenue Fund is provided for the support of auditory and oral education for young deaf children.

From the funds in Specific Appropriation 10I, $200,000 from the General Revenue Fund is provided for the Community Partners for Employment to assist community organizations which operate work centers to assist people with disabilities become employed.

From the funds in Specific Appropriation 10I, $500,000 from the General Revenue Fund is provided for the Centers for Independent Living to assist citizens with disabilities in becoming independent.

10J SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 2,950,983

10K SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 3,374,083

10L SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 17,185,502
FROM FEDERAL REHABILITATION TRUST FUND . . 60,523,127

From the funds in Specific Appropriation 10L, $300,000 in General Revenue from the base allocation for the Centers for Independent Living shall be used as match for the Basic Support Program. Funding from Social Security Reimbursements (program income) in an amount of up to $1,408,450 shall be allocated to the Centers for Independent Living.

Funds in Specific Appropriation 10L allocated to client services categories shall be released quarterly. Any alternative release schedule shall be subject to the notice, review and approval procedures provided in s. 216.177, F.S.

10M SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FEDERAL REHABILITATION TRUST FUND . . 71,891

10N DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM GENERAL REVENUE FUND 216,845
FROM FEDERAL REHABILITATION TRUST FUND . . 765,876

TOTAL: VOCATIONAL REHABILITATION
FROM GENERAL REVENUE FUND 25,958,559
FROM TRUST FUNDS 108,382,376

TOTAL POSITIONS 933
TOTAL ALL FUNDS 134,340,935

PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES

Entities administering contracts that have not been reviewed and recommended by the Postsecondary Education Planning Commission shall require annual reports which include quantified fiscal and programmatic data for all such contracts at the independent institutions. Contracts that fail to meet minimum standards of quality should be visited and corrective actions identified, and funds shall be withheld until deficiencies are certified as corrected by PEPC.

For academic program contracts recommended by the Postsecondary Education Planning Commission, priority for funding shall be placed on the most financially needy students.

Funds in Specific Appropriations 11, 16, 17, 18, 19, 21, 27, 29, 35, 36, 38, 39 and 40 are based on the average funding provided to the State University for the respective program discipline. Funding in Specific Appropriation 37 is based on the cost of a comparable program at the

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University of Florida. The university/college may charge an appropriate tuition for matriculation into these programs. Students may support this tuition from a variety of sources including, but not limited to: Florida Resident Access Grant (FRAG), Private Student Assistance Grant (PSAG), Supplemental Educational Opportunity Grant (SEOG), Pell Grants, College Work Study, and any other available student financial aid sources or other support. Total state funding, however, shall not exceed the university/college tuition level. Students enrolled in these programs prior to July 1, 2000 shall continue on the same basis under which originally admitted until graduation from the program.

11 SPECIAL CATEGORIES
BARRY UNIVERSITY - BACHELOR OF SCIENCE/ NURSING
FROM GENERAL REVENUE FUND 189,989

Funds provided in Specific Appropriation 11 support up to 20.47 FTE students.

11A SPECIAL CATEGORIES
ROSENSTIEL SCHOOL - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 11A are provided to support the Center for Sustainable Fisheries at the University of Miami Rosenstiel School.

12 SPECIAL CATEGORIES
GRANTS AND AIDS - UNIVERSITY OF MIAMI - BIMINI BIOLOGICAL FIELD STATION
FROM GENERAL REVENUE FUND 200,000

13 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 2,500,000

Funds in Specific Appropriation 13 may be advance funded on a quarterly basis.

14A SPECIAL CATEGORIES
CUBAN HISTORY DOCUMENTATION
FROM GENERAL REVENUE FUND 50,000

15 SPECIAL CATEGORIES
LIMITED ACCESS GRANTS
FROM GENERAL REVENUE FUND 180,000

16 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - SCIENCE EDUCATION
FROM GENERAL REVENUE FUND 86,787

Funds provided in Specific Appropriation 16 support up to 11.36 FTE students.

17 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - INDUSTRIAL ENGINEERING
FROM GENERAL REVENUE FUND 246,446

Funds provided in Specific Appropriation 17 support up to 21.25 FTE students.

18 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MUSIC ENGINEERING
FROM GENERAL REVENUE FUND 335,047

Funds provided in Specific Appropriation 18 support up to 28.88 FTE students.

19 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BACHELOR OF SCIENCE/ ARCHITECTURAL ENGINEERING
FROM GENERAL REVENUE FUND 223,365

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Funds provided in Specific Appropriation 19 support up to 19.26 FTE students.

20 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 18,645,202

From the funds provided in Specific Appropriation 20, $1,000,000 is provided for managed health care and $2,500,000 for cancer research. The remaining funds provided in Specific Appropriation 20 provide $30,290.40 each for 500 Florida residents attending the University of Miami Medical School. Students admitted during or after Fall 1991 shall meet the residency requirements of s. 240.1201, Florida Statutes. Students admitted prior to Fall 1991 shall be certified as Florida residents based on the criteria stipulated at the time of admission.

21 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 401,346

Funds provided in Specific Appropriation 21 support up to 34.60 FTE students.

23 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 168,041

Funds provided in Specific Appropriation 23 shall be used for the purchase of books and other related library materials, such as audio and media resources, at historically black colleges and universities, pursuant to s. 240.518, Florida Statutes. Funds shall be allocated equally to Florida Memorial College, Bethune-Cookman College, and Edward Waters College. Funds shall not be expended on promotional materials or on staff development. Each college shall provide an exact accounting of expenditures to the Postsecondary Education Planning Commission.

24 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OSTEOPATHY
FROM GENERAL REVENUE FUND 3,133,900

Funds in Specific Appropriation 24 provide $500,000 for managed care and also provide for 365 osteopathic students at $7,216.16 per Florida resident as defined in s. 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its osteopathic program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

25 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - PHARMACY
FROM GENERAL REVENUE FUND 838,244

Funds in Specific Appropriation 25 are for 341 pharmacy students at $2,458.19 per Florida resident as defined in s. 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its pharmacy program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

26 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OPTOMETRY
FROM GENERAL REVENUE FUND 969,400

Funds in Specific Appropriation 26 are for 131 optometry students at $7,400 per Florida resident as defined in s. 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its optometry program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

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27 SPECIAL CATEGORIES
NURSING CONTRACT - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 595,640

Funds provided in Specific Appropriation 27 support up to 64.19 upper level FTE students.

27A SPECIAL CATEGORIES
UNIVERSITY OF MIAMI MINORITY AFFAIRS
FROM GENERAL REVENUE FUND 100,000

28 SPECIAL CATEGORIES
PUBLIC SECTOR URBAN, RURAL AND UNMET NEEDS
FROM GENERAL REVENUE FUND 125,000

Funds in Specific Appropriation 28 are provided to the Southeastern University of Health Sciences to continue the training program dealing with the public sector, rural and unmet medical needs.

29 SPECIAL CATEGORIES
SOCIAL WORK CONTRACT - BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 193,734

Funds provided in Specific Appropriation 29 support up to 19.10 FTE students.

30 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN
FROM GENERAL REVENUE FUND 2,851,999

Funds provided in Specific Appropriation 30 are for the purpose of increasing access, retention and graduation at Bethune-Cookman College.

From funds provided in Specific Appropriation 30, the college must provide an accountability report to the Postsecondary Education Planning Commission (PEPC), the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives on or before October 2, 2000. Such report shall reflect the accountability measures, standards and expenditure information that were developed in consultation with the Postsecondary Education Planning Commission pursuant to chapter 99-226, and shall include the actual performance and budget for the 1999-2000 Fiscal Year as well as the projected performance and budget to be attained for 2000-2001. On or before December 15, 2000, PEPC shall review this report and make recommendations to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives for any changes to measures, standards and budget.

The third and fourth quarter releases of funds from this specific appropriation is contingent upon the college's compliance with the requirements of this proviso language.

31 SPECIAL CATEGORIES
GRANTS AND AIDS - EDWARD WATERS COLLEGE
FROM GENERAL REVENUE FUND 2,601,999

Funds provided in Specific Appropriation 31 are for the purpose of increasing access, retention and graduation at Edward Waters College.

From funds provided in Specific Appropriation 31, the college must provide an accountability report to the Postsecondary Education Planning Commission (PEPC), the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives on or before October 2, 2000. Such report shall reflect the accountability measures, standards and expenditure information that were developed in consultation with the Postsecondary Education Planning Commission pursuant to chapter 99-226, and shall include the actual performance and budget for the 1999-2000 Fiscal Year as well as the projected performance and budget to be attained for 2000-2001. On or before December 15, 2000, PEPC shall review this report and make recommendations to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives for any changes to measures, standards and budget.

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The third and fourth quarter release of funds from this specific appropriation is contingent upon the college's compliance with the requirements of this proviso language.

32 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA MEMORIAL COLLEGE
FROM GENERAL REVENUE FUND 2,351,999

Funds provided in Specific Appropriation 32 are for the purpose of increasing access, retention and graduation at Florida Memorial College. The college may also use these funds for the Distance Learning Center and the Minority Teacher Education Institute.

From funds provided in Specific Appropriation 32, the college must provide an accountability report to the Postsecondary Education Planning Commission (PEPC), the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives on or before October 2, 2000. Such report shall reflect the accountability measures, standards and expenditure information that were developed in consultation with the Postsecondary Education Planning Commission pursuant to chapter 99-226, and shall include the actual performance and budget for the 1999-2000 Fiscal Year as well as the projected performance and budget to be attained for 2000-2001. On or before December 15, 2000, PEPC shall review this report and make recommendations to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives for any changes to measures, standards and budget.

The third and fourth quarter release of funds from this specific appropriation is contingent upon the college's compliance with the requirements of this proviso language.

33 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH/
UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 250,000
FROM EDUCATIONAL AIDS TRUST FUND 500,000

Funds provided in Specific Appropriation 33 support the existing contract for spinal cord research.

34 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL DIABETES CENTER
- UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 677,609

From funds provided in Specific Appropriation 34, the university must provide to the Postsecondary Education Planning Commission a detailed plan with objectives and evaluation criteria prior to the release of the funds to meet the identified objectives. This plan must include Performance-Based Program Budgeting data as defined by the Postsecondary Education Planning Commission.

35 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BS/MOTION PICTURES
CONTRACT
FROM GENERAL REVENUE FUND 349,897

From the funds provided in Specific Appropriation 35, $349,897 is provided to support up to 34.17 FTE students.

36 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL
ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 168,735

Funds provided in Specific Appropriation 36 support up to 18.18 FTE students.

37 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL SCIENCE
DOCTORAL PROGRAMS CONTRACT
FROM GENERAL REVENUE FUND 1,076,000

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Funds provided in Specific Appropriation 37 support up to 18 Florida residents attending the biomedical doctoral program.

38 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ROSENSTIEL PHD
MARINE AND ATMOSPHERIC SCIENCE
FROM GENERAL REVENUE FUND 531,900

Funds provided in Specific Appropriation 38 support up to 4.8 FTE graduate students.

39 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MASTER OF SCIENCE IN
NURSING CONTRACT
FROM GENERAL REVENUE FUND 401,589

Funds provided in Specific Appropriation 39 support up to 31.14 FTE graduate students.

40 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY/MASTERS
OF SCIENCE OF SPEECH PATHOLOGY
FROM GENERAL REVENUE FUND 215,280

Funds provided in Specific Appropriation 40 support up to 16.69 FTE graduate students.

41 SPECIAL CATEGORIES
FLORIDA RESIDENT ACCESS GRANT
FROM GENERAL REVENUE FUND 70,830,388

Funds provided in Specific Appropriation 41 shall be used for tuition assistance for a maximum of 25,176 students in an amount of $2,813 per student. Each institution shall be eligible to receive the sum of $2,813 per student for its projected share of the 25,176 students and may use its own resources to provide for eligible students which are in excess of this authorized total for the year. Such excess shall be reported as a part of the enrollment estimates for the subsequent year. The $2,813 shall be allocated by the Department of Education on the basis of $1,406.50 per term and at such time as specified by the Commissioner. No funds provided in Specific Appropriation 41 for 2000-2001 shall be used to pay any voucher submitted for 1999-2000 enrollment.

Handicapped students who complete a total of 24 semester hours of instruction during a twelve month period that begins at the start of the school year shall be eligible to receive a tuition voucher. Students enrolled in state contracted programs at private institutions, where the tuition is equivalent to tuition in the State University System, shall not be eligible to receive funds under the Resident Access Grant Program. No student shall receive voucher funds in excess of the difference between the average cost of state university fees and equivalent fees paid by students enrolled in the eligible independent institution.

TOTAL: PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES
FROM GENERAL REVENUE FUND 111,589,536
FROM TRUST FUNDS 500,000

TOTAL ALL FUNDS 112,089,536

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

42 SALARIES AND BENEFITS POSITIONS 102
FROM GENERAL REVENUE FUND 1,079,574
FROM STUDENT LOAN OPERATING TRUST FUND . . 2,858,987
FROM NURSING STUDENT LOAN FORGIVENESS
TRUST FUND 114,193

43 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 239,928
FROM STUDENT LOAN OPERATING TRUST FUND . . 596,540

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44 EXPENSES		
FROM GENERAL REVENUE FUND	207,300	
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		234,172
FROM STUDENT LOAN OPERATING TRUST FUND . .		2,928,127
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		67,365
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		55,756
45 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	8,523	
FROM STUDENT LOAN OPERATING TRUST FUND . .		52,695
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		6,000
46 SPECIAL CATEGORIES		
CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM		
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		90,118,769
47 SPECIAL CATEGORIES		
FINANCIAL AID CONTRACTUAL SERVICES		
FROM GENERAL REVENUE FUND	38,924	
47A SPECIAL CATEGORIES		
STUDENT FINANCIAL ASSISTANCE MANAGEMENT INFORMATION SYSTEM		
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		3,405,109

Funds in Specific Appropriation 47A from the State Student Financial Assistance Trust Fund are provided to continue the development of an updated management information system for the Bureau of Student Financial Assistance. This project shall be subject to monitoring as a critical information resources management project under s. 282.322, F.S. From these funds, $150,000, which is provided for the project monitoring contract, shall be transferred to the Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions of Chapter 216, F.S.

48 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	4,219	
FROM STUDENT LOAN OPERATING TRUST FUND . .		12,722
TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	1,578,468	
FROM TRUST FUNDS		100,450,435
TOTAL POSITIONS	102	
TOTAL ALL FUNDS		102,028,903
PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE		
49 SPECIAL CATEGORIES		
NURSE SCHOLARSHIP LOAN PROGRAM		
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		686,656
49A SPECIAL CATEGORIES		
GRANTS AND AIDS - AFRICAN AND AFRO-CARIBBEAN SCHOLARSHIP PROGRAM		
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		45,600

Funds provided in Specific Appropriation 49A are to pay eligible costs for scholarships awarded prior to the 1997-98 academic year. No new awards may be made for the 2000-2001 academic year. It is the intent of the Legislature to phase out this program.

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50 SPECIAL CATEGORIES		
PREPAID TUITION SCHOLARSHIPS		
FROM GENERAL REVENUE FUND	1,700,000	
51 SPECIAL CATEGORIES		
TRANSFER TO STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		
FROM GENERAL REVENUE FUND	54,737,127	
52 SPECIAL CATEGORIES		
GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN BASIN PROGRAM		
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		28,440

Funds provided in Specific Appropriation 52 are to pay eligible costs for scholarships awarded prior to the 1997-98 academic year. No new awards may be made for the 2000-2001 academic year. It is the intent of the Legislature to phase out this program.

53 SPECIAL CATEGORIES		
GRANTS AND AIDS - MINORITY TEACHER SCHOLARSHIP PROGRAM		
FROM GENERAL REVENUE FUND	3,000,000	
53A SPECIAL CATEGORIES		
ETHICS IN BUSINESS SCHOLARSHIPS		
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		500,000
54 FINANCIAL ASSISTANCE PAYMENTS		
MARY MCCLEOD BETHUNE SCHOLARSHIP		
FROM GENERAL REVENUE FUND	235,328	
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		444,000
55 FINANCIAL ASSISTANCE PAYMENTS		
STUDENT FINANCIAL AID		
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		74,977,384

The funds in Specific Appropriation 55 are provided in the amounts specified for each scholarship and grant program listed below.

State Student Financial Assistance Trust Fund:

Public Student Assistance Grant	51,314,561
Private Student Assistance Grant	8,503,833
Postsecondary Student Assistance Grant	6,118,990
Children of Deceased/Disabled Veterans	333,250
Florida Work Experience Program	1,069,922
Critical Teacher Shortage Program	5,206,128
Florida Scholarship/Forgivable Loan Program	1,857,000
Exceptional Child Scholarship	109,212
Student Regent Scholarship	4,589
State Board of Community Colleges	
Student Member Scholarship	4,589
PEPC Student Member Scholarship	4,589
Nicaraguan/Haitian Scholarships	8,681
Seminole/Miccosukee Indian Scholarships	61,040
Occupational/Physical Therapy Shortage Program	131,000
Rosewood Family Scholarships	100,000
Instructional Aide/Critical Teacher Shortage Program	150,000

From the funds provided in Specific Appropriation 55, the maximum grant to any student from the Florida Public, Private, and Postsecondary Assistance Grant Programs shall be for $1,300.

From the funds provided in Specific Appropriation 55 for the Florida Work Experience Program, $200,000 shall be allocated to a pilot project to expand access for vocational students enrolled in PSAV programs of at least 150 hours in length. The project shall assess financial need and submit an evaluation report including recommended rule revisions to the DOE upon completion of the project.

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From the funds appropriated in Specific Appropriation 55, $150,000 is provided for scholarships to instructional aides who have been employed by a public school district for at least one year, and who enroll in a program leading to a teaching certificate in a critical teacher shortage area. The following are the areas of critical state concern: foreign language, science, math, computer science and exceptional student education. The scholarship program shall provide up to $3,000 as reimbursement for matriculation and fees per year.

Funds provided in Specific Appropriation 55 are the maximum amounts provided for the specified grant programs. The Department shall ensure that sufficient program guidelines are in place to provide for the management of these grant programs within the specified level of the appropriation.

56 FINANCIAL ASSISTANCE PAYMENTS		
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT		
FROM GENERAL REVENUE FUND	100,000	
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		196,000
56A FINANCIAL ASSISTANCE PAYMENTS		
TRANSFER TO THE FLORIDA EDUCATION FUND		
FROM GENERAL REVENUE FUND	1,000,000	
TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE		
FROM GENERAL REVENUE FUND	60,772,455	
FROM TRUST FUNDS		76,878,080
TOTAL ALL FUNDS		137,650,535
PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL		
57 FINANCIAL ASSISTANCE PAYMENTS		
STUDENT FINANCIAL AID		
FROM EDUCATIONAL AIDS TRUST FUND		1,251,137
58 FINANCIAL ASSISTANCE PAYMENTS		
ROBERT C. BYRD HONORS SCHOLARSHIP		
FROM EDUCATIONAL AIDS TRUST FUND		1,987,000
TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL		
FROM TRUST FUNDS		3,238,137
TOTAL ALL FUNDS		3,238,137
PUBLIC SCHOOLS, DIVISION OF		
PROGRAM: EXECUTIVE DIRECTION SUPPORT SERVICES		
59 SALARIES AND BENEFITS POSITIONS	151	
FROM GENERAL REVENUE FUND	7,324,931	
FROM EDUCATIONAL AIDS TRUST FUND		300,107
60 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	92,421	
FROM EDUCATIONAL AIDS TRUST FUND		10,780
61 EXPENSES		
FROM GENERAL REVENUE FUND	2,616,588	
FROM EDUCATIONAL AIDS TRUST FUND		61,548
62 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	184,563	
63 SPECIAL CATEGORIES		
LITIGATION EXPENSES		
FROM GENERAL REVENUE FUND	28,897	
64 SPECIAL CATEGORIES		
PROVISION OF CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	500,000	

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65 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	85,702	
66 DATA PROCESSING SERVICES		
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION		
FROM GENERAL REVENUE FUND	2,242,707	
FROM EDUCATIONAL AIDS TRUST FUND		292,958
67 DATA PROCESSING SERVICES		
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
FROM GENERAL REVENUE FUND	638,186	
FROM EDUCATIONAL AIDS TRUST FUND		134,169
TOTAL: PROGRAM: EXECUTIVE DIRECTION SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	13,713,995	
FROM TRUST FUNDS		799,562
TOTAL POSITIONS	151	
TOTAL ALL FUNDS		14,513,557

PROGRAM: STATE OVERSIGHT & ASSISTANCE - PUBLIC SCHOOLS

Unless otherwise specified in the General Appropriations Act, all RFP's for competitive grant programs administered by the Department of Education shall be issued no later than August 1, 2000.

From the funds in Specific Appropriations 68 through 71, the Commissioner of Education must develop a user-friendly and easy-to-understand reporting mechanism that provides information on resources provided to schools. In order to identify resources provided to schools, the Commissioner of Education shall produce the following three reports:

(a) The Commissioner shall submit a preliminary report to the President of the Senate, Speaker of the House of Representatives and the Governor no later than October 15, 2000 that details the 2000-2001 school year assistance provided to schools graded "A", "D" and "F". The report shall include for each "A", "D" & "F" school: (1) a comparison of each school's budget for school year 2000-2001 against expenditure of funds for the previous school year with direct and indirect costs reported separately; and (2) a description of how the school plans to spend any additional resources included in its budget that were not in the school's budget the prior school year. The report must include quantitative and qualitative data. The Department of Education must consult with the Executive Office of the Governor in the development and design of the instrument that will be used to collect information necessary for the preliminary report. The department is encouraged to develop and utilize a concise and simple web-based approach to collect the required information.

(b) The Commissioner shall submit a mid-year report to the President of the Senate, Speaker of the House of Representatives and the Governor by January 1, 2001 that includes qualitative and quantitative information on assistance and intervention provided to each "D" and "F" school. In addition, the Commissioner shall provide for every public school, information such as: (1) projected per pupil expenditure comparison between current and prior school year; and (2) projected per pupil expenditures at each school for the following functions: (a) direct classroom costs (teachers, aides, materials, supplies, equipment); (b) instructional support (guidance counselors, psychological, attendance, health); (c) media services; (d) instruction and curriculum; (e) staff development.

(c) A final report of expenditures for the 1999-2000 school year shall be submitted to the President of the Senate, Speaker of the House of Representatives, and the Governor no later than March 1, 2001.

From the funds provided in Specific Appropriations 68, 69 and 70, the Department of Education is authorized to collect a registration fee for

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the Great Florida Teach-In, not to exceed $20 per person, and/or a booth fee, not to exceed $250 per school district or other interested participating organization. The revenue from the fees shall be used to promote and hold the Great Florida Teach-In. Funds may be used to purchase promotional items (e.g., mementos, awards, plaques, etc.).

68	SALARIES AND BENEFITS POSITIONS 329		
	FROM GENERAL REVENUE FUND	9,563,785	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		1,991,339
	FROM EDUCATIONAL AIDS TRUST FUND		2,239,510
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		1,680,650
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		673,500
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		263,339

From the funds provided in Specific Appropriations 68, 69 and 70, $123,567 from the General Revenue Fund is provided to the Department of Education to begin a learning tools acquisition program. The purpose of the program is to permit school districts and other public agencies to purchase refurbished technology equipment at prices that are substantially below market value. The Department of Education, in consultation with the state technology office, shall develop a plan by February 1, 2001 to make the administrative costs of the program self funded from charges for equipment by July 1, 2005. The Department of Education is authorized to charge and collect fees for equipment made available to school districts and other public agencies who choose to participate in this program. All revenue collected by the department shall be deposited into the Educational Media and Technology Trust Fund. Participation by a school district or other public agency shall be voluntary. If the program can not sustain itself from revenue generated by the program, it shall cease.

69	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,472,833	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		189,279
	FROM EDUCATIONAL AIDS TRUST FUND		251,351
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		23,425
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		104,555
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		154,921

From the funds in Specific Appropriations 69, 70, and 71, $1,543,500, $18,000, and $256,000 from General Revenue, respectively, are provided to replace the outdated data base management system with a new client server environment to enhance and expand the statewide common course numbering system.

70	EXPENSES		
	FROM GENERAL REVENUE FUND	4,269,327	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		733,172
	FROM EDUCATIONAL AIDS TRUST FUND		1,186,234
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		517,228
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		519,957
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		123,326

From the funds in Specific Appropriation 70, the Commissioner of Education is authorized to contract with a non-profit organization or state university to implement the common course numbering system.

71	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	487,642	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		143,440
	FROM EDUCATIONAL AIDS TRUST FUND		379,164
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		15,000

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72	SPECIAL CATEGORIES ASSESSMENT AND EVALUATION		
	FROM GENERAL REVENUE FUND	32,913,428	
	FROM PRINCIPAL STATE SCHOOL TRUST FUND . .		5,000,000
	FROM SOPHOMORE LEVEL TEST TRUST FUND . . .		70,524
	FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND		1,935,108

Funds in Specific Appropriation 72 shall be used by the State Board of Education in FY 2000-2001, upon the recommendation of the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.

Funds in Specific Appropriation 72 may be used for research and analysis of existing data available through Florida's education, evaluation and assessment programs.

The Commissioner of Education is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and related materials developed pursuant to state statutes.

73	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	125,495	

73A	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	7,018,935	

From the funds in Specific Appropriation 73A, $2,723,481 is provided for migration to common data base software and distributed computing. Additionally, $2,895,454 is provided for the development of a data warehouse to facilitate measurement of student and school improvement in conjunction with the "A+" initiative.

From the funds in Specific Appropriation 73A, $1,400,000 is provided for network infrastructure enhancement for the Department of Education Turlington building.

74	SPECIAL CATEGORIES COST-OF-LIVING PRICE SURVEY		
	FROM GENERAL REVENUE FUND	87,500	

75	SPECIAL CATEGORIES EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS		
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		200,000

76	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	682,283	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		9,157
	FROM EDUCATIONAL AIDS TRUST FUND		11,078
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		5,122
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		3,676
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		1,655

77A	SPECIAL CATEGORIES FEFP REVIEW TASK FORCE		
	FROM GENERAL REVENUE FUND	500,000	

Funds in Specific Appropriation 77A are contingent upon HB 701 or similar legislation becoming law. The Executive Office of the Governor shall transfer these funds to the Office of Legislative Services to be used to the extent necessary to pay the expenses of the review of the Florida Education Finance Program as provided in HB 701.

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TOTAL: PROGRAM: STATE OVERSIGHT & ASSISTANCE - PUBLIC SCHOOLS
FROM GENERAL REVENUE FUND 58,121,228
FROM TRUST FUNDS 18,425,710

TOTAL POSITIONS 329
TOTAL ALL FUNDS 76,546,938

PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP

From the funds in Specific Appropriations 3 through 7 and 59 through 121, Public Schools will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
Number and percentage of teachers with National Teacher's Certification, reported by district.....1046;	0.8%
Number and percentage of "A" schools, reported by districts.....254	10.0%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

From the funds in Specific Appropriations 3 and 78, each local school district shall provide a report to the Governor, the Commissioner of Education, the President of the Senate and the Speaker of the House of Representatives that shows how the district expended new revenues appropriated for the 2000-2001 Fiscal Year over revenues expended for the 1999-2000 Fiscal Year. The report shall be submitted by March 1, 2001.

The report shall be prescribed by the Department of Education and shall identify expenditures for all new state and local revenues, including funds from General Revenue, Lottery, the Principal State School Trust Fund and all local sources. The report shall identify 2000-2001 expenditures for salary improvements and applicable bonuses for administrative, instructional and support staff. The data for salaries shall include, at a minimum, the average salary increase, the percentage salary increase and the average annual salary for district administrators, school administrators, classroom teachers, other instructional personnel and support for the 2000-2001 Fiscal Year. The report shall also itemize, by percentage, expenditures for administrative support and instructional support and shall compare these rates with 1999-2000 expenditures. The report shall also include an itemization of payroll deductions for membership dues and the purpose for which they were expended.

78 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM
FROM GENERAL REVENUE FUND 6409,618,139
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 48,900,000

The Department's bimonthly distribution of funds provided in Specific Appropriation 78 shall be made in equal payments on or about the 10th and 26th of each month.

Funds provided in Specific Appropriation 78 shall be allocated using a base student allocation of $3,416.73 for the K-12 FEFP.

Students in juvenile justice education programs shall not be funded for more than 25 hours per week of direct instruction.

From the funds provided in Specific Appropriation 78, all juvenile justice students in juvenile justice educational programs shall receive no less than the funds per student in 1998-1999.

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From the funds in Specific Appropriation 78, charter schools shall be provided an allocation pursuant to s.228.056 (13), F.S. However, for those charter schools that were in operation prior to July 1, 1999, funds per student shall be no less than they received in 1998-99.

Pursuant to s. 236.081(8), Florida Statutes, a minimum guaranteed level of funding shall be calculated to provide each school district a 1.0 percent increase per weighted full-time equivalent K-12 student over the amount per weighted full-time equivalent K-12 student funded in the 1999-2000 FEFP. The calculation of this minimum funding shall compare total state formula and categorical funds for K-12 programs and actual discretionary taxes for 1999-2000 with total state formula and categorical funds for K-12 programs and maximum potential discretionary taxes for 2000-2001 and shall include the adjustment for the Florida Retirement System reduction as shown in legislative workpapers for the 2000-01 FEFP.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of s. 236.081(2), Florida Statutes.

From the funds in Specific Appropriation 78, $31,000,000 is provided for the Sparsity Supplement as defined in s. 236.081(6), Florida Statutes, for school districts of 20,000 and fewer K-12 FTE in 2000-2001.

Total unadjusted required local effort taxes for 2000-2001 shall be $4,119,245,677. The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of s. 236.25(1), Florida Statutes, by district school boards in 2000-2001 shall be:

1) 0.510 mills, and

2) An additional levy, not to exceed 0.250 mills, that will raise an amount not to exceed $50 per full-time equivalent student (FTE).

District school boards that levy the entire additional 0.250 mills and raise less than $50 per K-12 FTE shall receive, from the funds provided in Specific Appropriation 78, an amount that, combined with funds raised by the 0.250 mills, will provide $50 per K-12 FTE. To be eligible for state funds provided in this paragraph, a district must levy the full 0.250 mills and the full 0.510 mills.

Funds provided in Specific Appropriation 78 are based upon program cost factors for 2000-2001 as follows:

1. Basic Programs	
A. K-3 Basic	1.036
B. 4-8 Basic	1.000
C. 9-12 Basic	1.096
2. Programs for Exceptional Students	
A. Support Level 4	3.948
B. Support Level 5	5.591
3. English for Speakers of Other Languages	1.226
4. Programs for Grades 7-12 Vocational Education	1.211

From the funds provided in Specific Appropriation 78, $938,682,328 is provided to school districts as an Exceptional Student Education (ESE) Guaranteed Allocation to provide educational programs and services for exceptional students. The ESE Guaranteed Allocation funds are provided in addition to the funds for each exceptional student in the per FTE student calculation. Each district's ESE Guaranteed Allocation shall be the amount shown in the Legislative work papers for the 2000-2001 appropriation for the FEFP and shall not be recalculated during the school year. School districts that are providing educational services in

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1999-2000 for exceptional students who are residents of other districts shall not discontinue providing such services without the prior approval of the Department of Education. Expenditure requirements for the ESE Guaranteed Allocation shall be as prescribed in Section 237.34 (3), Florida Statutes, for programs for exceptional students.

From the funds provided in Specific Appropriation 78, the value of 27.85 Weighted FTE students is provided to supplement the funding for severely handicapped students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the district's FEFP allocations for the students being served. The supplemental value shall not exceed 3 FTE.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in s. 236.013, Florida Statutes, for funding under s. 236.081, Florida Statutes.

None of the funds provided in the 2000-2001 General Appropriations Act for developmental research schools shall be used to pay overhead or indirect costs described in s. 216.346, Florida Statutes.

From the funds provided in Specific Appropriation 78, $75,350,000 is provided for Safe Schools activities and shall be allocated as follows: $30,000 shall be distributed to each district, and the remaining balance shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total weighted student enrollment. Safe Schools activities include (1) after school programs for middle school students, (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies, (3) alternative school programs for adjudicated youth, and (4) other improvements to make the school a safe place to learn. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity.

Funds provided in Specific Appropriation 78 for inservice personnel training, as prescribed in s. 236.081(3), F.S., are transferred to Specific Appropriation 83.

From the funds in Specific Appropriation 78, $662,632,143 is provided for Supplemental Academic Instruction to be provided at appropriate times throughout the school year to help students gain at least a year of knowledge for each year in school and to help students not be left behind. Districts may utilize these funds to implement remedial instruction required by s. 232.245, F.S., and the requirements of s. 232.246, F.S. Schools shall determine the supplemental strategies that are most appropriate for each student. Strategies may include, but are not limited to: modified curriculum, reading instruction, after school instruction, tutoring, mentoring, class size reduction, extended school year, and intensive skills development in summer school. Each district's Supplemental Academic Instruction allocation shall be the amount shown in the legislative work papers for the 2000-2001 appropriation for the FEFP and shall not be recalculated during the school year.

Each school district shall be held harmless for the amount of the compression adjustment calculated in the 1999-2000 fourth FEFP calculation. This amount of funds is included in the district's 2000-2001 allocation for Supplemental Academic Instruction.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

From the funds allocated to the St. John's County School District in Specific Appropriation 78, $60,000 shall be withheld by the Department of Education for payment to the St. John's River Community College for legal expenses associated with the transfer of the criminal justice training academy.

From the funds provided in Specific Appropriation 78 that are allocated to the Bay County School District, the district may use $250,000 for the Bay Regional Renaissance Institutes at Bay County High School.

From the funds allocated to the Hillsborough County School District in Specific Appropriation 78, $105,000 may be provided to Equity 2000 and $1,000,000 may be provided to implement a dual language immersion program for grades K-3.

From its allocation of funds appropriated in Specific Appropriation 78, Duval County may extend the length of the school day for students enrolled in grades one through three by one hour in order to provide additional reading instruction.

From the funds appropriated in Specific Appropriation 78 for Broward County, $88,860 may be provided for a contract with the Department of Juvenile Justice, District 10, to provide after school vocational education training.

From the funds appropriated in Specific Appropriation 78 for Broward County, $60,000 may be provided for an after school program for at-risk students which emphasizes the use of technology in the work place.

No funds are provided in Specific Appropriation 78 for charter school FTE student enrollment for on-line instruction received by students principally in their own homes. However, charter schools may serve students who are temporarily homebound or who receive a portion of their instruction on-line.

79A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHER RECRUITMENT AND RETENTION
FROM GENERAL REVENUE FUND 60,000,000

Funds in Specific Appropriation 79A are provided for the recruitment and retention of full-time middle and high school classroom teachers who are certified and teaching in the following areas of critical state concern: foreign language, science, math, computer science, and exceptional student education. Funds for Teacher Recruitment and Retention shall be allocated by the Department of Education to each school district based on each district's proportion of the state total number of teachers in these areas of critical state concern. The allocation of these funds shall not be recalculated during the fiscal year.

District and school officials shall use funds for Teacher Recruitment to provide bonus payments to classroom teachers employed by the school district for the first time in the 2000-2001 school year. These funds are provided as an incentive for employment and may be used for purposes defined by the district school board such as payment of the newly hired teacher's moving expenses or purchase of a laptop computer for the newly hired teacher's use. Payments to each newly hired teacher shall be in amounts not to exceed $1,200.

District and school officials shall use funds for Teacher Retention to provide bonus payments to classroom teachers employed by the school district during the 1999-2000 school year. To be eligible to receive a bonus payment, each teacher must have received a favorable performance appraisal for the 1999-2000 school year and must agree to maintain employment as a classroom teacher in an area of critical state concern for the 2000-2001 school year. Payments to each teacher shall be in amounts not to exceed $1,200 and must be paid to teachers on or before August 1, 2000.

To be eligible to receive funds in Specific Appropriation 79A for Teacher Retention, school districts must agree to require exit interviews for every teacher who leaves the district's employment and to report the results of those exit interviews to the Department of Education every six months. The Department of Education shall summarize and forward the results of those exit interviews for each six month

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period to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives and the Office of Economic and Demographic Research.

80 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 192,091,807

From the funds provided in Specific Appropriation 80, school districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in s. 236.081(1)(g), Florida Statutes.

The growth allocation per FTE student is $299.83 in 2000-2001. If the funds provided in Specific Appropriation 80 are insufficient to pay in full the allocation for growth and maintenance, as provided in s. 236.122, Florida Statutes, the growth allocation shall be paid in full and the allocation for the maintenance allocation shall be prorated among all eligible FTE. These funds shall be distributed to school districts as follows: 50% on or about July 10, 2000; 35% on or about October 10, 2000; 10% on or about January 10, 2001 and the balance on or about June 10, 2001.

From the funds provided in Specific Appropriation 80, the Commissioner is authorized to purchase, upon the requisition by the districts, not more than 12,000 copies of the Florida Handbook for distribution to the public schools using an equitable formula based on the number of students in the respective districts.

From the funds appropriated in Specific Appropriation 80, $15,000,000 is provided for Library Media Materials, and $3,200,000 is provided for purchase of science lab materials and supplies.

From the funds appropriated in Specific Appropriation 80, the Learning for Life materials can be purchased by the school districts for use in the Character Education Program.

81 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 62,400,000

Funds provided for public school technology in Specific Appropriation 81 shall be allocated by prorating the total on each district's share of the state total K-12 FTE.

82 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 402,435,183

Funds provided in Specific Appropriation 82 shall be used to transport students as provided in s. 236.083, Florida Statutes.

83 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHER TRAINING
FROM GENERAL REVENUE FUND 36,000,000

Funds in Specific Appropriation 83 shall be prorated among all districts based on each district's proportion of the state total unweighted full time equivalent student enrollment.

Funds in Specific Appropriation 83 are provided for inservice training of instructional personnel and include funds required by s.236.081(3), F.S. Each school district shall design a system, approved by the Department of Education, for the professional growth of instructional personnel that links and aligns inservice activities with student and instructional personnel needs as determined by school improvement plans, annual school reports, student achievement data, and performance appraisal data of teachers and administrators. Inservice activities shall primarily focus on subject content and teaching methods, including technology, as related to the Sunshine State Standards; assessment and data analysis; classroom management; and school safety.

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To be eligible to receive funds in Specific Appropriation 83, districts must have a professional development system approved by the Department of Education and must require school principals to establish and maintain individual professional development plans for each instructional employee. The need for any training activity defined in a teacher's professional development plan must clearly be related to specific performance data for the students to whom the teacher is assigned. Plans must include clearly defined training objectives and specific and measurable improvements in student performance that are expected to result from the training activity. Plans must also include an evaluation component; principals must measure the extent to which each training activity did accomplish the student performance gains that were predicted to result from the training activity.

84 AID TO LOCAL GOVERNMENTS
FLORIDA TEACHERS LEAD PROGRAM
FROM GENERAL REVENUE FUND 15,044,000

Funds provided in Specific Appropriation 84 shall be allocated by prorating the total on each school district's share of the total K-12 unweighted FTE student enrollment. These funds shall be used only to fund stipends to classroom teachers for the purchase of classroom instructional materials and supplies for use in teaching students. From the funds allocated to each district the school board shall calculate an identical amount for each classroom teacher. The full amount for each teacher shall be provided no later than September 30, 2000. Disbursement of the Florida Teacher Lead Program stipend directly to each teacher shall complete the school district's expenditure of these funds. Each teacher shall have sole discretion about which classroom materials and supplies best meet the needs of the students, when they are needed, and where they are acquired. The funds expended by individual teachers shall not be subject to state or local competitive bidding requirements. Each teacher shall sign a statement acknowledging receipt of the funds, agreeing to keep receipts to show the expenditure of the funds for classroom materials and supplies for use in the instruction of students assigned to them and to return to the school district any funds not expended for this purpose. No further record keeping, reporting, or paper work regarding these funds shall be required of teachers. For purposes of this appropriation the term "classroom teacher" includes certified teachers employed on or before September 1 of the school year and whose full-time job responsibility is the classroom instruction of students in kindergarten through grade 12, or full-time librarian/media specialists, or full-time guidance counselors. Only school district personnel employed in these positions are eligible to receive a Florida Teacher Lead Program stipend.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP
FROM GENERAL REVENUE FUND 7177,589,129
FROM TRUST FUNDS 48,900,000

TOTAL ALL FUNDS 7226,489,129

PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP

85A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
- SUPPLEMENTAL
FROM GENERAL REVENUE FUND 1,700,000

From the funds in Specific Appropriation 85A, the Department of Education shall allocate $1,500,000 to PAEC to establish a statewide professional development capacity and management system using distance learning technology to reach every K-12 school in Florida. From the funds in Specific Appropriation 85A, $200,000 is allocated for a grant program to be developed for school districts to purchase lap top computers for middle school and high school students.

86 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ALTERNATIVE SCHOOLS/
PUBLIC PRIVATE PARTNERSHIP INCENTIVES
FROM GENERAL REVENUE FUND 2,000,000

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From the funds in Specific Appropriation 86, pilot projects for the provision of educational services to students committed to the Department of Juvenile Justice shall be created with the provider or providers selected by participating school districts via the state competitive procurement process. These funds are not to be used in lieu of FEFP funding generated by the students participating in the pilot. The funds in this appropriation shall be used for direct-contracted service provision, project start up, or as an incentive for meeting performance-based contractual outcomes, with the sole exception that not more than $50,000 from these funds may be used at a time for administrative costs to complete each request for proposal process.

In addition, funds from this Specific Appropriation may be used for pilot programs with proven academic-based alternative schools for disruptive and low performing students. This would include but not be limited to students at-risk for commitment to the Department of Juvenile Justice, as well as those expelled from their home school.

The Department of Education shall select the school districts that wish to participate in this pilot project and shall ensure that these funds are disbursed to the participating school districts in a timely manner. Any executed contracts relating to this pilot project or projects shall contain performance-based outcome measures which shall include, but not be limited to, the following:

1. The provider shall perform a comprehensive educational assessment on each student to determine the educational achievement level within 30 days of admission to the program.

2. Students who receive educational services for a minimum of 6 months shall display a full grade level increase in reading skills proficiency.

3. Students who receive services for a minimum of 6 months shall display a full grade level increase in math skills proficiency.

4. The provider shall ensure job placement or successful educational placement for 70% of eligible students who have received vocational education services for a period of 12 months or who have received a vocational trade certificate.

From the funds in Specific Appropriation 86, $200,000 is provided to students enrolled in Phase II Associated Marine Institutes (AMI) programs for transportation and employment assistance services.

87 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA ON-LINE HIGH SCHOOL
FROM GENERAL REVENUE FUND 6,170,000

First priority for funds in Specific Appropriation 87 shall be to increase the availability of and provide access to Advanced Placement and college preparatory courses for students in D and F schools. Those students shall be given priority for courses offered by the school.

From the funds in Specific Appropriation 87, 25% shall be distributed at the beginning of each quarter unless the Executive Office of the Governor approves an accelerated release schedule to address workload requirements of the On-Line High School.

87A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL IMPACT FEE REPLACEMENT
FROM GENERAL REVENUE FUND 50,000,000

Funds in Specific Appropriation 87A are contingent on HB 2179 or similar legislation becoming law. These funds shall be distributed to eligible school districts as prescribed in law.

88 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL CHOICE
FROM GENERAL REVENUE FUND 12,000,000

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The funds in Specific Appropriation 88 shall be used for public school choice incentive grants. Funds may be used to provide alternatives for public school students attending failing schools. The Department must develop a competitive process to support school districts that choose to implement a controlled open enrollment plan; however, any district that received a public school choice incentive grant in 1999-2000 and continues the program in 2000-2001 shall receive not less than the amount it received in 1999-2000.

89 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 1,600,000

From the funds provided in Specific Appropriation 89, $200,000 shall be used to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.

From the funds provided in Specific Appropriation 89, $450,000 shall be used for competitive incentive grants for Extended Access to School Library Media Centers.

From the funds in Specific Appropriation 89, $950,000 shall be used for the Sunlink Uniform Library Database.

90 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM EXCELLENT TEACHING PROGRAM TRUST FUND 19,000,000

From the funds appropriated in Specific Appropriation 90, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

91 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 3,740

92 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 1,000,000

The funds provided in Specific Appropriation 92 shall be used for Library Equipment Automation Grants.

93 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXTENDED SCHOOL YEAR
FROM GENERAL REVENUE FUND 11,000,000

Funds in Specific Appropriation 93 are provided for a three year Extended School Year Pilot Program. The purpose of the extended school year pilot program is to provide schools an opportunity to extend the school year by 30 days and then assess its effect on student performance. Participating schools must extend the length of the academic year for students beyond 180 to 210 days. An extended school year will encompass the following: programs shall be planned for all students enrolled in the school with full participation being required. Additional time-on-task for students will be used to provide additional content. These funds shall not be used to extend the school day or support traditional summer school programs.

By July 15, 2000, schools selected to participate in the pilot program for 2000-2001 must submit implementation plans for each school which include, but are not limited to: 1) teacher training, individual and collaborative teacher planning time, and innovative use of technology as key elements of the school's implementation of an extended school year, and (2) student performance data that will be used at the end of the school year to evaluate the extent to which an extended school year is associated with student performance.

The Department of Education shall allocate funds specified to each school district for the identified school to participate in the extended

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school year pilot program. Each district shall receive an allocation for the operation of the participating schools which shall be calculated by: (1) dividing each district's FY 2000-2001 FEFP base funding amount by the total funded weighted student enrollment of the district (2) multiplying that product by the estimated number of weighted students enrolled in the extended school year (3) times 1/6. The Commissioner is authorized to adjust the amount of the award to be based on actual student enrollment. Students participating in the extended school year pilot program shall be eligible to receive transportation funding as provided in s. 236.083, F.S. The Executive Office of the Governor is authorized to certify forward into next fiscal year any unspent funds, from Specific Appropriation 93, necessary for the implementation of the pilot program.

The following schools shall participate in the pilot:

Broward: Lauderdale Lake Middle School, Hollywood Park Elementary School
Miami-Dade: Drew Elementary School, Toussaint L'Overture Elementary School, Opa Locka Elementary School, North Miami Elementary School
Duval: St. Clair Evans Elementary School, Bethune Elementary School, Sallye Mathis Elementary School
Escambia: Spencer Bibbs Elementary School, A.A. Dixon Elementary School
Hillsborough: Oak Park Elementary School, Robles Elementary School, Sulphur Springs Elementary School
Orange: Ivey Lane Elementary School, Engelwood Elementary School
Pinellas: Frontier Elementary School, Gulfport Elementary School, Maximo Elementary School
Sarasota: Booker Elementary School
Sumter: South Sumter Middle School

In the event of an unforeseen circumstance that prevents a selected school from participating in the pilot program, the Superintendent of the district may select a different school to participate. However, the replacement school must implement an extended school year within the allocation amount provided to the school that is being replaced. The school must meet the extended school year pilot program criteria in order to participate in the pilot program.

Each school in the pilot program is required to participate in a formal evaluation to determine the effect of implementing an extended school year. The Department of Education shall issue an RFP to contract with an objective and independent evaluator with experience and expertise in evaluating student achievement to conduct the study. A proposal review committee, composed of each participating district's director of evaluation and research, shall evaluate proposals and recommend an evaluator to the Commissioner. From the funds provided in Specific Appropriation 93, up to $150,000 may be used to conduct the study.

As part of the study, the evaluator must conduct regular meetings with school staff to ensure the methodology and data used to assess the effect of the extended school year are accurate and consistently applied in each of the schools. The report must address, at a minimum, the extent that the community and parents participated, the effect on student performance and the perception of the teachers and school staff on the benefits of implementing an extended school year. In addition, the report must provide qualitative and quantitative information on how each participating school enhanced their curriculum as a result of participating in the pilot program. The evaluator shall annually submit, by October 15, a report to the President of the Senate, Speaker of the House of Representatives and the Governor on the results of the pilot program for each of the three years the pilot program is implemented.

93A SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW
PERFORMING SCHOOLS
FROM GENERAL REVENUE FUND 11,050,000
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 10,000,000

From the funds in Specific Appropriations 93A, $4,000,000 from the Principal State School Trust Fund shall be provided to support school-wide change designed to improve student performance in D and F

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elementary schools. Schools that apply for funds shall provide a description of the school-wide program approved by the school board, and designed to dramatically improve student learning. The school must demonstrate tangible changes in factors supporting an improved instructional program such as leadership, curriculum realignment, technology, teaching approaches, student expectations, parent and community involvement, professional development and teacher quality, and attendance. Eligible schools shall implement research-based, structured mentoring programs which have a record of proven success. To be eligible, schools must demonstrate that the district and school budget priorities have been changed to support the redesigned program and that the school board has shifted funds to the low performing schools to address identified needs. Approved proposals will make funding available to the schools to support only items that cannot be provided through the redesigned budget. Funds shall be used for nonrecurring activities and shall be matched by the district through general operating or Supplemental Academic Instruction funding. Grants shall be awarded by the Department of Education no later than October 1, 2000.

From the funds in Specific Appropriation 93A, $6,000,000 from the Principal State School Trust Fund and $2,200,000 from General Revenue shall be used to fund activities designed to improve student achievement and readiness for college especially in low performing middle and high schools. The Department of Education shall contract with a nonprofit member organization, such as those which provide the PSAT or ACT examinations, with broad expertise and experience in preparing students and training teachers for success in Advanced Placement and other advanced college preparatory courses as provided in s.236.081 (1)(m), F.S. The entity selected for this program must provide teacher training, college entrance test preparation, curriculum alignment with FCAT and Advanced Placement courses, implementation of a software and database for individual assessment of students strengths and weaknesses as related to advanced courses and college readiness, a free Internet-based student help service for preparation for college entry tests, recruiting tutors to help students meet higher performance standards, and a student performance management process for tracking and improving student achievement. The service provider shall conduct a rigorous evaluation of the effectiveness of such activities with greatest emphasis on student achievement and shall match at least one-third of this allocation in materials and services to the program.

From the funds in Specific Appropriation 93A, $1,250,000 from the General Revenue Fund is provided for mentoring services for at-risk students as part of the Governor's Mentoring Initiative. Programs funded in 1999-2000 with demonstrated results shall receive priority funding. The Commissioner of Education shall consult with the Governor's Mentoring Office prior to expenditure of funds.

From the funds provided is Specific Appropriation 93A, school districts may pay for background screening of individuals participating in mentoring activities for students enrolled in the school district.

From the funds provided in Specific Appropriations 93A, $600,000 from the General Revenue Fund shall be used for SER/SABER/YOUTH CO-OP.

From the funds provided in Specific Appropriation 93A, $3,000,000 from the General Revenue Fund shall be provided on a one-to-one matching basis to the Take Stock in Children Foundation to continue expansion of its statewide program.

From the funds provided in Specific Appropriation 93A, $1,000,000 from the General Revenue Fund is provided to the Department of Education to contract with the Big Brothers and Sisters for the purpose of providing mentoring services to at-risk children identified in the districts which request assistance. The districts shall provide a reporting mechanism which insures that a child is not served by more than one organization. A report must be provided to the Legislature on student progress resulting from this program.

From the funds in Specific Appropriation 93A, $1,500,000 from the General Revenue Fund is provided to the Department of Education to contract with the Boy Scout Council for the program entitled Learning for Life, for the purpose of providing mentoring services to at-risk children.

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From the funds in Specific Appropriation 93A, $1,500,000 from the General Revenue Fund shall be provided to the Department of Education to contract with the Boys and Girls Clubs to provide mentoring services to at-risk students identified in districts that request assistance. A report shall be provided to the Legislature on student participation in this program.

93B SPECIAL CATEGORIES
FLORIDA HUMANITIES COUNCIL
FROM GENERAL REVENUE FUND 275,000

94 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND 4,000,000

From the funds in Specific Appropriation 94, $24,000 shall be allocated by the Department of Education to the Postsecondary Education Planning Commission to update the cohort analysis of College Reach-Out program participants.

95 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITIES IN SCHOOLS
FROM GENERAL REVENUE FUND 3,000,000

Prior to the release of funds appropriated in Specific Appropriation 95, Communities in Schools shall submit to the Commissioner of Education a report identifying anticipated outcomes from the expenditure of these funds. Anticipated outcomes shall include a beneficial effect on student learning. The report shall also define a process that will be used to measure whether and to what extent these outcomes are successfully achieved. By June 30, 2001, the organization shall present an evaluation report to the Commissioner of Education that includes data, including student performance data, used to measure the success of the program.

95A SPECIAL CATEGORIES
GRANTS AND AIDS - CHARTER SCHOOLS FACILITIES AND EQUIPMENT
FROM GENERAL REVENUE FUND 20,000,000

Funds in Specific Appropriation 95A shall be allocated in accordance with s.228.0561, F.S.

95B SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE FAST START PROGRAM
FROM GENERAL REVENUE FUND 2,500,000

Funds in Specific Appropriation 95B shall be allocated as provided in HB 239. If HB 239 or similar legislation does not become law, the Executive Office of the Governor shall transfer the funds in Specific Appropriation 95B and add them to the funds appropriated in Specific Appropriation 147. Following transfer, the $2,500,000 shall be prorated to the community colleges in the same proportion as the community college allocations in Specific Appropriation 147 prior to the transfer.

96 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 2,989,494

Funds in Specific Appropriation 96 shall be allocated to the Multidisciplinary Educational Services Centers as follows:

University of Florida	623,344
University of Miami	586,381
Florida State University	584,558
University of South Florida	611,637
University of Florida Health Science Center at Jacksonville.	583,574

Each center shall provide a report to the Department of Education by September 1, 2000, for the 1999-2000 year that shall include the following: 1) the number of children served, 2) the number of parents, 3) the number of persons participating in inservice education activities, 4) the number of districts served, and 5) specific services provided.

97 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION
FROM GENERAL REVENUE FUND 1,914,244

98 SPECIAL CATEGORIES
TRANSFER TO EXCELLENT TEACHING TRUST FUND
FROM GENERAL REVENUE FUND 10,220,618

99 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 964,618

99A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL DISTRICT MATCHING GRANTS PROGRAM
FROM GENERAL REVENUE FUND 3,400,000

Funds in Specific Appropriation 99A are provided as challenge grants to match private contributions made to critically low performing "F" schools. The amount of each grant shall be equal to the private contribution made to a qualifying school, and the maximum amount that any qualifying school may receive from the funds in Specific Appropriation 99A shall be $50,000. In-kind contributions for equipment or facilities only may qualify for state match at a value equal to one-half of the fair market value of the in-kind contribution. Before any funds provided in Specific Appropriation 99A may be released to any district for any school, the district school board must, through formal action taken in a public board meeting, certify to the Commissioner of Education that private cash or in-kind contributions have actually been received by the school seeking state matching funds.

99B SPECIAL CATEGORIES
GRANTS AND AIDS - JOBS FOR FLORIDA GRADUATES
FROM GENERAL REVENUE FUND 3,000,000

100 SPECIAL CATEGORIES
MINORITY TEACHER INCENTIVE
FROM GENERAL REVENUE FUND 180,000

100A SPECIAL CATEGORIES
SAFE SCHOOLS
FROM GENERAL REVENUE FUND 2,176,676

From the funds in Specific Appropriation 100A, $176,676 is provided for the Partnership for School Safety, and $2,000,000 is provided for Student Support Services pilot programs.

100B SPECIAL CATEGORIES
GRANTS AND AIDS - SALARY BONUS FOR OUTSTANDING TEACHERS IN F SCHOOLS
FROM GENERAL REVENUE FUND 12,250,000

Funds in Specific Appropriation 100B are provided for the recruitment and retention of outstanding teachers in critically low performing "D", "F", and alternative schools. Funds shall be allocated by the Department of Education to each school district based on each district's proportion of the state total number of classroom teachers in schools designated as "D", "F" or alternative during the 1999-2000 school year. Based on teacher performance appraisal and student achievement data, the principal of each "D", "F" or alternative school shall recommend outstanding teachers to receive bonus payments in amounts not to exceed $3,500. These recommendations shall include both teachers who are currently employed in the 1999-2000 school year and teachers the principal would like to recruit for employment during the 2000-2001 school year. The district school board shall review the performance

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data supporting each bonus payment recommendation and shall approve the award of all bonus payments. These bonus payments to outstanding teachers shall be made no later than October 1, 2000 for the 2000-2001 school year.

101A SPECIAL CATEGORIES
SCHOOL DISTRICT OPERATIONAL PERFORMANCE
AUDITS
FROM GENERAL REVENUE FUND 300,000

From the funds in Specific Appropriation 101A, $200,000 is provided to the Office of Program Policy Analysis and Government Accountability to conduct a Best Financial Management Practice pilot program review in Lake County during fiscal year 2000-01. The review shall utilize the ten existing best practice areas and OPPAGA shall develop and utilize four additional best practice areas (educational service delivery, safety and security, administrative and instructional technology, community involvement) in its review of the Lake County School District. OPPAGA shall review and revise the Best Financial Management Practice Areas, upon completion of its review, to determine their effectiveness and usefulness based on the results and feedback obtained from the Lake County school board members and district staff, President of the Senate, the Speaker of the House of Representatives and the Governor. Funds appropriated for the pilot program review may be used at the discretion of the Director of OPPAGA to implement this pilot, including utilizing services of private evaluators.

From the funds in Specific Appropriation 101A, $100,000 is provided to the Office of Program Policy Analysis and Government Accountability for an independent audit of the land purchasing practices of the Miami-Dade County school district.

102 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 4,925,000

Funds in Specific Appropriation 102 shall be distributed to the six autism centers as follows:

University of South Florida/Florida Mental Health Institute.	966,666
University of Florida (College of Medicine).....	716,666
University of Central Florida.....	716,666
University of Miami (Department of Pediatrics)..... including $157,000 for activities in Palm Beach County through FAU and $182,000 for activities in Broward County through Nova Southeastern University	991,670
University of Florida (Jacksonville).....	716,666
Florida State University (College of Communications).....	816,666

Summaries of achievements for the prior fiscal year shall be submitted to the Department of Education by September 1, 2000.

103 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION
CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 1,100,000

From the funds in Specific Appropriation 103, $350,000 is provided for the PAEC Staff Academy.

The remaining funds in Specific Appropriation 103 shall be allocated as provided in section 228.0857, Florida Statutes.

103A SPECIAL CATEGORIES
GRANTS AND AIDS - MUSEUM OF SCIENCE
FROM GENERAL REVENUE FUND 2,000,000

104 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 3,224,523

From the funds in Specific Appropriation 104, $1,800,000 is provided for the Technological Research and Development Authority to provide training for teachers, administrators, superintendents and education policy makers in the public policies related to technology.

From the funds in Specific Appropriation 104, $363,000 is provided to the Florida Association of District School Superintendents for district superintendent and district leader in-service training. There shall be an emphasis on understanding teacher evaluation and student performance.

From the funds in Specific Appropriation 104, $25,000 is provided for the SPACEHAB program.

From the funds in Specific Appropriation 104, $1,000,000 is provided for a mentor teacher school program. Schools representing small, medium and large districts shall be selected by the Commissioner of Education to receive $50,000 grants to develop a mentor teacher school program that shall be implemented no later than the 2001-2002 school year. Each program must establish a clearly defined professional career path for instructional personnel consisting of at least five levels from paraprofessional to mentor teacher. There must be highly differentiated instructional duties and compensation among the five levels. Mentor teachers must oversee the instructional program for students assigned to teachers in a specified organizational pattern and must provide direct and continual professional growth assistance to other teachers and staff. Mentor teachers must earn a salary equivalent to twice the average classroom teacher salary for the district but not more than the state average of $70,000. Mentor teachers must have earned national board certification or have been designated teachers of the year or hold an equivalent status as determined by the Commissioner of Education. Mentor teachers must have earned an outstanding performance rating for the year immediately preceding their service as mentor teachers. Mentor teacher programs must be approved by the Department of Education.

105 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 45,772

Funds in Specific Appropriation 105 may be used for the Teacher of the Year banquet, as well as awards to the honored teachers as established by the Commissioner of Education.

106 SPECIAL CATEGORIES
SCHOOL RELATED PERSONNEL OF THE YEAR
FROM GENERAL REVENUE FUND 15,100

106A SPECIAL CATEGORIES
GRANTS AND AIDS - WORK KEYS
FROM GENERAL REVENUE FUND 250,000

Funds in Specific Appropriation 106A are allocated for the purpose of final year funding of the 4-year Work Keys Pilot Program, a collaborative workforce development project between the Duval County Public School District and the Jacksonville Chamber of Commerce. Upon completion of the post-testing assessment, a final report shall be submitted to the Department of Education not later than July 1, 2001. Funds in Specific Appropriation 106A shall be provided to the Duval County School District for the purpose of administering the program.

107 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL
ENHANCEMENTS
FROM GENERAL REVENUE FUND 8,824,718

From the funds in Specific Appropriation 107, $3,000,000 is provided to improve Mathematics and Science instruction.

From the funds in Specific Appropriation 107, $99,000 is provided for the integration of visual arts and other academic subjects to improve student performance.

From funds in Specific Appropriation 107, $1,600,000 is provided for the statewide administration to all tenth grade students of the preliminary SAT or ACT college entrance examinations. Test results will provide each high school with a database of student assessment data to be used by

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guidance counselors to identify students who are ready or who need additional work to be prepared to enroll and be successful in advanced placement and other higher level college preparatory courses. Each school district shall choose either the PSAT or ACT. School districts shall submit documentation of the number of students taking examinations to the Department of Education and the department shall pay the cost of the preliminary college entrance examinations directly to the providers.

From the funds in Specific Appropriation 107, $250,000 is provided for allocation to the Volusia County School District for the purpose of providing diversionary programs for suspended students.

Permissible uses of funds appropriated in Specific Appropriation 107 shall include the Jason Project in Broward County, Old Home Town, Newfound Harbor Marine Institute in Monroe County for teacher training and marine science instruction and scholarships for selected K-12 students in the state, the Florida Holocaust Museum, Project System for students at-risk of dropping out of school, Home Instruction Program for Pre-School Youngsters, the Success Program, the All Aboard Mentoring Program, the Museum of Science and Technology in Jacksonville, the Science Center in St. Petersburg, the Miami Book Fair and Reading Rescue.

From the funds in Specific Appropriation 107, $100,000 is provided for the Jason Project in Manatee County, $250,000 is provided for the Youth Crime Watch, $129,000 is provided for Arts for a Complete Education, and $250,000 is provided for the Hands in Action-Family, School and Friends Program.

108 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND 4,029,773
FROM EDUCATIONAL AIDS TRUST FUND 2,333,354

Funds provided in Specific Appropriation 108 may be provided for, but are not limited to, the following: the Pre-Kindergarten Handicapped Information System, Network of Centers for Severely Emotionally Disturbed, Florida Diagnostic and Learning Resource Centers, Resource Materials for the Hearing Impaired, Visually Handicapped Resources, Exceptional Students who are Limited English Proficient, Very Special Arts, Governor's Summer Program for the Gifted, Challenge Grant Program for the Gifted, and the Duval Autism Partnership.

From the funds in Specific Appropriation 108, $1,000,000 is provided to Prevent Blindness Florida for screening, follow-up and evaluation of children in rural areas with mental or physical disabilities in special pre-kindergarten programs and for school personnel and volunteers to conduct vision screening.

109 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND 28,795,335
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,666,875

The Board of Trustees and administration of the Florida School for the Deaf and Blind shall not authorize fee waivers for out-of-state students.

From the funds provided in Specific Appropriation 109, $379,000 is provided to contract with the University of Florida for health and medical screening services for students. It is the intent that the school develop a collaborative service agreement for medical services that will be self-sustaining through maximizing the recovery of all legally available funds from Medicaid and private insurance coverage. Information describing the collaborative agreement, the services provided, budget and expenditures shall be provided to the Legislature by January 1, 2001. The school shall report to the Legislature by June 30, 2001, the amounts and sources of all funding used for the collaborative medical program and any other student health services during the 2000-2001 Fiscal Year.

From the funds provided in Specific Appropriation 109, $100,000 shall be used to provide enhanced pharmaceutical services within medical

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screening services. The administration of the Florida School for the Deaf and Blind is authorized to contract with the University of Florida for all billing and collection services related to such health services for these students.

From the funds in Specific Appropriation 109, $231,511 is provided for teacher bonuses for recruitment and retention in critical shortage areas consistent with the requirements of Specific Appropriation 79A.

110 SPECIAL CATEGORIES
GRANTS AND AIDS - URBAN TEACHER RESIDENCY PROGRAM
FROM GENERAL REVENUE FUND 500,000

Funds appropriated in Specific Appropriation 110 are provided to continue Urban Teacher Residency Programs at the University of North Florida and the University of Central Florida.

TOTAL: PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP
FROM GENERAL REVENUE FUND 217,404,611
FROM TRUST FUNDS 33,000,229

TOTAL ALL FUNDS 250,404,840

PROGRAM: FEDERAL GRANTS K/12 PROGRAM

111 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 654,100,702

112 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM EDUCATIONAL AIDS TRUST FUND 56,190,521

113 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM GENERAL REVENUE FUND 17,886,046
FROM FOOD AND NUTRITION SERVICES TRUST FUND 456,083,780

Funds provided in Specific Appropriation 113 for the School Breakfast program shall be allocated as provided in s. 228.195, Florida Statutes.

TOTAL: PROGRAM: FEDERAL GRANTS K/12 PROGRAM
FROM GENERAL REVENUE FUND 17,886,046
FROM TRUST FUNDS 1166,375,003

TOTAL ALL FUNDS 1184,261,049

PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES

114 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 124,823

Funds in Specific Appropriation 114 may be used to purchase equipment for the Capitol Technical Center's radio and television facilities.

115 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM GENERAL REVENUE FUND 250,000

116 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 429,566

117 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK
FROM GENERAL REVENUE FUND 6,591,473

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The funds provided in Specific Appropriation 117 shall be used to continue the Florida Information Resource Network (FIRN). The goals of the network are the implementation of a statewide interactive network and the reduction of the data burden on teachers and other personnel. A principal emphasis shall continue to be the automation of student, staff and financial information systems, and distance learning activities.

118 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN PUBLIC TELEVISION
FROM GENERAL REVENUE FUND 78,339

119 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 9,362,876

The funds in Specific Appropriation 119 shall be allocated as follows: $634,591 for statewide governmental and cultural affairs programming; $572,000 for public television stations recommended by the Commissioner of Education, and $110,662 for public radio stations recommended by the Commissioner of Education.

The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriation 119 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

From the funds in Specific Appropriation 119, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "The Florida Channel."

120 SPECIAL CATEGORIES
FETPIP/WORKFORCE DEVELOPMENT MANAGEMENT INFORMATION SYSTEMS
FROM GENERAL REVENUE FUND 190,000

121 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES FOR THE BLIND
FROM GENERAL REVENUE FUND 407,914

TOTAL: PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES
FROM GENERAL REVENUE FUND 17,434,991

TOTAL ALL FUNDS 17,434,991

WORKFORCE DEVELOPMENT, DIVISION OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

123	SALARIES AND BENEFITS POSITIONS 86		
	FROM GENERAL REVENUE FUND	1,665,294	
	FROM EDUCATIONAL AIDS TRUST FUND		1,950,828
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		550,331
124	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,807	
	FROM EDUCATIONAL AIDS TRUST FUND		190,916
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		41,213
125	EXPENSES		
	FROM GENERAL REVENUE FUND	506,751	
	FROM EDUCATIONAL AIDS TRUST FUND		1,897,361
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		249,052

Included in Specific Appropriation 125 is $100,000 in General Revenue to improve Workforce Development Information system funding technology. These funds shall be used to enhance the PC-based Workforce Development Education Fund simulation tool to enhance reporting options, provide significantly improved spreadsheet downloading and facilitate fund category redistribution. A second priority shall be the development and implementation of an internet-based reporting tool to provide the ability to examine data by institution and program.

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126	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	40,074	
	FROM EDUCATIONAL AIDS TRUST FUND		47,842
127	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	12,591	
	FROM EDUCATIONAL AIDS TRUST FUND		11,598
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		920

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,247,517
FROM TRUST FUNDS 4,940,061

TOTAL POSITIONS 86
TOTAL ALL FUNDS 7,187,578

PROGRAM: WORKFORCE EDUCATION GRANT PROGRAMS

129 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION FEDERAL FLOW-THROUGH FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 17,817,035

131 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT HANDICAPPED FUNDS
FROM GENERAL REVENUE FUND 20,556,859

Funds appropriated in Specific Appropriation 131 for FY 2000-2001 are allocated to community colleges and school districts for programs serving adults with disabilities and senior adult learners as described in responses to an RFP process conducted by the Department of Education in consultation with the Division of Community Colleges. The department shall allocate the second through the fourth quarter release of these funds to each school district and community college only if the LEA has complied with the final recommendations of proposal reviewers and the technical review of the department's staff. No funds from the second through the fourth quarter release shall be awarded to an LEA prior to submittal and approval of the recommended proposal revisions.

From the funds in Specific Appropriations 123 through 125, the Division of Workforce Development shall develop measures by which the programs funded in Specific Appropriation 131 will be monitored and held accountable. The division shall also establish the process and criteria for providing continuation funding for FY 2001-2002 programs. The continuation criteria shall include the extent to which the program met its objectives and achieved its projected outcomes and its overall accountability to the program participants. The criteria shall indicate that any program that does not meet the quality standards as defined by the department shall be denied continuation funding. The department shall recommend legislation to the 2001 Legislature to establish a competitive process for assigning responsibility to offer these programs. The process should provide funding for successful applicants for a three year period and include provisions for performance measures and objectives, an annual evaluation of provider performance, and criteria for annual renewal within the three year period.

Additional funds appropriated in Specific Appropriation 131 for FY 2000-2001 in the amount of $302,808 shall be distributed through an RFP process to maintain services in areas containing LEAs that conducted programs during FY 1999-2000, but were not recommended for funding for FY 2000-2001 as a result of the original FY 1999-2000 RFP process. Applicant eligibility is limited to providers serving counties within the following community college service areas: Central Florida Community College, Chipola Junior College, Florida Community College at Jacksonville, Indian River Community College, St. Johns River Community College and Tallahassee Community College. These funds are not to be used for enhancement of existing programs but to provide services to additional participants in targeted counties within the service areas. Each applicant must ensure that the proposed program will target individuals that reside in one of the following counties: Marion, Liberty, Nassau, Indian River, St. Johns or Wakulla. The RFP will be distributed by the Department of Education under the same criteria as

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outlined in proviso associated with Specific Appropriation 142A in the 1999-2000 General Appropriations Act.

From the funds provided in Specific Appropriation 131, $17,726,725 is provided for school district adult handicapped programs. These funds shall be allocated as follows:

Alachua	52,368
Baker	229,953
Bay	205,520
Bradford	74,613
Brevard	640,000
Broward	1,947,488
Charlotte	74,105
Citrus	160,000
Clay	20,407
Collier	55,176
Columbia	55,000
De Soto	342,355
Escambia	312,460
Flagler	1,132,656
Gadsden	575,000
Gulf	45,000
Hardee	63,736
Hernando	107,121
Hillsborough	606,355
Jackson	2,154,271
Jefferson	81,409
Lake	37,882
Leon	1,216,398
Martin	436,199
Miami-Dade	2,378,232
Monroe	110,463
Orange	590,851
Osceola	46,620
Palm Beach	1,607,344
Pasco	19,836
Pinellas	791,193
Santa Rosa	52,318
Sarasota	925,513
Sumter	18,355
Suwannee	100,990
Taylor	99,843
Union	109,980
Washington	249,715

From the funds provided in Specific Appropriation 131, $2,527,326 is provided for community college adult handicapped programs and shall be allocated as follows:

Central Florida	41,665
Daytona Beach	782,718
Florida CC at Jax	307,029
Indian River CC	52,587
Pensacola	45,000
Polk CC	345,801
St. Johns CC	54,000
Santa Fe	88,500
Seminole CC	78,000
South Florida	683,500
Tallahassee	48,526

132 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 44,565,450

133 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PREFERRED TECHNOLOGY
CURRICULUM PATHWAY
FROM GENERAL REVENUE FUND 2,000,000

TOTAL: PROGRAM: WORKFORCE EDUCATION GRANT PROGRAMS
FROM GENERAL REVENUE FUND 22,556,859
FROM TRUST FUNDS 62,382,485

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TOTAL ALL FUNDS 84,939,344

PROGRAM: WORKFORCE EDUCATION ADMINISTERED FUNDS

134A AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM GENERAL REVENUE FUND 18,829,184

From the funds in Specific Appropriation 134A, $5,000,000 shall be used to support training programs at community colleges or school districts for new horizon jobs approved by the Workforce Development Board. The Postsecondary Education Planning Commission shall manage the awards process in consultation with the State Workforce Board. All awards shall be made by September 30, 2000. Grants may be used for capitalization and operating expenses for the creation of workforce training programs developed in response to emerging economic development needs of Florida that may not yet be captured by occupational forecasting conference data. Grant awards may range from $500,000 to $1,000,000.

Funds are also provided in the amount of at least $5,000,000 to create one large comprehensive program that: is based on a documented emerging need; leverages federal, local or private funds; includes partnerships with public and private entities; has potential major economic impact on a region of the state that has been affected by events such as military base closures, or involves an industry that supports the economic well being and economic growth of the state; utilizes technology enhanced delivery methods; documents the ability to create a revenue stream that can be reinvested into the program to reduce reliance on state funding; and uses underutilized or donated facilities.

Funds are also provided in the amount of $400,000 to fund the Commissioner of Education's request to retrofit the existing 17 Health Science Education Centers of Excellence sites through a RFP process with a cash match.

The remaining funds in Specific Appropriation 134A are provided for Workforce Development Capitalization Incentive Grants pursuant to the procedures established in s. 239.514, Florida Statutes. These funds should be allocated based on the scores received on the list of Workforce Development Capitalization Incentive Grants which was approved by the Postsecondary Education Planning Commission on February 18, 2000, with the exception that no funds are provided for grants for Adult Basic Education. Funds should be distributed at the Postsecondary Education Planning Commission recommended award amounts beginning with the highest scored proposals until all available remaining funds are exhausted.

PEPC shall review each grant funded through Specific Appropriation 134A and recommend to the Legislature by December 15, 2000 any funds which should be placed into an institution's base for continuation funding for future years.

135 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 719,731,433

Funds in Specific Appropriation 135 are provided for workforce development education programs as defined in s. 239.105 (28), Florida Statutes, and shall be used for no other purpose.

To provide for performances that may not have been reported in a timely, accurate manner for the FY 2000-2001 Workforce Development Education funding formula, the Department of Education and the State Board of Community Colleges are directed to provide local school districts and community colleges with an opportunity to submit supplemental data for performance payments. The data, once reported, will be evaluated using the same methodology as data reported during the regular reporting cycle. Payments for performances that are not duplicative of performances that have already been paid will be identified in a separate category and will be part of the Department of Education's funding request for FY 2001-2002 unless sufficient balances exist in the 2000-2001 appropriation to make the payment.

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From the funds provided in Specific Appropriation 135, $407,025,396 is provided for school district workforce development programs. None of these funds are to be used to support K-12 programs or the district K-12 administrative indirect costs. The Auditor General shall verify compliance with this requirement during scheduled audits of these institutions. These funds shall be allocated as follows:

Alachua	1,366,025
Baker	164,443
Bay	3,469,960
Bradford	887,951
Brevard	2,798,184
Broward	72,459,887
Calhoun	162,195
Charlotte	2,791,862
Citrus	2,667,281
Clay	619,283
Collier	7,321,979
Columbia	311,691
De Soto	859,391
Dixie	36,345
Duval	0
Escambia	5,322,278
Flagler	2,924,379
Franklin	54,696
Gadsden	644,854
Gilchrist	4,281
Glades	8,154
Gulf	163,714
Hamilton	78,037
Hardee	317,831
Hendry	383,039
Hernando	507,534
Highlands	0
Hillsborough	31,191,469
Holmes	0
Indian River	690,875
Jackson	591,858
Jefferson	205,326
Lafayette	50,024
Lake	4,533,063
Lee	11,317,116
Leon	6,312,937
Levy	0
Liberty	12,012
Madison	0
Manatee	5,916,999
Marion	2,714,575
Martin	2,471,799
Miami-Dade	107,122,464
Monroe	697,941
Nassau	385,853
Okaloosa	2,734,503
Okeechobee	0
Orange	35,700,508
Osceola	4,559,676
Palm Beach	15,838,083
Pasco	3,525,684
Pinellas	26,383,352
Polk	12,116,381
Putnam	349,134
St. Johns	6,515,855
St. Lucie	0
Santa Rosa	1,819,645
Sarasota	10,528,204
Seminole	0
Sumter	204,766
Suwannee	976,767
Taylor	1,262,593
Union	157,211
Volusia	0
Wakulla	266,266
Walton	81,801
Washington	3,454,301
Washington Special	11,081

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From the funds provided in Specific Appropriation 135, $312,706,037 is provided for Community College Workforce Development programs and shall be allocated as follows:

Brevard CC	12,136,161
Broward CC	17,585,685
Central Florida	7,407,578
Chipola	3,080,851
Daytona Beach	19,985,853
Edison	4,475,665
Florida CC at Jax	39,316,102
Florida Keys	2,118,383
Gulf Coast	6,261,792
Hillsborough CC	10,858,855
Indian River CC	19,711,217
Lake City	6,784,921
Lake-Sumter CC	1,600,463
Manatee CC	4,651,416
Miami-Dade CC	33,109,399
North Florida	2,370,324
Okaloosa-Walton CC	4,632,488
Palm Beach CC	23,366,256
Pasco-Hernando CC	6,165,265
Pensacola	14,270,623
Polk CC	4,779,895
St. Johns CC	2,569,589
St. Petersburg	14,225,801
Santa Fe	12,474,625
Seminole CC	15,980,416
South Florida	7,125,433
Tallahassee	3,873,155
Valencia	11,787,826

From the funds in Specific Appropriation 135, the Workforce Development Education Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to respond to emerging local and statewide economic development needs by providing workforce development programs.

Performance Measures - Outcomes	FY 2000-2001 Standards
Number and percent of vocational certificate program completers who left the program and are found placed according to the following definitions:	
Level III - Completed a program identified as high-wage /high-skill on the Occupational Forecasting List and found employed at $4,680 per quarter or more	12,227; 42.6%
Level II - Completed a program identified for new entrants on the Occupational Forecasting List and found employed at $3,900 per quarter or more, or was found continuing education in a college credit-level program	4,369; 15.2%
Level I - Completed any program not included in Level II or III and found employed, found as a military enlistment, or found continuing education at the vocational certificate level	10,801; 37.6%
Number and percent of associate in science degree and college-credit certificate program completers who left the program and are found placed according to the following definition:	
Level III - Completed a program identified as high wage/high skill on the Occupational Forecasting List and found employed at $4,680 per quarter or more	6,897; 57.9%
Level II - Completed a program identified for new entrants on the Occupational Forecasting List and found employed at $3,900 per quarter or more, or was found continuing education in a college credit-level program	1,351; 11.3%

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Level I - Completed any program not included in Level II or III and found employed, found as a military enlistment, or found continuing education at the vocational certificate level	1,661;	13.9%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.		

TOTAL: PROGRAM: WORKFORCE EDUCATION ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND 738,560,617

TOTAL ALL FUNDS 738,560,617

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

137 SALARIES AND BENEFITS POSITIONS 55
FROM GENERAL REVENUE FUND 3,282,249
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 205,538

138 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 121,592
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 24,600

139 EXPENSES
FROM GENERAL REVENUE FUND 949,736
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 15,046

140 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 78,205

145 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 19,841

145A SPECIAL CATEGORIES
PROGRAM REVIEW AND SPECIAL STUDIES
FROM GENERAL REVENUE FUND 1,000,000

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 5,451,623
FROM TRUST FUNDS 245,184

TOTAL POSITIONS 55
TOTAL ALL FUNDS 5,696,807

PROGRAM: COMMUNITY COLLEGE PROGRAMS

146 AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND 8,318,834

Funds in Specific Appropriation 146 are provided as performance incentive awards, and shall be allocated as follows:

Brevard	434,047
Broward	543,564
Central Florida	150,125
Chipola	65,444
Daytona Beach	238,693
Edison	247,153
Florida CC at Jacksonville	551,446
Florida Keys	22,856
Gulf Coast	146,234
Hillsborough	443,684
Indian River	216,229
Lake City	56,310
Lake-Sumter	62,802
Manatee	213,038
Miami-Dade	1,230,432
North Florida	28,348
Okaloosa-Walton	186,952
Palm Beach	452,472
Pasco-Hernando	119,479
Pensacola	260,185
Polk	157,640
St. Johns	117,853
St. Petersburg	571,392
Santa Fe	393,889
Seminole	187,441
South Florida	59,778
Tallahassee	439,394
Valencia	721,954

147 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES
PROGRAM FUND
FROM GENERAL REVENUE FUND 416,855,252

From the funds in Specific Appropriations 8, 146, and 147, the Community Colleges will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of students graduating with total accumulated credit hours that are less than or equal to 120% of the degree requirement	36%
Percent of students exiting the college-preparatory program who enter college-level course work associated with the AA, Associate in Science (AS), Postsecondary Vocational Certificate, and Postsecondary Adult Vocational Programs	66%
Of the AA students completing 18 credit hours, the percent which graduate within 4 years	30%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

The sum of the technology fee and the average resident matriculation fee specified in s. 240.35(6), Florida Statutes, are hereby established for 2000-2001 as follows:

Program	Amount Per Credit Hour
Advanced and Professional	$ 37.77
Postsecondary Vocational	37.77
College Preparatory	37.77

The sum of the technology fee and the average nonresident matriculation and tuition fees specified in s. 240.35(7), Florida Statutes, are hereby established for 2000-2001 as follows:

Program	Amount Per Credit Hour
Advanced & Professional	$113.35
Postsecondary Vocational	113.35
College Preparatory	113.35

For 2000-2001, no community college board of trustees shall be required to reduce the sum of the technology fee and the matriculation fee from the sum of these fees established in 1999-2000.

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The Division of Community Colleges shall maintain a policy regarding office hours during which instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each community college's regularly assigned audit and make appropriate comments.

Colleges which accept funds from Specific Appropriation 147 shall not act to limit the "open door" access policy for students in any program.

Funds provided in Specific Appropriation 147 shall be allocated as follows:

Brevard	17,972,551
Broward	29,753,219
Central Florida	6,213,406
Chipola	4,262,855
Daytona Beach	14,179,758
Edison	13,051,106
Florida CC at Jacksonville	24,415,551
Florida Keys	2,760,343
Gulf Coast	7,024,205
Hillsborough	25,047,063
Indian River	11,896,359
Lake City	3,378,465
Lake-Sumter	4,532,922
Manatee	9,968,379
Miami-Dade	80,772,395
North Florida	2,508,614
Okaloosa-Walton	7,578,508
Palm Beach	19,551,199
Pasco-Hernando	5,764,000
Pensacola	14,734,748
Polk	7,372,737
St. Johns River	7,199,716
St. Petersburg	25,158,737
Santa Fe	13,261,018
Seminole	8,414,505
South Florida	2,691,420
Tallahassee	15,916,259
Valencia	31,475,214

FTE enrollment counts for funding purposes will be based only on fee-paying students, except as provided by law. Furthermore, enrollment projections, the annual cost analysis, and CO & DS instructional unit determinations shall only include such students. Enrollments of non-fee paying students shall be reported and projected separately. Except for dually-enrolled students, students in advanced and professional programs or related college preparatory programs who have acquired a high school certificate of completion or attendance and do not have a high school diploma or general equivalency diploma shall not earn FTE's for funding purposes. All enrollment estimating conference FTE reports shall reflect by college all fee paying FTE for the following programs: advanced and professional, postsecondary vocational, postsecondary adult vocational, continuing workforce education, college and vocational preparatory, adult basic, high school, and lifelong learning. There shall be a direct correlation with the seven programs in reporting actual, assigned, estimated, and projected FTE. All state inmate education provided by community colleges in 2000-2001 shall be reported by program, FTE expenditure and revenue source. These enrollments, revenues and expenditures shall be reported and projected separately. Except as provided by law, instruction of state inmates shall not be included in the full-time equivalent student enrollment for Community College Program Fund funding. No funds in Specific Appropriation 147 are provided for instruction of state or federal inmates; funds in this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

Included in the funds provided in Specific Appropriation 147 is $35,000 in non-recurring General Revenue to compensate Florida Keys Community College for losses related to Hurricane Georges.

Included in the funds in Specific Appropriation 147 is $200,000 in non-recurring General Revenue for Miami-Dade Community College for the Distance Learning in Music - New World Symphony program.

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Funds provided in Specific Appropriation 147 contemplate that, except for the CO & DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, college preparatory, and postsecondary vocational programs will be a year-round average based on total student semester hours divided by 40 with the credit hour equivalent being 30. Except for the CO & DS instructional unit calculation, a full-time equivalent enrollment in the vocational preparatory program, postsecondary adult and continuing workforce education and adult vocational education programs shall be defined as 900 membership hours per year. Furthermore, the annual cost analysis and all data elements required for the allocation process and legislative analysis shall reflect these definitions and be reported in the following order: summer, fall, and spring terms.

148 AID TO LOCAL GOVERNMENTS
INCREASED BANDWIDTH CAPACITY
FROM GENERAL REVENUE FUND 1,428,000

Funds in Specific Appropriation 148 shall be transferred to the Florida Information Resource Network (FIRN) to maintain telecommunications bandwidth capacity for each community college. This will include the annual cost of up to a DS3 (45Mbps) capacity for each community college.

148A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROBATIONERS EDUCATIONAL GROWTH
FROM GENERAL REVENUE FUND 1,500,000

148B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROGRAM CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 18,040,886

Funds in Specific Appropriation 148B shall be allocated to the individual colleges by the State Board of Community Colleges for matching awards for the Academic Improvement Trust Fund, Health Care Challenge Grants, and Scholarship Matching Grants Funds reported as received by February 17, 2000. In addition, the State Board of Community Colleges' Foundation may receive matching funds for which it had received the cash from private donations.

148C SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE PROJECTS
FROM GENERAL REVENUE FUND 1,179,074

Funds in Specific Appropriation 148C shall be allocated based on each college's pro-rata share of actual full time equivalent students served in the community college system during the prior fiscal year excluding continuing workforce education programs. These funds shall be used to provide financial aid, specifically for child care, based on needs analyses established by each college.

148D SPECIAL CATEGORIES
GRANTS AND AIDS - FACILITIES MATCHING PROGRAM
FROM GENERAL REVENUE FUND 7,182,396

Funds in Specific Appropriation 148D shall be allocated by the State Board of Community Colleges for matching awards for the Facility Enhancement Program reported as received by February 17, 2000.

148E SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 23,676
FROM DISPLACED HOMEMAKER TRUST FUND . . . 2,060,024

148F SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM GENERAL REVENUE FUND 7,724,162

149 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND 4,002,000

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From the funds in Specific Appropriation 149, $2,327,000 is provided for the continued development of the Florida Academic Counseling and Tracking System for Students (FACTS). The Board of Regents and the State Board of Community Colleges shall coordinate with the FACTS Board and the Administrative/Development Center for the development and implementation of a single statewide computer-assisted student information system which when fully implemented will provide users with the ability to: 1) apply for admissions, 2) register for courses, 3) do career and academic planning, 4) explore educational options, 5) inquire about financial aid, 6) pay student fees, and 7) access other student services functions in a distance learning mode. Funds are provided for center personnel, institutional support and electronic data processing support. An annual progress report shall be jointly submitted by the Board of Regents and the State Board of Community Colleges to the Governor, President of the Senate and Speaker of the House of Representatives. These two boards shall jointly develop a proposed budget for Fiscal Year 2001-2002, which is to be reflected in their respective legislative budget requests.

Funds in Specific Appropriation 149 provided for the Student Academic Advising and Tracking System (FACTS) are recommended for special monitoring as a critical information resource management project under Section 282.322, Florida Statutes. From the funds in Specific Appropriation 149 for FACTS, $100,000 is provided for the monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

150 SPECIAL CATEGORIES
GRANTS AND AIDS - MARTIN LUTHER KING CENTER FOR NON-VIOLENCE
FROM GENERAL REVENUE FUND 200,000

151 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 30,000

152 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 200,000

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS
FROM GENERAL REVENUE FUND 466,684,280
FROM TRUST FUNDS 2,060,024

TOTAL ALL FUNDS 468,744,304

PROGRAM: POSTSECONDARY EDUCATION PLANNING COMMISSION

The funds in Specific Appropriations 153 through 157 shall support the Postsecondary Education Planning Commission in carrying out its statutory responsibilities, including the following specific assignments:

The Postsecondary Education Planning Commission, in conjunction with the Department of Education, State Board of Community Colleges, and Board of Regents shall continue its longitudinal cohort study of the progression of public high school graduates as they enroll in, advance through, and graduate from the state's postsecondary education delivery system and enter the workforce. A progress report shall be submitted to the Governor, Legislature and the State Board of Education by May 31, 2001.

The Postsecondary Education Planning Commission shall conduct a comprehensive study of existing state student financial assistance programs and policies and their impact on the state goal of increasing baccalaureate degree production. Issues to be examined shall include but not be limited to the appropriate balance between need-based and merit-based aid, extension of eligibility to part-time and other non-traditional students, and coordination between state programs and other sources of financial aid. A report with recommendations, including any necessary statutory modifications, shall be submitted to the State Board of Education and the Legislature by February 2, 2001.

The Postsecondary Education Planning Commission shall conduct an analysis of the extent to which public and private university degree programs are providing the skilled workforce needed by Florida's economy. The Commission shall coordinate this study with the Workforce Development Board and the Office of Tourism, Trade and Economic Development, the Florida Chamber of Commerce and other entities as needed. The Commission shall report its findings and recommendations to the Governor and the Legislature by December 31, 2000.

The Postsecondary Education Planning Commission, in consultation with the State Board of Community Colleges and the Department of Education shall submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate, the following reports:

1. By December 31, 2000, a recommendation for a new measure of FTE reporting for Adult General Education and Adult Vocational Education that is consistent among community colleges and school districts and is reflective of student participation and workload. The FTE measure should be appropriate for use in estimating fee revenue, capital outlay funding, analysis of long term trends, program management and evaluation.

2. By December 31, 2000, a procedure within the workforce development education funding formula process developed pursuant to section 239.115, Florida Statutes, that will facilitate community colleges and school districts starting new programs by using existing workforce funds without putting performance earnings at risk.

3. By December 31, 2000, a procedure and guidelines for realigning workforce funding category investments in the allocation to school districts and community colleges. The report shall be limited to appropriated workforce development funding and will not include shifts from or to that fund from other program fund areas. The report shall also include recommendations for uniform cost reporting between community colleges and school districts to facilitate future realignments within the fund.

4. By December 31, 2000, the results of a review that compare the costs of workforce development education programs to the reimbursement received through the workforce formula. The report shall include recommendations for adjusting the formula so that high cost programs that contribute to meeting priority workforce needs receive appropriate incentives.

153 SALARIES AND BENEFITS POSITIONS 11
FROM GENERAL REVENUE FUND 784,179

154 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 51,901

155 EXPENSES
FROM GENERAL REVENUE FUND 141,207

156 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,180

157 SPECIAL CATEGORIES
SPECIAL STUDIES
FROM GENERAL REVENUE FUND 74,499

158 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,575

TOTAL: PROGRAM: POSTSECONDARY EDUCATION PLANNING COMMISSION
FROM GENERAL REVENUE FUND 1,059,541

TOTAL POSITIONS 11
TOTAL ALL FUNDS 1,059,541

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APPROPRIATION
UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

From the funds in Specific Appropriations 9A through 9D and 160 through 177, each university shall prepare and administer a separate operating budget for each branch campus and center. Such budget shall reflect the actual funding available for each branch campus or center for FY 1998/99 and FY 1999/2000 and the estimated budget for FY 2000/01. At a minimum, these budgets shall reflect the funds reported to the legislature for 1998/99; the 1999/00 legislative appropriation of $7,500,000 for branch campuses and centers; the funds provided in Specific Appropriation 164A and any additional funds allocated for FY 2000/01; and all funds generated locally, including concession funds, local fees, and research overhead. These budgets shall be submitted to the Board of Regents for approval.

From the funds provided in Specific Appropriations 161 and 163, excluding medical professional headcount, each university may shift enrollment by level in a manner which is revenue neutral, but shall not increase the number of lower level FTEs above the funded enrollment plan.

By May 1, 2001, the Board of Regents shall provide to the Speaker of the House of Representatives, the President of the Senate, and the Executive Office of the Governor a comparison of actual enrollment for Final Summer 2000, Final Fall 2000, and Preliminary Spring 2001 to funded enrollment by level. Both the General Revenue and student fee revenue for FTE enrollment for any university, excluding FGCU and medical professional headcount, that is more than 2% under the funded enrollment by level by May 1 shall be redirected by the Board of Regents for the purpose of increasing the delivery of academic programs on branch campuses and centers and to areas of the State University System in which demand for courses exceeds the funded enrollment. The Board of Regents shall adjust the funded enrollment plan for FTEs associated with this provision and report the FTEs to the fiscal committees of the Senate and the House of Representatives, and the Governor's Office of Policy and Budget.

160 LUMP SUM
I-4 CORRIDOR/HIGH TECHNOLOGY RESEARCH
FROM GENERAL REVENUE FUND 21,925,000

From the funds in Specific Appropriation 160, $14,800,000 from the General Revenue Fund is provided to the University of Central Florida, the University of South Florida, and other participating SUS Universities for refund matching for Lucent Technologies - Bell Laboratories, or other qualifying industries, and shall be released only after certification to the Office of Tourism, Trade and Economic Development that requirement of s.212.08 (5) (j) 6, Florida Statutes, have been met by the certified business entity.

Funds in Specific Appropriation 160 include a continuing appropriation totaling $7,125,000 to the University of South Florida and the University of Central Florida for the State University System Consortium (I-4 Corridor).

161 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES

FROM GENERAL REVENUE FUND	1352,661,375	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		450,742,694
FROM OPERATIONS AND MAINTENANCE TRUST FUND		75,000
FROM PHOSPHATE RESEARCH TRUST FUND		6,254,099

All funds in Specific Appropriation 161 for Branch Campuses and Centers shall be identified by each university and, on or before July 15, transferred by the Executive Office of the Governor to Specific Appropriation 164A. From the University of South Florida's share of the $54,989,820 appropriated for enrollment growth, the University shall allocate no less than $2,000,000 to the St. Petersburg Bayboro Campus. All funds allocated to the St. Petersburg Bayboro Campus shall not be

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subject to the 2% corridor adjustment. Future funding requests for Branch Campuses and Centers shall be identified by the Board of Regents in the FY 2001-2002 Legislative Budget Request for each Branch Campus/Center.

Funds in Specific Appropriations 161 through 164 contemplate that the matriculation and tuition fees collected for Summer Term 2001 enrollments shall not be expended during the 2000-2001 Fiscal Year.

From the funds in Specific Appropriations 9A through 9D and 160 through 164, the salary rate shall be consistent with the total combined rate included in the legislative workpapers that support the General Appropriations Act. Each university shall establish positions consistent with the approved salary rate.

From the funds in Specific Appropriations 161 through 182, no appropriated funds shall be used to promote litigation, for any centers and institutes.

The funds in Specific Appropriation 161, 163 and 164 include $49,624,101 for fee waivers.

From the funds in Specific Appropriation 9A through 9D and 161 through 164, the State University System will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to transmit knowledge, skills and competencies which allow eligible individuals to become practicing professionals or to pursue further academic endeavors:

Performance Measures - Outcomes	FY 2000-2001 Standards
Graduation Rate for First Time in College (FTIC) students, using a six-year rate	61%
Retention Rate for FTIC Students, using a six-year rate	71%
Graduation Rate for AA Transfer Students, using a four-year rate	69%
Retention Rate for AA Transfer Students, using four-year rate	80%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

Funds in Specific Appropriation 161 are based upon the following full-time equivalent (FTE) enrollment:

Lower Level	51,375
Upper Level	67,717
Graduate	24,302
Total	143,394

Funding shall be allocated to each university based upon the following full-time equivalent (FTE) enrollment:

University of Florida;

Lower Level	10,780
Upper Level	12,454
Graduate	7,259
Total	30,493

Florida State University;

Lower Level	8,346
Upper Level	9,753
Graduate	4,367
Total	22,466

Florida Agricultural & Mechanical University;

Lower Level	4,239

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Upper Level	3,338
Graduate	792
Total	8,369

University of South Florida;

Lower Level	6,137
Upper Level	9,774
Graduate	3,252
Total	19,163

Florida Atlantic University;

Lower Level	3,430
Upper Level	6,127
Graduate	1,598
Total	11,155

University of West Florida;

Lower	1,602
Upper Level	2,515
Graduate	682
Total	4,799

University of Central Florida

Lower Level	7,035.5
Upper Level	9,965.0
Graduate	2,379.0
Total	19,379.5

Florida International University;

Lower Level	6,294.5
Upper Level	9,153.0
Graduate	2,851.0
Total	18,298.5

University of North Florida;

Lower Level	2,861
Upper Level	3,538
Graduate	772
Total	7,171

Florida Gulf Coast University;

Lower Level	650
Upper Level	1,100
Graduate	350
Total	2,100

Enrollment funds are based upon the following system-wide average funding per student:

1) Lower level - $7,013
2) Upper Level - $10,101
3) Graduate I Level - $15,097
4) Graduate II Level - $24,082

On or before October 1, 2000, each university shall develop an enrollment plan by site for FY 2000-2001. Subsequent adjustments to this plan shall be approved by the Board of Regents.

Included in the lower level enrollment figures for FAMU, UWF, and UNF is an increase of 50 lower level FTE students each for the purpose of increasing opportunities for students to earn a baccalaureate degree at the comprehensive universities. From these and other available funds, these universities may develop incentives for attracting and retaining additional students. These FTE students shall be excluded from the funded enrollment plan when applying the 2% corridor adjustment for 2000-2001.

The enrollment policy adopted by the Legislature does not limit the number of students admitted from out-of-state under the profile admissions policy; however, no state university may receive the General Revenue funding associated with the enrollment of out-of-state students admitted under this policy. For the purposes of implementing this policy, the Board of Regents shall segregate these FTEs and not count

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them toward the 2000-2001 enrollment plan for the state university system. The Board of Regents may submit a budget amendment requesting student fee trust authority for the student fee revenue associated with the out-of-state students admitted under this policy.

Funds provided in Specific Appropriations 161, 163 and 164 include a 5% tuition increase for in-state and out-of-state students. Each president may expend these revenues for institutional priorities consistent with the mission of the university.

Funds in Specific Appropriation 161 for the Washington Internship Program may be disbursed in advance to the contractor on a quarterly basis.

Specific Appropriation 161 includes a General Revenue funding increase above the recurring FY 1999-2000 Appropriation for the following purposes:

1. $4,775,000 for the Florida Center for Library Automation
2. $1,000,000 for the Florida Office for Civil Rights Agreement - FAMU
3. $12,200,000 for Basic Science Equipment - FSU
4. $8,000,000 for Expansion of Basic Science Programs - FSU
5. $1,183,029 for Land Grant Equity - FAMU
6. $1,500,000 for Research Corridors/Economic Development (I-95 & I-10)
7. $1,050,000 for a Program in Medical Sciences - FAU/UM
8. $250,000 for the Florida Government Performance Survey Research Center - FSU
9. $750,000 for the Marine Science Partnership - FAU/Harbor Branch Oceanographic Research Institute
10. $200,000 for the Green Industry Education Institute
11. $100,000 for the Rehabilitation Teaching Specialization in the Program in Visual Disabilities - FSU
12. $950,000 for the Institute on Urban Policy and Commerce
13. $391,257 for the Institute for Human and Machine Cognition - UWF
14. $150,000 for the Wetlands Environmental Lab - UWF
15. $300,000 for Campus Security Equipment - FAMU
16. $500,000 for the Child and Infant Development Center -USF
17. $60,000 for the Washington Internship Program
18. $4,224,964 for operating costs for new facilities
19. $2,250,000 for FSU Ringling Center for Cultural Arts
20. $1,000,000 for USF MEMS
21. $750,000 for Exceptional Education Institute - UCF
22. $500,000 for Lively Arts center - UCF
23. $225,000 for UF Whitney LAB - Marine Animal Health
24. $450,000 for UF Whitney Center for Marine studies
25. $350,000 for the Civic Theaters of Central Florida - UCF

Specific Appropriation 161 includes a General Revenue funding increase of $9,575,055 above the recurring FY 1999-2000 appropriation for the phase-in of a new medical school at Florida State University. From these funds, the University shall:

1. Focus on training physicians to meet the primary health care needs of Floridians, placing particular emphasis on serving our elderly, rural, and minority citizens.

2. Train physicians to make appropriate use of emerging technologies and function successfully in contemporary medical practice.

3. Be dedicated to advancing knowledge in the biomedical sciences and to training future scientists to assume leadership in academic medicine.

4. Be committed to providing access to medical education for minorities underrepresented in the medical profession.

The college shall achieve provisional accreditation by the Liaison Committee on Medical Education by July 1, 2003, with final accreditation to be achieved by July 1, 2006. An initial class of 30 students shall be enrolled in the Fall of 2001 with each subsequent class increasing by 10 students until a maximum enrollment of new students equals 120.

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In order to minimize costs and to focus on the training of primary care physicians, the school shall utilize a community-based education model. This model shall be designed to:

1. Minimize costs by working with hospitals, clinics and other health care providers across the state, thus avoiding the need to construct or renovate a teaching hospital.

2. Coordinate clinical training for medical students and other students in the health care field, utilizing community corporations in major regions as appropriate.

3. Site clinical programs in close proximity to underserved areas of Florida and in areas with high numbers of elderly populations.

4. Provide state-of-the-art community settings for teaching primary care medicine.

5. Use dedicated and carefully selected primary care physicians from the community as preceptors and mentors.

6. Explore the potential of telemedicine and of modern technology in the education programs.

In order to fulfill its primary mission, the school shall:

1. Allow students to learn from actual patients in physician offices.

2. Allow students to experience a rural lifestyle and gain personal confidence and competence in assuming the role of a rural physician.

3. Offer physicians in rural communities the opportunity to be involved in medical education and thereby increasing the attractiveness of rural practice settings.

Specific Appropriation 161 includes a General Revenue funding increase of $1,000,000 above the recurring FY 1999-2000 appropriation for Florida State University to develop an implementation plan, in consultation with the Board of Regents, for the establishment of a school of chiropractic education at Florida State University. The implementation plan shall be developed with the objective of commencing the program at the start of the 2002-2003 academic year. Furthermore, the implementation plan shall assume a first year enrollment cap of 100 graduate students and a phased-in maximum program enrollment of 500 graduate students. The estimated operating costs, including any associated clinical costs for the establishment of the school from Fiscal Year 2001-2002 through Fiscal Year 2005-2006, shall be provided in the plan. Additionally, fixed capital outlay needs for the academic, clinical and physical infrastructure shall be identified and estimated costs provided. The implementation plan shall provide the necessary elements to ensure compliance with the requirements of the Commission of Accreditation of the Council of Chiropractic Education by July 1, 2005, and shall identify potential sites for clinical training and any options for partnerships with private schools of chiropractic medicine for these needs. The implementation plan shall also:

1. Review the structure and function of current chiropractic schools in the U.S., including, but not limited to, trends in enrollment, funding levels, accreditation requirements, curriculum, faculty recruitment and pay, and minority participation.

2. Plan to increase opportunities for minority representation, including African Americans and Hispanics, in the chiropractic profession.

3. Plan for serving traditionally underserved individuals including, individuals of low income, persons residing in rural or inner city areas, and seniors.

4. Plan to ensure that total costs per student will remain significantly below equivalent costs of private chiropractic medicine colleges.

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5. Plan to ensure the school will train students to meet the demonstrated needs of Floridians for biomechanical treatment.

6. Examine potential partnership arrangements for clinical practicum with current private chiropractic medicine schools or approved external faculty positions.

The implementation plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than December 15, 2000.

From the funds in Specific Appropriation 161, $2,500,000 from the General Revenue Fund is provided for FAMU and $2,500,000 from the General Revenue Fund is provided for FIU to begin the implementation of two new law schools to serve both full-time and part-time students. In developing the curriculum and course offerings for these new law schools, evening and weekend courses shall be made available in sufficient quantity in order to provide maximum access to legal education opportunities.

Funds provided in Specific Appropriation 161 include no more than that amount which the Board of Regents and the City of Gainesville agree represents the cost of service for water provided by the city to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the City and reviewed by the University. The costs of any General Fund transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the City or Utility shall be specifically excluded as costs allocable to the University. The cost-based rate shall include charges for only those water services actually provided by the City to the University and shall not include charges for services furnished by the University.

From the funds in Specific Appropriation 161, Florida Atlantic University shall develop and administer a separate budget for FAU Broward for the purpose of establishing a complete university presence in Broward County. The FAU Broward budget shall include all revenues generated locally by the Broward campuses, all positions associated with specially legislated Broward programs from current and previous years, and all additional faculty, staff, and other resources allocated to the university on the basis of Broward enrollments or facilities. In administering its budget, FAU Broward shall make all assignments of Broward faculty and staff, schedule all Broward classes, and evaluate Broward faculty and staff performance.

From the funds in Specific Appropriation 161, for the University of South Florida, the USF Department of Marine Science at the Bayboro Campus shall be converted to a College of Marine Science, the Dean of which reports directly to the provost at the University of South Florida.

From the funds in Specific Appropriation 161 for the Black Male Explorers Program, FAMU may advance funds to Bethune Cookman College, Florida Memorial College and Edward Waters College on a semiannual basis.

From funds in Specific Appropriation 161, $25,000 is provided for the University of Florida College of Pharmacy to study the efficacy of liquid versus solid psychotropic drugs in Florida's prisons.

162	LUMP SUM		
	INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS		
	FROM GENERAL REVENUE FUND	107,273,706	
	FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		3,365,192
	FROM EXPERIMENT STATION INCIDENTAL TRUST FUND		1,084,044
	FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		4,228,585
	FROM EXTENSION SERVICE INCIDENTAL TRUST FUND		1,291,416

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From the funds in Specific Appropriation 162 and any other funds available to the State University System, there shall be no expenditures made pursuant to the consent order, effective April 15, 1986, and amended on June 8, 1987, and as subsequently amended by the joint plan submitted by the Chancellor and the Secretary of the Department of Environmental Protection on October 1, 1993, between the Institute of Food and Agricultural Sciences and the Department of Environmental Protection; provided, however, that funds from the Water Quality Assurance Trust Fund provided specifically for site investigation and cleanup activities may continue to be spent for that purpose.

Specific Appropriation 162 includes a General Revenue funding increase above the recurring FY 1999-2000 appropriation of $1,313,901 for operating costs for new facilities.

From the funds in Specific Appropriation 162, $52,130 in General Revenue is provided for the State Rural Development Council. Future requests for operating support for the State Rural Development Council shall be included in the UF/IFAS portion of the State University System Legislative Budget Request.

163 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
OPERATIONS
FROM GENERAL REVENUE FUND 52,354,825
FROM EDUCATION AND GENERAL STUDENT AND
OTHER FEES TRUST FUND 7,477,011

Specific Appropriation 163 includes a General Revenue funding increase above the recurring FY 1999-2000 Appropriation for the following issues:

1) $250,000 for brain and spinal cord injury.
2) $5,000,000 for Graduate Medical Education

Funds in Specific Appropriation 163 are based upon the following total full-time equivalent enrollment:

Lower Level	33
Upper Level	236
Graduate	500
M.D.	401

164 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER
OPERATIONS
FROM GENERAL REVENUE FUND 85,282,245
FROM EDUCATION AND GENERAL STUDENT AND
OTHER FEES TRUST FUND 10,100,794
FROM INCIDENTAL TRUST FUND 12,409,096
FROM UNIVERSITY OF FLORIDA HEALTH CENTER
OPERATIONS AND MAINTENANCE TRUST FUND . . 7,232,573

Specific Appropriation 164 includes a General Revenue funding increase above the recurring FY 1999-2000 Appropriation for the following issues:

1) $250,000 for brain and spinal cord injury research
2) $500,000 for the ACORN Dental Clinic - UF College of Dentistry
3) $225,000 for the UF Veterinary School - Marine Animal Health, and
4) $228,698 for operating costs for new facilities.
5) $5,000,000 for Graduate Medical Education

Funds in Specific Appropriation 164 are based upon the following total full-time equivalent enrollment:

Dentistry	330
Vet. Medicine	317
M.D.	440

164A LUMP SUM
LUMP SUM - OPERATION OF BRANCH CAMPUSES
AND CENTERS
FROM GENERAL REVENUE FUND 8,000,000

The funds in Specific Appropriation 164A are provided as start-up funding to increase the number of courses and/or to provide for the offering of additional full degree programs for the purpose of increasing access to baccalaureate degrees on the branch campuses and centers. These funds are to be allocated as follows to the branch campus/center in the counties as listed:

Bay	440,000
Brevard	1,299,200
Pinellas	2,206,400
Polk	599,200
Indian River/St. Lucie/Martin	992,800
Sarasota/Manatee/New College	1,246,400
Volusia	1,112,800
Okaloosa	103,200

The Board of Regents shall certify to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor the increase in the number of full degree programs to be offered. These funds, and all enrollments for the Branch Campuses supported through this Specific Appropriation, are not subject to the 2% corridor adjustment.

From the funds in Specific Appropriation 164A, an amount identified by the Postsecondary Education Planning Commission, not to exceed $150,000, shall be transferred to the Postsecondary Education Planning Commission to conduct an independent assessment of the baccalaureate program needs of the following counties: 1) Broward, 2) Sarasota/Manatee, 3) Pinellas, and 4) Volusia. The Postsecondary Education Planning Commission shall submit a report of findings and recommendations to the Board of Regents, the State Board of Education, the President of the Senate, the Speaker of the House, and the Executive Office of the Governor on or before January 19, 2001. Each County's allocation shall be adjusted on a pro-rata basis to fund this independent assessment.

165A SPECIAL CATEGORIES
TRANSFER TO AGENCY FOR HEALTH CARE
ADMINISTRATION FOR GRADUATE MEDICAL
EDUCATION
FROM GENERAL REVENUE FUND 14,500,000

From the funds appropriated in Specific Appropriation 165A, $14,500,000 may be transferred to the Agency for Health Care Administration; however, such transfer is contingent upon the Agency assuring that the participating hospitals' benefit equals or exceeds the funds received from Specific Appropriation 195A and 198A of the 1999-2000 General Appropriations Act. The Agency shall also assure that participating hospitals with primary care internship and residency programs receiving funding from Specific Appropriation 195A of the 1999-2000 General Appropriations Act fund these internship and residency programs in FY 2000-2001 at no less than the level of funding provided during FY 1999-2000. $75,000 may be used in order to contract for services and cover the usual and customary expenses associated with the administration of the Community Hospital Education Council and the production of the annual report of graduation medical education.

166 SPECIAL CATEGORIES
GRANTS AND AIDS - CANCER CENTER OPERATION
FROM GENERAL REVENUE FUND 11,135,170

Funds in Specific Appropriation 166 may be disbursed in advance to the contractor on a quarterly basis.

167 SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 50,182,214
FROM MAJOR GIFTS TRUST FUND 86,790,179

Funds in Specific Appropriation 167 for Major Gifts shall be used to match private donations to the State University System for projects

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which are consistent with the university's mission, as defined by the Board of Regents and the current Strategic Plan.

170 SPECIAL CATEGORIES
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL
FROM GENERAL REVENUE FUND 9,786,979

Funds in Specific Appropriation 170 may be disbursed in advance to the contractor on a quarterly basis.

170A SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST
FUND FOR THE FLORIDA ACADEMIC COUNSELING
AND TRACKING SYSTEM FOR STUDENTS (FACTS)
FROM GENERAL REVENUE FUND 2,327,000

The funds in Specific Appropriation 170A are provided for the continued development of the Florida Academic Counseling and Tracking System (FACTS). The Board of Regents and the State Board of Community Colleges shall coordinate with the FACTS Board and the Administrative/Development Center for the development and implementation of a single statewide computer-assisted student information system which when fully implemented will provide users with the ability to: 1) apply for admissions, 2) register for courses, 3) do career and academic planning, 4) explore educational options, 5) inquire about financial aid, 5) pay student fees, and 7) access other student services functions in a distance learning mode. Funds are provided for center personnel, institutional support and electronic data processing support. An annual progress report shall be jointly submitted by the Board of Regents and the State Board of Community Colleges to the Governor, President of the Senate and Speaker of the House of Representatives. These two boards shall jointly develop a proposed budget for Fiscal Year 2001-2002, which is to be reflected in their respective legislative budget requests.

Funds in Specific Appropriation 170A are provided for the Student Academic Advising and Tracking System (FACTS) which is recommended for special monitoring as a critical information resource management project under Section 282.322, Florida Statutes. From the funds in Specific Appropriation 170A, $100,000 is provided for the monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

172 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 35,846,473
FROM EDUCATION AND GENERAL STUDENT AND
OTHER FEES TRUST FUND 10,000,000

173 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,131,986
FROM PHOSPHATE RESEARCH TRUST FUND 969

174 SPECIAL CATEGORIES
STUDENT FINANCIAL AID
FROM GENERAL REVENUE FUND 19,914,675

A minimum of 71% of the funds provided in Specific Appropriation 174 shall be allocated for need-based financial aid.

175 SPECIAL CATEGORIES
FLORIDA'S OFFICE FOR CAMPUS VOLUNTEERS
FROM GENERAL REVENUE FUND 135,889

176 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS
FROM GENERAL REVENUE FUND 5,817,055

Specific Appropriation 176 includes funding for the following issues:

1.) $5,317,055 for minority law scholarships, of which up to 10% may be used to support administrative costs of the MPLE program, and
2.) $500,000 for minority scholarships

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177 FINANCIAL ASSISTANCE PAYMENTS
VIRGIL HAWKINS FELLOWSHIP PROGRAM
FROM GENERAL REVENUE FUND 1,066,856

177A FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FACILITY
ENHANCEMENT - CHALLENGE
FROM GENERAL REVENUE FUND 20,076,830

Funds are provided in Specific Appropriation 177A for the following projects:

FAMU	
Journalism Building (p,c,e)	1,555,000
FAU	
Hibel Museum, North Palm Beach Campus (p,c,e)	1,000,000
School of Business Pavilion (p,c,e)	1,000,000
Gladys L. Davis Pavilion (p,c,e)	750,000
Academic Center and Classrooms	1,000,000
FGCU	
Environmental Demonstration Lab (p,c)	500,000
FIU	
Hospitality Management Building (e)	75,000
Kovens Conference Center (e)	190,645
Art Museum (p,c,e)	3,000,000
Wolfsonian Museum Annex (a)	426,303
FSU	
Chemistry Building (p,c,e,)	6,000,000
UCF	
Engineering Building Complex (e)	101,236
Multilingual-Multicultural Center (e)	64,585
Student Support Center (p,c,e)	339,563
UF	
Pharmacy Building Remodeling - Phase IB (p,c,e)	800,000
Stuzin Hall Renovation - Room 103 (p,c,e)	300,000
Academic Classroom Renovations (p,c,e)	300,000
Center for Wetlands - Phelps Laboratory Bldg (p,c,e)	106,823
Maren Student Reading Room (p,c)	125,000
Forestry Lrng Cntr, Ph II - Austin Cary Mem Forest (p,c)	30,000
Research Screenhouse - SW FL REC (p,c)	30,000
Randell Teaching Pavilion (p,c)	141,000
Junior-Senior Dental Teaching Laboratory (p,c,e)	165,000
Plant Processing Buildings - Pine Acres (p,c)	294,000
Post Harvest Research Facility - Indian River (p,e)	173,000
Santa Fe Beef Unit (p,c)	100,501
Center for Dental Implantation (p,c)	150,000
Wall Farm Horse Teaching Unit (p,c)	373,174
Agronomic Field Support Building (p,c)	365,000
Plant Sci Interdept'al Faculty Bldg - Pine Acres (p,c)	341,000
UNF	
Multi-Purpose Educational Complex (c,e)	50,000
Fine Arts Complex - Phase I (c,e)	130,000
Track/Soccer Stadium - Sports Med & Rehab Facility (c)	100,000

177B FIXED CAPITAL OUTLAY
MEDICAL SCHOOL - FLORIDA STATE UNIVERSITY
FROM GENERAL REVENUE FUND 15,000,000

177C FIXED CAPITAL OUTLAY
FLORIDA CENTER FOR THE ARTS AND EDUCATION -
UCF
FROM GENERAL REVENUE FUND 15,000,000

177D FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CONCURRENCY
REQUIREMENTS
FROM STATE UNIVERSITY SYSTEM CONCURRENCY
TRUST FUND 10,200,000

177E FIXED CAPITAL OUTLAY
IFAS REC CONSOLIDATION
FROM UF IFAS RELOCATION AND CONSTRUCTION
TRUST FUND 4,670,000

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From the funds appropriated in Specific Appropriation 177E, the University of Florida Institute of Food and Agricultural Sciences, pursuant to Chapter 90-148, Laws of Florida, is authorized to expend the funds for the following projects:

General Site Improvements at the Mid-Florida Research and Education Center in Apopka
Land Acquisition, Renovation and Construction at the Citrus Research and Education Center in Lake Alfred
Renovation and New Construction at the Poultry Unit in Alachua County

177F	FIXED CAPITAL OUTLAY EDUCATION AND RESEARCH LEARNING CENTER PHOSPHATE INSTITUTE - BARTOW FROM PHOSPHATE RESEARCH TRUST FUND		1,000,000

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES		
FROM GENERAL REVENUE FUND	1838,418,278	
FROM TRUST FUNDS		616,921,652
TOTAL ALL FUNDS		2455,339,930

BOARD OF REGENTS GENERAL OFFICE

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

From the funds in Specific Appropriations 178 through 182, the Board of Regents shall develop a five-year plan for growing existing Branch Campuses/Centers, for adding new branch campuses and centers, for joint-use facilities, and for establishing Regent's Centers. At a minimum, the plan shall address the enrollment to be served by year and by location, optimal size, instructional loads of faculty, a system for recognizing the instructional effort of faculty at the branches and centers, and anticipated funding requirements for facilities and operating costs. The plan shall also specify the full degree programs and courses that will be offered to students at each location other than the main campus. The five-year plan shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by October 1, 2000. The third quarter release of funds in Specific Appropriations 178 through 182 is contingent upon the submission of this plan.

From the funds in Specific Appopriations 178 through 182, and pursuant to the Board of Regents' 1998-2003 Strategic Plan, the Board shall develop a five-year enrollment plan for expanding access for lower level, upper level, graduate and medical professional full-time equivalent (FTE) students. The plan shall address future enrollment growth, by enrollment level, for each university and by site. The plan shall include the enrollment growth policies used by the Board of Regents for determining the various planned enrollment levels, including policies related to enrollment targets and/or caps for First-time-in-college (FTIC) students. In addition, the plan shall address methods for increasing undergraduate enrollment for the comprehensive universities and for increasing graduate enrollment for the Research I and Research II institutions. The plan shall be submitted to the President of the Senate, the Speaker of the House of Representatives and the Executive Office of the Governor on or before October 1, 2000. The third quarter release of the funds in Specific Appropriations 178 through 182 is contingent upon submission of this plan.

Funds in Specific Appropriations 178 through 182 are provided to pay salaries and operational expenses of the Board of Regents. Unless specifically approved by the Executive Office of the Governor to address critical staffing needs of the Board, these funds may not be used to pay compensation for individuals who were not employed by the Board of Regents prior to the effective date of this Act. Further, none of these funds may be used to fund salary increases for any personnel unless approved by the Executive Office of the Governor for employees who may be promoted to fill critical vacancies which may occur during the fiscal year. The Board of Regents shall develop a plan to reduce the level of funding provided in Specific Appropriations 178 through 182 by thirty percent for Fiscal Year 2001/02 and by an additional 30 percent for Fiscal Year 2002/03. This plan shall be based on the implementation of a decentralized system of governance for the state university system, with the primary responsibility of the revised Board Office being coordination and reporting of system activities. This plan shall be submitted to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate by October 1, 2000. Additionally, the 30% reduction for Fiscal Year 2001/02 shall be reflected in the Board's Legislative Budget Request. The provisions of this paragraph are contingent upon House Bill 2263 or similar legislation becoming law.

178	SALARIES AND BENEFITS POSITIONS 164		
	FROM GENERAL REVENUE FUND	7,643,918	
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		1,052,043
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		594,879
179	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	585,802	
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		36,907
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		70,500
180	EXPENSES		
	FROM GENERAL REVENUE FUND	2,211,978	
	FROM CAPITAL IMPROVEMENTS FEE TRUST FUND .		11,700
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		164,200
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		866,006
181	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	120,775	
182	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	113,292	

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	10,675,765	
FROM TRUST FUNDS		2,796,235
TOTAL POSITIONS	164	
TOTAL ALL FUNDS		13,472,000
TOTAL OF SECTION 2 POSITIONS	1,831	
FROM GENERAL REVENUE FUND	10967,944,528	
FROM TRUST FUNDS		3663,190,173
TOTAL ALL FUNDS		14631,134,701

SECTION 3 - HUMAN SERVICES

The monies contained herein are appropriated from the named funds to the Agency for Health Care Administration, Department of Children and Families, Department of Elder Affairs, Department of Health, and the Department of Veterans' Affairs as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT
OF: AGENCY FOR HEALTH CARE ADMINISTRATION

PROGRAM: ADMINISTRATION AND SUPPORT

184	SALARIES AND BENEFITS POSITIONS 311		
	FROM GENERAL REVENUE FUND	2,346,470	

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FROM HEALTH CARE TRUST FUND		9,732,599
FROM ADMINISTRATIVE TRUST FUND		2,160,134
185 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	306,624	
FROM HEALTH CARE TRUST FUND		631,025
FROM ADMINISTRATIVE TRUST FUND		424,332
186 EXPENSES		
FROM GENERAL REVENUE FUND	962,940	
FROM HEALTH CARE TRUST FUND		4,128,685
FROM ADMINISTRATIVE TRUST FUND		1,410,603
FROM TOBACCO SETTLEMENT TRUST FUND		5,161

From the funds in Specific Appropriation 186, the agency may use up to $250,000 from the Administrative Trust Fund supported by appropriate existing resources, local contributions and/or appropriate federal funds for the purposes of developing policies and programs: that target racial and ethnic disparities in health care with a focus on access and quality of care; ensure the viability of safety net providers and assist local initiatives; increase access and enrollment in KidCare; direct health education initiatives toward specific ethnic and racial groups; provide coverage for non-citizen children; and provide access to health insurance for all Floridians.

187 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	200,356	
FROM HEALTH CARE TRUST FUND		279,085
FROM ADMINISTRATIVE TRUST FUND		716,471
FROM TOBACCO SETTLEMENT TRUST FUND		106,260
188 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	14,837	
FROM HEALTH CARE TRUST FUND		102,395
FROM ADMINISTRATIVE TRUST FUND		14,838
189 DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	77,857	
FROM ADMINISTRATIVE TRUST FUND		82,046
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,121
190 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM HEALTH CARE TRUST FUND		390,603
FROM ADMINISTRATIVE TRUST FUND		23,840
TOTAL: PROGRAM: ADMINISTRATION AND SUPPORT		
FROM GENERAL REVENUE FUND	3,909,084	
FROM TRUST FUNDS		20,212,198
TOTAL POSITIONS	311	
TOTAL ALL FUNDS		24,121,282

PROGRAM: HEALTH CARE SERVICES

From the funds in Specific Appropriation 191 through 251, the Health Care Services Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Total number of uninsured children enrolled in KidCare	400,982
Number of children ages 1-20 enrolled in Medicaid	1,179,147
Number of elders enrolled in long term care waivers	13,614
Number of elders prescribed drugs	10,044,825

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Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

CHILDREN'S SPECIAL HEALTH CARE

191 EXPENSES		
FROM TOBACCO SETTLEMENT TRUST FUND		769,940
FROM MEDICAL CARE TRUST FUND		1,719,360
192A LUMP SUM		
FLORIDA KIDCARE PROGRAM		
FROM TOBACCO SETTLEMENT TRUST FUND		40,468,663
FROM GRANTS AND DONATIONS TRUST FUND . . .		666,667
FROM MEDICAL CARE TRUST FUND		54,956,656

Funds in Specific Appropriation 192A are provided to expand the Florida KidCare Program for children eligible under the State Children's Health Insurance Program (Title XXI). Of these funds, $18,400,000 from the Tobacco Settlement Trust Fund is transferred from the Lawton Chiles Endowment Fund. The Office of the Governor may authorize movement of these resources between programs or agencies based on consensus estimates of the Social Services Estimating Conference and pursuant to Chapter 216, Florida Statutes. The agency, in cooperation with the Department of Health and the Florida Healthy Kids Corporation, shall contract for an evaluation of the Florida KidCare Program and shall provide the evaluation questions and the data requisite for the required analyses. Additional local matching funds beyond $14,448,850 are not required for program participation in the health insurance portion of the program. Local matching funds provided by the counties and submitted to the Florida Healthy Kids Corporation shall be used to match the Title XXI federal funds.

In the event current local match levels are not met by counties, the Healthy Kids Program shall freeze admissions in those counties which do not meet their match commitments and requirements and begin reducing enrollment through attrition to reach the equivalent value of the lost local, state and associated federal matching funds. Funds are also provided to implement a dental benefit package for an estimated 160,000 children enrolled in the Florida Healthy Kids Program to counties that continue their current level of local match, or will in the future, contribute local matching funds to the health insurance program. The dental program shall be made available to counties which provide or commit to provide local match in excess of $4,000.

The Florida Healthy Kids Corporation shall conduct a review of current local match requirements and develop a recommendation for a multi-year proposal related to the reduction of local match. This report shall be provided to the Governor, Speaker of the House of Representatives, and President of the Senate no later than November 1, 2000.

193 SPECIAL CATEGORIES		
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION		
FROM GENERAL REVENUE FUND	16,018,852	
FROM TOBACCO SETTLEMENT TRUST FUND		14,430,487
FROM MEDICAL CARE TRUST FUND		90,434,673

Funds in Specific Appropriation 193 are for the operation of the Florida Kidcare Program. General Revenue Funds and Tobacco Settlement Trust Funds are eligible to match the State Children's Health Insurance Program (Title XXI). The Florida Healthy Kids Corporation is authorized to use up to $13,500,000 from the General Revenue Fund for health insurance coverage for state funded (non-Title XXI) eligible children enrolled on July 1, 2000. In order to maximize federal funds, as non-Title XXI slots become vacant the Florida Healthy Kids Corporation shall fill these slots with Title XXI eligible children. Children under the care and custody of the Department of Children and Family Services' Foster Care Program may be enrolled in non-Title XXI slots without limitation.

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194 SPECIAL CATEGORIES
MEDIKIDS
FROM TOBACCO SETTLEMENT TRUST FUND 7,432,938
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,299,400
FROM MEDICAL CARE TRUST FUND 16,961,344

195 SPECIAL CATEGORIES
CHILDREN'S MEDICAL SERVICES NETWORK
FROM TOBACCO SETTLEMENT TRUST FUND 16,989,512
FROM GRANTS AND DONATIONS TRUST FUND . . . 632,600
FROM MEDICAL CARE TRUST FUND 38,768,648

TOTAL: CHILDREN'S SPECIAL HEALTH CARE
FROM GENERAL REVENUE FUND 16,018,852
FROM TRUST FUNDS 286,530,888

TOTAL ALL FUNDS 302,549,740

EXECUTIVE DIRECTION AND SUPPORT SERVICES

196 SALARIES AND BENEFITS POSITIONS 787
FROM GENERAL REVENUE FUND 11,216,071
FROM HEALTH CARE TRUST FUND 299,385
FROM ADMINISTRATIVE TRUST FUND 19,918,264
FROM TOBACCO SETTLEMENT TRUST FUND 141,855
FROM GRANTS AND DONATIONS TRUST FUND . . . 189,968

The agency is directed to convene a task force by August 1, 2000, for the purpose of studying and making recommendations regarding the formula for the regular Disproportionate Share Program and alternative financing options. The task force shall include representatives of the Governor's Office, legislative budget committees, the Agency for Health Care Administration, and representatives from teaching, public, private non-profit, or private for-profit hospitals. The report of the task force shall be submitted to the Governor, President of the Senate and Speaker of the House by January 15, 2001.

197 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 291,412
FROM ADMINISTRATIVE TRUST FUND 14,302,426
FROM TOBACCO SETTLEMENT TRUST FUND 29,806

198 EXPENSES
FROM GENERAL REVENUE FUND 2,422,372
FROM HEALTH CARE TRUST FUND 22,114
FROM ADMINISTRATIVE TRUST FUND 13,016,948
FROM TOBACCO SETTLEMENT TRUST FUND 226,486
FROM GRANTS AND DONATIONS TRUST FUND . . . 189,897

From the funds in Specific Appropriation 198, $250,000 in non-recurring General Revenue and $250,000 from the Administrative Trust Fund shall be used to implement an automated on-line appeals process for challenging health care denials.

199 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 64,482
FROM ADMINISTRATIVE TRUST FUND 298,982

200 LUMP SUM
THIRD PARTY LIABILITY FUNCTION
FROM GENERAL REVENUE FUND 256,355
FROM ADMINISTRATIVE TRUST FUND 257,103

200A SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM ADMINISTRATIVE TRUST FUND 750,000

201 SPECIAL CATEGORIES
CONTRACT NURSING HOME AUDIT PROGRAM
FROM GENERAL REVENUE FUND 656,779
FROM ADMINISTRATIVE TRUST FUND 656,779

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202 SPECIAL CATEGORIES
MEDICAID FISCAL CONTRACT
FROM GENERAL REVENUE FUND 9,949,428
FROM ADMINISTRATIVE TRUST FUND 27,048,933
FROM TOBACCO SETTLEMENT TRUST FUND 298,196
FROM REFUGEE ASSISTANCE TRUST FUND 126,954

203 SPECIAL CATEGORIES
MEDICAID PEER REVIEW
FROM GENERAL REVENUE FUND 950,000
FROM ADMINISTRATIVE TRUST FUND 3,383,268

From the funds in Specific Appropriation 196, $50,000 in General Revenue and $50,000 in Administrative Trust Funds, and from Specific Appropriation 203, $950,000 in General Revenue and $2,850,000 in Administrative Trust Funds are provided for quality assurance monitoring of the Persons with Disabilities Home and Community Based Services Waiver, which shall be accomplished through contract with a peer review organization or similar provider. The monitoring and contract content shall be overseen by an interagency quality assurance council made up of the Department of Children and Families Mission Support and Planning, the Agency, and consumers or their families in the developmental disabilities program.

204 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 160,915
FROM HEALTH CARE TRUST FUND 4,587
FROM ADMINISTRATIVE TRUST FUND 160,915

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 25,967,814
FROM TRUST FUNDS 81,322,866

TOTAL POSITIONS 787
TOTAL ALL FUNDS 107,290,680

MEDICAID SERVICES TO INDIVIDUALS

204A LUMP SUM
LUMP SUM PSYCHIATRIC HOSPITAL SERVICES FOR CHILDREN
FROM MEDICAL CARE TRUST FUND 23,046,785

Funds in Specific Appropriation 204A are provided for the agency to implement Medicaid coverage for services for children in institutions for mental disease (IMDs). The agency is authorized to seek federal approval of modifications to existing federal waivers or approval of new federal waivers necessary to allow Medicaid coverage of IMD services for children. The coverage will be designed to permit limits on services, prior authorization of services, selective provider enrollment, and a phase-in of coverage by geographic areas. The funding is contingent upon the availability of state matching funds in the Department of Children and Families in Specific Appropriations 313 and 370, and the submission and approval of a comprehensive plan covering admission, monitoring/quality assurance, discharge planning and continuing stay policies of this program. The transfer of funds to start this program shall not create a deficit in either of these two categories in any Department of Children and Families district. This plan shall be submitted pursuant to the consultation provisions of Chapter 216, Florida Statutes.

205 SPECIAL CATEGORIES
ADULT DENTAL, VISUAL AND HEARING SERVICES
FROM GENERAL REVENUE FUND 15,192,048
FROM TOBACCO SETTLEMENT TRUST FUND 2,000,000
FROM MEDICAL CARE TRUST FUND 22,430,096
FROM REFUGEE ASSISTANCE TRUST FUND 727,660

206 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER
FROM MEDICAL CARE TRUST FUND 5,561,111

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207 SPECIAL CATEGORIES
CASE MANAGEMENT

FROM GENERAL REVENUE FUND	32,988,364	
FROM TOBACCO SETTLEMENT TRUST FUND		50,896
FROM MEDICAL CARE TRUST FUND		49,977,274
FROM REFUGEE ASSISTANCE TRUST FUND		4,626

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 207 results in state match requirements exceeding $6,930,899, the Department of Children and Families shall transfer General Revenue to cover the increased state match requirements from Specific Appropriation 367.

208 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN

FROM GENERAL REVENUE FUND	55,298,147	
FROM TOBACCO SETTLEMENT TRUST FUND		396,477
FROM MEDICAL CARE TRUST FUND		104,670,104
FROM REFUGEE ASSISTANCE TRUST FUND		39,797

From the funds in Specific Appropriation 208, $15,677,392 from the Medical Care Trust Fund is provided to target Medicaid eligible children with significant mental health and substance abuse needs who are generally in the care and custody of the state.

208A SPECIAL CATEGORIES
ASSISTIVE CARE SERVICES

FROM MEDICAL CARE TRUST FUND		32,871,249

Funds in Specific Appropriation 208A are provided to implement Medicaid coverage for assistive care services for individuals enrolled in or eligible for the Optional State Supplementation program. The agency is authorized to seek federal approval of a Title XIX State Plan amendment to allow coverage of assistive care services for individuals residing in licensed assisted living facilities and adult family care homes and eligible for the state's Optional State Supplementation program. The Medicaid coverage may be designed to permit limits on services, establish provider qualifications, and limit the groups eligible for coverage. The agency shall ensure that Medicaid assistive care services are provided in compliance with a service plan that takes into account the individual needs of the resident as determined by objective assessment. Facilities shall be paid a per month rate for Medicaid assistive care services. The Agency for Health Care Administration shall monitor the implementation of this program on a quarterly basis and shall report the results to the Social Services Estimating Conference.

209 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	23,909,059	
FROM MEDICAL CARE TRUST FUND		31,193,637
FROM REFUGEE ASSISTANCE TRUST FUND		178,244

210 SPECIAL CATEGORIES
DEVELOPMENTAL EVALUATION AND INTERVENTION/
PART C

FROM MEDICAL CARE TRUST FUND		7,753,468

Funds in Specific Appropriation 210 shall be contingent on the availability of state match being provided in Specific Appropriation 567.

211 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN

FROM GENERAL REVENUE FUND	48,246,181	
FROM TOBACCO SETTLEMENT TRUST FUND		530,655
FROM MEDICAL CARE TRUST FUND		64,162,397
FROM REFUGEE ASSISTANCE TRUST FUND		558,026

212 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL
ASSISTANCE PROGRAM

FROM GENERAL REVENUE FUND	720,185	
FROM TOBACCO SETTLEMENT TRUST FUND		500,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,279,815
FROM MEDICAL CARE TRUST FUND		6,176,798

Funds in Specific Appropriation 212 shall be used for a Rural Hospital Medicaid Disproportionate Share program, and a non-Medicaid Rural Hospital Financial Assistance Program for those hospitals not eligible for the disproportionate share program. Such funds shall be distributed pursuant to law and shall conform with federal requirements.

213 SPECIAL CATEGORIES
FAMILY PLANNING

FROM GENERAL REVENUE FUND	1,119,684	
FROM TOBACCO SETTLEMENT TRUST FUND		9,944
FROM MEDICAL CARE TRUST FUND		10,166,654
FROM REFUGEE ASSISTANCE TRUST FUND		36,469

214 SPECIAL CATEGORIES
GRADUATE MEDICAL EDUCATION

FROM GENERAL REVENUE FUND	5,888,862	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,711,139
FROM MEDICAL CARE TRUST FUND		11,224,805

From the funds in Specific Appropriation 214, $2,711,139 from the Grants and Donations Trust Fund and $3,538,605 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to statutory teaching hospitals, as defined in s. 407.002(27), Florida Statutes, and shall be distributed in accordance with s. 409.9113, Florida Statutes.

215 SPECIAL CATEGORIES
HOME HEALTH SERVICES

FROM GENERAL REVENUE FUND	35,697,730	
FROM TOBACCO SETTLEMENT TRUST FUND		3,228,038
FROM MEDICAL CARE TRUST FUND		50,806,192
FROM REFUGEE ASSISTANCE TRUST FUND		107,844

216 SPECIAL CATEGORIES
HOSPICE SERVICES

FROM GENERAL REVENUE FUND	24,319,412	
FROM TOBACCO SETTLEMENT TRUST FUND		6,006
FROM MEDICAL CARE TRUST FUND		31,742,786

217 SPECIAL CATEGORIES
HOSPITAL INPATIENT SERVICES

FROM GENERAL REVENUE FUND	40,176,993	
FROM TOBACCO SETTLEMENT TRUST FUND		8,129,588
FROM GRANTS AND DONATIONS TRUST FUND . . .		164,441,281
FROM MEDICAL CARE TRUST FUND		779,261,304
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		380,300,000
FROM REFUGEE ASSISTANCE TRUST FUND		1,828,900

From the funds in Specific Appropriation 217, $57,945,642 from the Grants and Donations Trust Fund and $75,631,218 from the Medical Care Trust Fund are for a hospital disproportionate share program and are contingent upon receipt of county contributions. If the total amount earned by all hospitals under this section exceeds the amount appropriated, each hospital's share shall be reduced on a prorata basis so that the total dollars distributed do not exceed the total amount appropriated. One fourth of the total amount shall be distributed at the end of each quarter of Fiscal Year 2000-2001.

From the funds in Specific Appropriation 217, $30,501,044 from the Grants and Donations Trust Fund and $39,794,056 from the Medical Care Trust Fund is provided to eliminate the inpatient reimbursement ceilings for teaching, specialty and Community Hospital Education Program hospitals. Funds appropriated are contingent upon the state share being provided through grants and donations from state, county or other governmental funds and the transfer of $13,750,000 from the Graduate Medical Education and Community Hospital Education Programs in the Board of Regents.

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From the funds in Specific Appropriation 217, $650,850 from the General Revenue Fund and $849,150 from the Medical Care Trust Fund are provided to implement a universal newborn hearing screening program.

From the funds in Specific Appropriation 217, $62,633,102 from the Grants and Donations Trust Fund and $81,716,062 from the Medical Care Trust Fund is provided for special Medicaid payments to statutory teaching hospitals, children's hospitals, and other hospitals for costs associated with providing inpatient medical education and with serving significant numbers of low-income patients. The following amounts shall be paid to teaching and children's hospitals: $2,998,909 to All Children's Hospital; $87,142,115 to Jackson Memorial Hospital; $1,617,294 to Miami Children's Hospital; $3,251,838 to Mount Sinai Medical Center; $2,511,252 to Orlando Regional Medical Center; $2,876,386 to Shands Hospital-Alachua; $9,356,836 to Tampa General Hospital; and $21,126,584 to Shands Hospital-Duval. The remaining funds shall be distributed to hospitals that qualify for the regular disproportionate share hospital program in proportion to each hospital's payments under the program. Funds appropriated are contingent upon the state share being provided through grants and donations from state, county or other governmental funds and the transfer of $13,750,000 from the Graduate Medical Education and Community Hospital Education Programs in the Board of Regents.

In the event that the federal Health Care Financing Administration does not approve amendments to the Medicaid hospital inpatient reimbursement plan to implement the above special payments or to eliminate the reimbursement ceilings for certain hospitals, the agency will submit a revised hospital reimbursement proposal to the Governor, the Speaker of the House of Representatives, and the President of the Senate for review and approval.

218	SPECIAL CATEGORIES		
	FREESTANDING DIALYSIS CENTERS		
	FROM GENERAL REVENUE FUND	3,765,662	
	FROM MEDICAL CARE TRUST FUND		4,912,978

Funds in Specific Appropriation 218 are for the inclusion of the freestanding dialysis clinics in the Medicaid Program. The agency is to limit payment to $85 per visit for each dialysis treatment.

219	SPECIAL CATEGORIES		
	HOSPITAL INSURANCE BENEFITS		
	FROM GENERAL REVENUE FUND	37,816,895	
	FROM TOBACCO SETTLEMENT TRUST FUND		2,664
	FROM MEDICAL CARE TRUST FUND		49,344,999

220	SPECIAL CATEGORIES		
	HOSPITAL OUTPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	148,577,979	
	FROM TOBACCO SETTLEMENT TRUST FUND		879,693
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,792,984
	FROM MEDICAL CARE TRUST FUND		238,277,187
	FROM REFUGEE ASSISTANCE TRUST FUND		1,157,417

From the funds in Specific Appropriation 220, $17,208,044 from the Grants and Donations Trust Fund and $22,450,964 from the Medical Care Trust Fund is provided to increase the outpatient cap for adults from $1,000 to $1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty and Community Health Education Program hospitals. Funds appropriated are contingent upon the state share being provided through grants and donations from state, county or other governmental funds and the transfer of $13,750,000 from the Graduate Medical Education and Community Hospital Education Programs in the Board of Regents.

In the event that the federal Health Care Financing Administration does not approve amendments to the Medicaid hospital outpatient reimbursement plan to eliminate the reimbursement ceilings for certain hospitals, the agency will submit a revised hospital outpatient reimbursement proposal to the Governor, the Speaker of the House of Representatives, and the President of the Senate for review and approval.

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221	SPECIAL CATEGORIES		
	RESPIRATORY THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	113,978	
	FROM MEDICAL CARE TRUST FUND		148,704

222	SPECIAL CATEGORIES		
	NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	1,859,910	
	FROM TOBACCO SETTLEMENT TRUST FUND		7,154
	FROM MEDICAL CARE TRUST FUND		2,442,989
	FROM REFUGEE ASSISTANCE TRUST FUND		4,143

223	SPECIAL CATEGORIES		
	BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	310,409	
	FROM TOBACCO SETTLEMENT TRUST FUND		551
	FROM MEDICAL CARE TRUST FUND		406,244

224	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	9,888,120	
	FROM TOBACCO SETTLEMENT TRUST FUND		685,485
	FROM MEDICAL CARE TRUST FUND		13,842,741
	FROM REFUGEE ASSISTANCE TRUST FUND		397,786

225	SPECIAL CATEGORIES		
	PATIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	36,541,732	
	FROM TOBACCO SETTLEMENT TRUST FUND		78,289
	FROM MEDICAL CARE TRUST FUND		47,854,707
	FROM REFUGEE ASSISTANCE TRUST FUND		91,252

From the funds in Specific Appropriation 225, $500,000 from the General Revenue Fund and $652,339 from the Medical Care Trust Fund are provided to raise rates for air ambulance service.

226	SPECIAL CATEGORIES		
	PHYSICIAN ASSISTANT SERVICES		
	FROM GENERAL REVENUE FUND	254,668	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,232
	FROM MEDICAL CARE TRUST FUND		335,081
	FROM REFUGEE ASSISTANCE TRUST FUND		245

227	SPECIAL CATEGORIES		
	PERSONAL CARE SERVICES		
	FROM GENERAL REVENUE FUND	6,927,168	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,404
	FROM MEDICAL CARE TRUST FUND		9,040,949

228	SPECIAL CATEGORIES		
	PHYSICAL REHABILITATION THERAPY		
	FROM GENERAL REVENUE FUND	3,194,244	
	FROM TOBACCO SETTLEMENT TRUST FUND		3,806
	FROM MEDICAL CARE TRUST FUND		4,176,189
	FROM REFUGEE ASSISTANCE TRUST FUND		414

229	SPECIAL CATEGORIES		
	PHYSICIAN SERVICES		
	FROM GENERAL REVENUE FUND	152,587,265	
	FROM TOBACCO SETTLEMENT TRUST FUND		41,921,724
	FROM MEDICAL CARE TRUST FUND		254,291,504
	FROM REFUGEE ASSISTANCE TRUST FUND		3,151,642

From the funds in Specific Appropriation 229, $142,315 from the Tobacco Settlement Trust Fund and $184,996 from the Medical Care Trust Fund are provided to implement a presumptive eligibility process for children's health services.

From the funds in Specific Appropriation 229, $7,559,923 from the General Revenue Fund and $9,863,269 from the Medical Care Trust Fund are provided to increase physician rates by 4%. In no case shall this increase result in any physician group being paid in excess of the Medicare rates.

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From the funds in Specific Appropriation 229, $566,915, from the General Revenue Fund and $739,642 from the Medical Care Trust Fund are provided to implement a universal newborn hearing screening program.

From the funds in Specific Appropriation 229, $750,000 from the General Revenue Fund and $978,509 from the Medical Care Trust Fund are provided for coverage of vagus nerve stimulators for Medicaid patients.

230	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	458,632,325	
	FROM TOBACCO SETTLEMENT TRUST FUND		569,236
	FROM GRANTS AND DONATIONS TRUST FUND . . .		262,885,076
	FROM MEDICAL CARE TRUST FUND		599,600,784
	FROM REFUGEE ASSISTANCE TRUST FUND		4,529,978

The funds in Specific Appropriation 230, reflect a reduction of $10,470,851 from the General Revenue Fund and $13,656,142 from the Medical Care Trust Fund to implement a policy of paying for ingredient costs at average wholesale price minus 13.25%.

The funds in Specific Appropriation 230, reflect a reduction of $30,373,000 from the General Revenue Fund and $39,627,000 from the Medical Care Trust Fund by placing a monthly limit on recipient drugs.

The funds in Specific Appropriation 230, reflect a reduction of $7,810,200 from the General Revenue Fund and $10,189,800 from the Medical Care Trust Fund to require the implementation of a secure prescription program.

The funds in Specific Appropriation 230, reflect a reduction of $1,300,000 from the General Revenue Fund and $1,696,082 from the Medical Care Trust Fund to implement a generic drug rebates program.

The funds in Specific Appropriation 230, reflect a reduction of $9,800,000 from the General Revenue Fund and $12,785,849 from the Medical Care Trust Fund to establish pharmacy network controls.

The funds in Specific Appropriation 230, reflect a reduction of $17,789,900 from the General Revenue Fund and $23,210,100 from the Medical Care Trust Fund to establish a drug plan management program.

The funds in Specific Appropriation 230, reflect a reduction of $10,847,500 from the General Revenue Fund and $14,152,500 from the Medical Care Trust Fund to establish a voluntary preferred drug list.

From the funds provided in Specific Appropriation 230, $3,601,370 from the General Revenue Fund, $1,459,600 from the Grants and Donations Trust Fund, and $4,698,630 from the Medical Care Trust Fund shall be used by the agency to restore certain full dosage limits. The agency shall not limit payment to certain dosage forms because of lower cost to the state or higher manufacturer rebate if it will place an undue burden on Medicaid beneficiaries in complying with prescribed drug therapies. Practices that shall be avoided include such things as requiring a patient to score a tablet to meet prescribed dosage levels when a more convenient dosage level is available.

Funds in Specific Appropriation 230, reflect a reduction of $4,339,000 from the General Revenue Fund and $5,661,000 from the Medical Care Trust Fund to establish drug therapy limits.

Funds in Specific Appropriation 230, reflect a reduction of $7,593,250 from the General Revenue Fund and $9,906,750 from the Medical Care Trust Fund to establish guidelines regarding drug usage utilizing standards adopted by the Federal Drug Administration.

231	SPECIAL CATEGORIES		
	PRIVATE DUTY NURSING SERVICES		
	FROM GENERAL REVENUE FUND	34,693,728	
	FROM TOBACCO SETTLEMENT TRUST FUND		9,616
	FROM MEDICAL CARE TRUST FUND		45,286,206

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232	SPECIAL CATEGORIES		
	RURAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	18,050,623	
	FROM TOBACCO SETTLEMENT TRUST FUND		77,774
	FROM MEDICAL CARE TRUST FUND		23,728,574
	FROM REFUGEE ASSISTANCE TRUST FUND		47,361
233	SPECIAL CATEGORIES		
	SPEECH THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	4,953,640	
	FROM TOBACCO SETTLEMENT TRUST FUND		995
	FROM MEDICAL CARE TRUST FUND		6,465,190
	FROM REFUGEE ASSISTANCE TRUST FUND		1,488
234	SPECIAL CATEGORIES		
	MEDIPASS SERVICES		
	FROM GENERAL REVENUE FUND	8,487,899	
	FROM TOBACCO SETTLEMENT TRUST FUND		65,247
	FROM MEDICAL CARE TRUST FUND		11,223,574
	FROM REFUGEE ASSISTANCE TRUST FUND		142,488
234A	SPECIAL CATEGORIES		
	CHILDREN'S HOSPITAL DISPROPORTIONATE SHARE PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,516,349
	FROM MEDICAL CARE TRUST FUND		1,978,349

Funds in Specific Appropriation 234A, are for a specialty hospital for children's disproportionate share program. These funds are contingent upon substantive law authorizing this program, the receipt of county contributions to fund the state share and approval of the Health Care Financing Administration, if needed.

235	SPECIAL CATEGORIES		
	PRIMARY CARE DISPROPORTIONATE SHARE PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,435,000
	FROM MEDICAL CARE TRUST FUND		5,788,605

Funds in Specific Appropriation 235 are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. Funds appropriated herein are for Medicaid disproportionate share payments to hospitals qualifying for the primary care disproportionate share program, as defined in s. 409.9117, Florida Statutes. The agency must determine the eligibility of a hospital to participate in the primary care disproportionate share program based on the criteria in s. 409.9117, Florida Statutes, and, if more than one hospital qualifies, must submit an allocation methodology for the primary care disproportionate share payments to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. The agency is authorized to use up to $1,603,398 in the Grants and Donations Trust Fund and $2,092,770 in state cash in the Medical Care Trust Fund for a state only program.

236	SPECIAL CATEGORIES		
	GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE		
	FROM TOBACCO SETTLEMENT TRUST FUND		100,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000,000
	FROM MEDICAL CARE TRUST FUND		3,915,629

Funds provided in Specific Appropriation 236, from the Grants and Donations Trust Fund and from the Medical Care Trust Fund, are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to those hospitals that participate in the Regional Perinatal Intensive Care Center (RPICC) program established pursuant to Chapter 383, Florida Statutes. Such funds shall be distributed pursuant to s. 409.9112, Florida Statutes, and shall conform with federal requirements.

From the funds in Specific Appropriation 236, $100,000 from recurring Tobacco Settlement Trust Funds shall be provided to Lee Memorial

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Hospital for their RPICC Program. This payment is not a payment under the RPICC Disproportionate Share Program.

237 SPECIAL CATEGORIES
SUPPLEMENTAL MEDICAL INSURANCE
FROM GENERAL REVENUE FUND 173,372,508
FROM TOBACCO SETTLEMENT TRUST FUND 17,849
FROM MEDICAL CARE TRUST FUND 202,791,663

From the funds in Specific Appropriation 237, the agency may pay insurance premiums on behalf of Medicaid eligible individuals when the agency determines that such payments are cost effective.

238 SPECIAL CATEGORIES
OCCUPATIONAL THERAPY SERVICES
FROM GENERAL REVENUE FUND 2,884,033
FROM TOBACCO SETTLEMENT TRUST FUND 542
FROM MEDICAL CARE TRUST FUND 3,763,981
FROM REFUGEE ASSISTANCE TRUST FUND 372

239 SPECIAL CATEGORIES
CLINIC SERVICES
FROM GENERAL REVENUE FUND 19,187,297
FROM TOBACCO SETTLEMENT TRUST FUND 128,528
FROM MEDICAL CARE TRUST FUND 25,327,933
FROM REFUGEE ASSISTANCE TRUST FUND 335,213

Funds in Specific Appropriation 239 provided for county health department clinic services shall be reimbursed at a rate per visit based on total reasonable costs of the clinic as provided for in s. 409.908(19), Florida Statutes.

240 SPECIAL CATEGORIES
MEDICAID SCHOOL REFINANCING
FROM MEDICAL CARE TRUST FUND 50,000,000

TOTAL: MEDICAID SERVICES TO INDIVIDUALS
FROM GENERAL REVENUE FUND 1405,656,748
FROM TRUST FUNDS 3765,095,822

TOTAL ALL FUNDS 5170,752,570

MEDICAID LONG TERM CARE

241 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES
FROM GENERAL REVENUE FUND 16,206,284
FROM TOBACCO SETTLEMENT TRUST FUND 1,077
FROM MEDICAL CARE TRUST FUND 425,219,335

From the funds in Specific Appropriation 241, $500,000 from the General Revenue Fund and $782,807 from the Medical Care Trust Fund are provided for a Home and Community Based Services Waiver for Technology Dependent, Medically Fragile Young Adults.

From the funds in Specific Appropriation 241, the agency shall apply for a waiver of federal Medicaid regulations in order to serve school-age children with autism who are not otherwise eligible for Medicaid coverage. Such a waiver must address individuals who are not eligible for home and community-based services under existing waivers. Under the waiver these children will be deemed, for the purpose of eligibility under Title XIX of the Social Security Act, to be receiving Supplemental Security Income benefits. Implementation of the waiver, which is subject to approval of the Health Care Financing Administration, is contingent upon specific legislative appropriation.

242 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER
FROM MEDICAL CARE TRUST FUND 22,556,803

243 SPECIAL CATEGORIES
INTERMEDIATE CARE FACILITIES/MENTALLY
RETARDED - SUNLAND CENTER
FROM MEDICAL CARE TRUST FUND 119,918,324

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244 SPECIAL CATEGORIES
NURSING HOME CARE
FROM GENERAL REVENUE FUND 680,891,391
FROM TOBACCO SETTLEMENT TRUST FUND 4,000,000
FROM MEDICAL CARE TRUST FUND 901,629,445

245 SPECIAL CATEGORIES
STATE MENTAL HEALTH HOSPITAL PROGRAM
FROM MEDICAL CARE TRUST FUND 17,174,342

246 SPECIAL CATEGORIES
MENTAL HEALTH HOSPITAL DISPROPORTIONATE
SHARE
FROM MEDICAL CARE TRUST FUND 83,562,326

247 SPECIAL CATEGORIES
T.B. HOSPITAL DISPROPORTIONATE SHARE
FROM MEDICAL CARE TRUST FUND 2,444,444

248 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER
FROM MEDICAL CARE TRUST FUND 414,949

249 SPECIAL CATEGORIES
CAPITATED NURSING HOME DIVERSION WAIVER
FROM GENERAL REVENUE FUND 9,939,741
FROM MEDICAL CARE TRUST FUND 12,968,166

TOTAL: MEDICAID LONG TERM CARE
FROM GENERAL REVENUE FUND 707,037,416
FROM TRUST FUNDS 1589,889,211

TOTAL ALL FUNDS 2296,926,627

MEDICAID PREPAID HEALTH PLANS

250 SPECIAL CATEGORIES
PREPAID HEALTH PLANS--ELDERLY AND DISABLED
FROM GENERAL REVENUE FUND 188,650,166
FROM MEDICAL CARE TRUST FUND 246,118,740

251 SPECIAL CATEGORIES
PREPAID HEALTH PLANS--FAMILIES
FROM GENERAL REVENUE FUND 169,919,070
FROM TOBACCO SETTLEMENT TRUST FUND 4,627,388
FROM MEDICAL CARE TRUST FUND 230,392,298
FROM REFUGEE ASSISTANCE TRUST FUND 2,225,231

From the funds in Specific Appropriations 250 and 251, $2,373,298 in General Revenue fund and $3,096,391 in the Medical Care Trust Fund respectively are provided to increase physician rates by 4%. In no case shall this increase result in any physician group being paid in excess of the Medicare rates.

Funds in Specific Appropriation 250 and 251 reflect a reduction of $5,000,000 from General Revenue and $6,523,392 from the Medical Care Trust Fund. The agency shall adjust the capitated rates paid to Health Maintenance Organizations to achieve these savings.

TOTAL: MEDICAID PREPAID HEALTH PLANS
FROM GENERAL REVENUE FUND 358,569,236
FROM TRUST FUNDS 483,363,657

TOTAL ALL FUNDS 841,932,893

PROGRAM: HEALTH CARE REGULATION

From the funds in Specific Appropriation 252 through 263, the Health Care Regulation Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2000-2001

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Measures	Standards
OUTPUTS:	
Number of practitioner complaints determined legally sufficient	6,836
Total number of full facility quality-of-care surveys conducted	4,980
Number of hospital plan and construction reviews performed	2,500

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

HEALTH FACILITY AND PRACTITIONER REGULATION

252	SALARIES AND BENEFITS POSITIONS 867		
	FROM GENERAL REVENUE FUND	1,678,240	
	FROM HEALTH CARE TRUST FUND		34,909,891
	FROM ADMINISTRATIVE TRUST FUND		1,496,997
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND		41,631
253	OTHER PERSONAL SERVICES		
	FROM HEALTH CARE TRUST FUND		2,587,447
254	EXPENSES		
	FROM GENERAL REVENUE FUND	8,005,425	
	FROM HEALTH CARE TRUST FUND		10,868,918
	FROM ADMINISTRATIVE TRUST FUND		7,525,209
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND		327,948
255	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	32,682	
	FROM HEALTH CARE TRUST FUND		583,768
	FROM ADMINISTRATIVE TRUST FUND		8,231
256	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM HEALTH CARE TRUST FUND		1,687,595
257	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	350,000	
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND		700,000

From the funds in Specific Appropriation 257, $100,000 in recurring General Revenue and $250,000 in nonrecurring General Revenue is provided for a Teaching Nursing Home Project at the Miami Jewish Home and Hospital for the Aged at Douglas Gardens.

258	SPECIAL CATEGORIES		
	EMERGENCY ALTERNATIVE PLACEMENT		
	FROM RESIDENT PROTECTION TRUST FUND		776,720
259	SPECIAL CATEGORIES		
	MEDICAID SURVEILLANCE		
	FROM HEALTH CARE TRUST FUND		252,499
260	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	8,987	
	FROM HEALTH CARE TRUST FUND		309,345
	FROM ADMINISTRATIVE TRUST FUND		8,987
261	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES FOR BACKGROUND CHECKS		
	FROM HEALTH CARE TRUST FUND		183,804

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262	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF LAW ENFORCEMENT FOR BACKGROUND CHECKS		
	FROM HEALTH CARE TRUST FUND		386,960
263	SPECIAL CATEGORIES		
	REIMBURSEMENT TO MEDICAID NURSING HOMES FOR EMPLOYEE BACKGROUND CHECKS		
	FROM GENERAL REVENUE FUND	184,750	
	FROM HEALTH CARE TRUST FUND		184,750
TOTAL:	HEALTH FACILITY AND PRACTITIONER REGULATION		
	FROM GENERAL REVENUE FUND	10,260,084	
	FROM TRUST FUNDS		62,840,700
	TOTAL POSITIONS	867	
	TOTAL ALL FUNDS		73,100,784

CHILDREN AND FAMILIES, DEPARTMENT OF

From the funds in Specific Appropriations 264 through 435, any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended or any other applicable federal requirement or limitation. Each agency shall certify to the department that all expenditures made under part A of Title IV of the Social Security Act are eligible and allowable under the federal requirements. Before any funds are released by the department, each provider shall certify the number of clients to be served and their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

From the funds in Specific Appropriations 264 through 435, any expenditures of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or her designee to be planned expenditures as Qualified State Expenditures to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of part A of Title IV of the Social Security Act, as amended. The secretary or her designee shall certify that controls are in place to insure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

PROGRAM: EXECUTIVE LEADERSHIP

EXECUTIVE DIRECTION AND SUPPORT SERVICES

264	SALARIES AND BENEFITS POSITIONS 179		
	FROM GENERAL REVENUE FUND	6,333,917	
	FROM ADMINISTRATIVE TRUST FUND		2,375,805
	FROM TOBACCO SETTLEMENT TRUST FUND		132,015
	FROM FEDERAL GRANTS TRUST FUND		26,953
265	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34,401	
266	EXPENSES		
	FROM GENERAL REVENUE FUND	1,351,139	
	FROM ADMINISTRATIVE TRUST FUND		1,437,903
	FROM TOBACCO SETTLEMENT TRUST FUND		40,746
	FROM FEDERAL GRANTS TRUST FUND		194,968
267	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	25,049	
	FROM ADMINISTRATIVE TRUST FUND		1,133
268	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	197,771	

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TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND	7,942,277	
FROM TRUST FUNDS		4,209,523
TOTAL POSITIONS	179	
TOTAL ALL FUNDS		12,151,800

PROGRAM: SUPPORT SERVICES

INFORMATION TECHNOLOGY

269	SALARIES AND BENEFITS POSITIONS	331	
	FROM WORKING CAPITAL TRUST FUND		16,693,109
270	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		770,013
271	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		4,737,944
272	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		75,701
274	SPECIAL CATEGORIES		
	COMPUTER RELATED EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		80,965,028

From the funds in Specific Appropriation 274, $1,000,000 in Working Capital Trust Fund is provided for a new enterprise infrastructure based on intranet technology. A complete assessment and project proposal shall be submitted to the Legislature prior to release of funds.

The Department of Children and Families shall provide quarterly financial reports on information technology funding to the Executive Office of the Governor, the Senate Budget Committee, and the House Fiscal Responsibility Council. These reports must include a statement of sources and uses of funds by major system, detailed listings of contracts including vendor names, descriptions of services, amounts and expiration dates by major system, and a listing of full time equivalent positions procured through contracts by major systems.

275	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM WORKING CAPITAL TRUST FUND		76,594

TOTAL: INFORMATION TECHNOLOGY

FROM TRUST FUNDS		103,318,389
TOTAL POSITIONS	331	
TOTAL ALL FUNDS		103,318,389

ASSISTANT SECRETARY FOR ADMINISTRATION

277	SALARIES AND BENEFITS POSITIONS	312	
	FROM GENERAL REVENUE FUND	13,099,794	
	FROM ADMINISTRATIVE TRUST FUND		2,421,004
278	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	326,140	
	FROM ADMINISTRATIVE TRUST FUND		962,679
279	EXPENSES		
	FROM GENERAL REVENUE FUND	9,729,718	
	FROM ADMINISTRATIVE TRUST FUND		7,364,549
280	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	82,607	
	FROM ADMINISTRATIVE TRUST FUND		121,006

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281	LUMP SUM		
	FLORIDA ON-LINE RECIPIENT INTEGRATED DATA ACCESS (FLORIDA) SYSTEM		
	FROM ADMINISTRATIVE TRUST FUND		4,194,801
	FROM TOBACCO SETTLEMENT TRUST FUND		1,059,960

From the funds in Specific Appropriations 281, the Department shall continue the Family Assistance Information Reporting program at the fiscal year 1999-2000 funding level in order to improve the accuracy of its eligibility determinations and substantially reduce the number of instances involving fraudulent reporting.

282	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	25,000	
283	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	374,145	
	FROM ADMINISTRATIVE TRUST FUND		211,356
284	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		187,500
285	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	99,754	
286	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND	42,630	
286A	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	39,780,774	
	FROM ADMINISTRATIVE TRUST FUND		33,460,072
	FROM TOBACCO SETTLEMENT TRUST FUND		2,367,124
	FROM FEDERAL GRANTS TRUST FUND		2,464,317
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		475,216
286B	FIXED CAPITAL OUTLAY		
	DEPARTMENT OF CHILDREN AND FAMILY SERVICES		
	FIXED CAPITAL NEEDS FOR CENTRALLY MANAGED FACILITIES		
	FROM GENERAL REVENUE FUND	1,500,000	
	FROM ADMINISTRATIVE TRUST FUND		141,000

From the funds in Specific Appropriation 286B, $1,500,000 in General Revenue is for the demolition of the W.T. Edwards Building in Hillsborough County.

TOTAL: ASSISTANT SECRETARY FOR ADMINISTRATION

FROM GENERAL REVENUE FUND	65,060,562	
FROM TRUST FUNDS		55,430,584
TOTAL POSITIONS	312	
TOTAL ALL FUNDS		120,491,146

DISTRICT ADMINISTRATION

287	SALARIES AND BENEFITS POSITIONS	1,212	
	FROM GENERAL REVENUE FUND	18,416,760	
	FROM ADMINISTRATIVE TRUST FUND		33,063,698
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,563,784
288	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		542,859

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289	EXPENSES		
	FROM GENERAL REVENUE FUND	5,805,779	
	FROM ADMINISTRATIVE TRUST FUND		1,997,682
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,126,127
290	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	71,238	
	FROM ADMINISTRATIVE TRUST FUND		226,990
290A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	975,000	
290B	SPECIAL CATEGORIES		
	CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES		
	FROM GENERAL REVENUE FUND	43,368	
291	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	250,000	
	FROM TOBACCO SETTLEMENT TRUST FUND		250,000

From the funds in Specific Appropriation 291, $250,000 in recurring Tobacco Settlement Trust Funds is provided to continue the shared database in Broward County.

292	SPECIAL CATEGORIES		
	FINGERPRINTING FOR DAY CARE EMPLOYEES		
	FROM GENERAL REVENUE FUND	135,513	
293	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,100,002	

TOTAL: DISTRICT ADMINISTRATION

FROM GENERAL REVENUE FUND	26,797,660	
FROM TRUST FUNDS		38,771,140
TOTAL POSITIONS	1,212	
TOTAL ALL FUNDS		65,568,800

PROGRAM: FAMILY SAFETY PROGRAM

From the funds in Specific Appropriation 294 through 325B, the Family Safety Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Number of protective investigations	32,281
Reports of child abuse/neglect	134,344
Number of families served (child abuse prevention and intervention)	53,500
Calls answered (Florida Abuse Hotline)	474,204
Children receiving adoption subsidies	13,209
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

CHILD CARE REGULATION AND INFORMATION

294	SALARIES AND BENEFITS POSITIONS 106		
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		664,570
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,763,247
295	EXPENSES		
	FROM GENERAL REVENUE FUND	388,270	
296	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD PROTECTION		
	FROM GENERAL REVENUE FUND	984,619	
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		8,669,806
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		253,696

TOTAL: CHILD CARE REGULATION AND INFORMATION

FROM GENERAL REVENUE FUND	1,372,889	
FROM TRUST FUNDS		13,351,319
TOTAL POSITIONS	106	
TOTAL ALL FUNDS		14,724,208

ADULT PROTECTION

297	SALARIES AND BENEFITS POSITIONS 537		
	FROM GENERAL REVENUE FUND	13,768,095	
	FROM ADMINISTRATIVE TRUST FUND		2,585,874
	FROM TOBACCO SETTLEMENT TRUST FUND		58,773
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,321,955
298	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,830	
299	EXPENSES		
	FROM GENERAL REVENUE FUND	2,098,548	
	FROM ADMINISTRATIVE TRUST FUND		358,704
	FROM TOBACCO SETTLEMENT TRUST FUND		1,073
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		485,789
300	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,401	
	FROM ADMINISTRATIVE TRUST FUND		17
301	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM		
	FROM GENERAL REVENUE FUND	1,430,000	
	FROM DOMESTIC VIOLENCE TRUST FUND		6,138,776
	FROM FEDERAL GRANTS TRUST FUND		26,027,412

From the funds in Specific Appropriation 301, $180,000 in recurring General Revenue is provided to the Clearinghouse on Supervised Visitation within the Institute for Family Violence Studies of the Florida State University School of Social Work for the certification and monitoring of supervised visitation programs.

From Temporary Assistance to Needy Families (TANF) funds appropriated in the Federal Grants Trust Funds in Specific Appropriation 301, $500,000 shall be provided to the statewide association of domestic violence centers for the purpose of domestic violence training for individuals working with TANF recipients.

From Temporary Assistance to Needy Families (TANF) funds appropriated in the Federal Grants Trust Funds in Specific Appropriation 301, $300,000 shall be used for the operation of the AVDA - Transitional Housing for Battered Victims in Palm Beach County.

Upon review by the WAGES State Board or its successor, the sum of $450,000 in non-recurring Temporary Assistance to Needy Families (TANF)

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funds in the Federal Grants Trust Fund shall be used to fund three demonstration projects that support court directed, non-custodial parent supervised visitation programs in the 1st, 4th, and 9th Judicial Circuits. The projects would test such strategies as child support enforcement, responsible parenting and two-parent reunification. This language is not intended to preclude the WAGES State Board or its successor from allocating TANF funds in excess of $450,000 to support the efforts by the projects to promote self-sufficiency among TANF qualifying participants and their children.

302	SPECIAL CATEGORIES		
	TEMPORARY EMERGENCY SHELTER SERVICES		
	FROM GENERAL REVENUE FUND	203,527	
	FROM ADMINISTRATIVE TRUST FUND		45,000
302A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY		
	EMERGENCY SHELTER AND TRANSITIONAL HOUSING		
	FROM GENERAL REVENUE FUND	450,000	
	FROM ADMINISTRATIVE TRUST FUND		2,000,000
	FROM TOBACCO SETTLEMENT TRUST FUND		50,000

From the funds in Specific Appropriation 302A, $350,000 in non-recurring General Revenue is provided to Women in Distress in Broward County for the acquisition, construction and/or renovation of emergency and transitional housing facilities for homeless persons, and $100,000 in non-recurring General Revenue is provided to Aid to Victims of Domestic Abuse in Palm Beach County.

From the funds in Specific Appropriation 302A, $2,000,000 in non-recurring Administrative Trust Funds shall be available, through competitive grants, to domestic violence centers for repairs and renovations to emergency shelters. A 10 percent local match is required. In-kind match is allowable and the department shall develop criteria governing the grant application and review process.

From the funds in Specific Appropriation 302A, $50,000 in non-recurring Tobacco Settlement Trust Funds is provided to the Domestic Violence Prevention and Assistance Program in Dade County.

Funds in Specific Appropriation 302A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: ADULT PROTECTION

FROM GENERAL REVENUE FUND	17,974,401	
FROM TRUST FUNDS		42,073,373
TOTAL POSITIONS	537	
TOTAL ALL FUNDS		60,047,774

CHILD ABUSE PREVENTION AND INTERVENTION

303	SALARIES AND BENEFITS POSITIONS	3	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		114,970
304	OTHER PERSONAL SERVICES		
	FROM TOBACCO SETTLEMENT TRUST FUND		83,999
305	EXPENSES		
	FROM TOBACCO SETTLEMENT TRUST FUND		25,915
306	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION		
	FROM TOBACCO SETTLEMENT TRUST FUND		16,215,138
	FROM FEDERAL GRANTS TRUST FUND		8,114,470

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TOTAL: CHILD ABUSE PREVENTION AND INTERVENTION

FROM TRUST FUNDS		24,554,492
TOTAL POSITIONS	3	
TOTAL ALL FUNDS		24,554,492

CHILD PROTECTION AND PERMANENCY

307	SALARIES AND BENEFITS POSITIONS	5,120	
	FROM GENERAL REVENUE FUND	73,799,274	
	FROM ADMINISTRATIVE TRUST FUND		37,989
	FROM TOBACCO SETTLEMENT TRUST FUND		16,188,100
	FROM FEDERAL GRANTS TRUST FUND		92,324,319
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,541
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		25,823
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		22,399,428

Funds in Specific Appropriations 307 through 310, and 312 shall be used to continue the privatization of protective investigations with the sheriffs of Broward, Pasco, Pinellas, and Manatee Counties. The Department of Children and Families is authorized to allocate a portion of the funds appropriated for the expansion of protective investigations to the four sheriffs. The sum of $3,200,000 in recurring General Revenue shall be allocated to Broward County to cover caseload growth in addition to their share of the increased child protection funding. The sum of $1,600,000 in recurring General Revenue and $1,000,000 in recurring Tobacco Settlement Trust Funds shall be allocated to Seminole County in addition to their share of child protection funding that is appropriated to the department. Any funds granted to the sheriff's office of Seminole County are contingent upon the department's review and approval of the sheriff's office of Seminole County's implementation plan, budget and spending request, data and assurances that complete responsibility for all caseload will be assumed by the sheriff's office of Seminole County.

Funds in Specific Appropriations 307, 309, and 312 include funds to continue the Child Welfare Legal Services contracts with the Attorney General's office and specified state attorneys.

308	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	3,094,961	
	FROM FEDERAL GRANTS TRUST FUND		3,101,476
309	EXPENSES		
	FROM GENERAL REVENUE FUND	19,640,687	
	FROM TOBACCO SETTLEMENT TRUST FUND		5,525,921
	FROM FEDERAL GRANTS TRUST FUND		22,472,096
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		5,446,164
310	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	82,172	
	FROM TOBACCO SETTLEMENT TRUST FUND		572,205
	FROM FEDERAL GRANTS TRUST FUND		702,815
311	SPECIAL CATEGORIES		
	ADOPTION SERVICES AND SUBSIDY		
	FROM GENERAL REVENUE FUND	24,340,872	
	FROM TOBACCO SETTLEMENT TRUST FUND		2,843,540
	FROM FEDERAL GRANTS TRUST FUND		21,486,402
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		157,524
312	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD PROTECTION		
	FROM GENERAL REVENUE FUND	53,466,723	
	FROM TOBACCO SETTLEMENT TRUST FUND		15,073,952
	FROM FEDERAL GRANTS TRUST FUND		48,082,888
	FROM GRANTS AND DONATIONS TRUST FUND . . .		584,966
	FROM OPERATIONS AND MAINTENANCE TRUST		

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FUND		776,986
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,825,052

From the funds in Specific Appropriation 312, $4,500,000 in non-recurring Federal Grants Trust Fund, shall be used as necessary to implement the provisions of the established risk pool. The Department of Children and Families is authorized to submit an implementation plan and a budget amendment request for the release of these funds pursuant to the provisions of Chapter 216, Florida Statutes.

313	SPECIAL CATEGORIES		
	OUT OF HOME CARE		
	FROM GENERAL REVENUE FUND	33,113,173	
	FROM TOBACCO SETTLEMENT TRUST FUND		41,822,168
	FROM FEDERAL GRANTS TRUST FUND		92,270,566
	FROM GRANTS AND DONATIONS TRUST FUND		102,337
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		8,769,551
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,516,054

Funds in Specific Appropriation 313 may be used to increase the monthly reimbursement rate to family foster homes by 5 percent.

TOTAL: CHILD PROTECTION AND PERMANENCY

FROM GENERAL REVENUE FUND	207,537,862	
FROM TRUST FUNDS		410,130,863
TOTAL POSITIONS	5,120	
TOTAL ALL FUNDS		617,668,725

FLORIDA ABUSE HOTLINE

315	SALARIES AND BENEFITS POSITIONS	180	
	FROM GENERAL REVENUE FUND	759,572	
	FROM ADMINISTRATIVE TRUST FUND		3,642,255
	FROM TOBACCO SETTLEMENT TRUST FUND		154,335
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,776,325

Funds appropriated in Specific Appropriation 315 for implementation of the competency based pay plan initiative shall be granted in full to employees qualifying for a salary increase including those employees already at the maximum of their pay grade and those employees caused to be at or in excess of the maximum of their pay grade as a result of the pay increase.

316	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		315,845
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		210,563
317	EXPENSES		
	FROM GENERAL REVENUE FUND	328,114	
	FROM ADMINISTRATIVE TRUST FUND		1,516,066
	FROM TOBACCO SETTLEMENT TRUST FUND		54,168
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		543,431
318	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		21,272
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		14,632

From the funds in Specific Appropriation 315 through 318, the department shall publish and provide the 1999-2000 Annual Statistical Report on Abuse, Neglect and Exploitation of Children and Adults to the Legislature by December 1, 2000.

319	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	27,238	

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TOTAL: FLORIDA ABUSE HOTLINE

FROM GENERAL REVENUE FUND	1,114,924	
FROM TRUST FUNDS		8,248,892
TOTAL POSITIONS	180	
TOTAL ALL FUNDS		9,363,816

PROGRAM MANAGEMENT AND COMPLIANCE

320	SALARIES AND BENEFITS POSITIONS	451	
	FROM GENERAL REVENUE FUND	8,447,816	
	FROM ADMINISTRATIVE TRUST FUND		505,204
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		584,902
	FROM TOBACCO SETTLEMENT TRUST FUND		1,225,518
	FROM FEDERAL GRANTS TRUST FUND		9,896,116
	FROM GRANTS AND DONATIONS TRUST FUND		33,156
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,427,332
321	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,321	
	FROM ADMINISTRATIVE TRUST FUND		13,000
	FROM CHILD WELFARE TRAINING TRUST FUND		5,725
	FROM TOBACCO SETTLEMENT TRUST FUND		13,000
	FROM FEDERAL GRANTS TRUST FUND		370,864
322	EXPENSES		
	FROM GENERAL REVENUE FUND	1,708,610	
	FROM ADMINISTRATIVE TRUST FUND		484,022
	FROM CHILD WELFARE TRAINING TRUST FUND		1,155,137
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		220,000
	FROM TOBACCO SETTLEMENT TRUST FUND		434,808
	FROM FEDERAL GRANTS TRUST FUND		1,694,795
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		381,656
323	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	49,362	
	FROM ADMINISTRATIVE TRUST FUND		130
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		30,000
	FROM FEDERAL GRANTS TRUST FUND		6,808
323A	LUMP SUM		
	FAMILY INFORMATION LINKAGE TO INTEGRATE ENABLING SERVICES (FAMILIES) POSITIONS	48	
	FROM GENERAL REVENUE FUND	1,537,575	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,568,341
	FROM FEDERAL GRANTS TRUST FUND		12,047,628

Funds in Specific Appropriation 323A are provided for the Statewide Automated Child Welfare Information System (SACWIS). Prior to the release of these funds, the department shall submit a detailed operational work plan outlining the objectives and expected outcomes to be attained with anticipated completion dates and anticipated costs for the current appropriation and fiscal year. In addition, the plan shall also include a description of the total cumulative costs of the system, detailing the non-recurring and continuing amounts, as well as the identification of any state or federally shared costs. The plan shall be submitted for review and approval by the Executive Office of the Governor in consultation with the appropriate budget committees in the Legislature. Upon approval of the plan, the department is authorized to request the Executive Office of the Governor to release these funds pursuant to the provisions in Chapter 216, Florida Statutes.

The department shall submit a quarterly status report describing the progress made to date, actual completion dates, actual costs incurred, and anticipated problems. The report shall be submitted to the Executive Office of the Governor, the Chairmen of the Fiscal

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Responsibility Council in the House of Representatives and the Budget Committee in the Senate, the Technology Review Workgroup and the Joint Legislative Auditing Committee.

Funds are provided in Specific Appropriation 323A for the Statewide Automated Child Welfare Information System, which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. From the funds in Specific Appropriation 323A, $100,000 from the Tobacco Settlement Trust Fund and $100,000 from the Federal Grants Trust Fund, are provided for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

324	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD PROTECTION		
	FROM GENERAL REVENUE FUND	2,555,254	
	FROM ADMINISTRATIVE TRUST FUND		200,000
	FROM CHILD WELFARE TRAINING TRUST FUND . .		10,270,307
	FROM FEDERAL GRANTS TRUST FUND		2,376,763
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		175,433
325	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,715,176	
	FROM ADMINISTRATIVE TRUST FUND		947
	FROM FEDERAL GRANTS TRUST FUND		139,296
325A	SPECIAL CATEGORIES		
	CHILD WELFARE INITIATIVES		
	FROM GENERAL REVENUE FUND	700,000	
	FROM TOBACCO SETTLEMENT TRUST FUND		2,000,000

The recurring Tobacco Settlement Trust Funds in Specific Appropriation 325A shall be allocated as follows:

SOS Children's Village of Florida-Broward County.....	350,000
Kinship Support Center-Broward County.....	500,000
Immigrant Family Support Program - C.A.S.A. in Dade County.....	250,000
Salvation Army Children's Village-Pinellas County.....	400,000
Child Abuse Pilot Project-Palm Beach County.....	500,000

The recurring General Revenue funds in Specific Appropriation 325A shall be allocated as follows:

Children's Advocacy Center - Orange County.....	100,000
Parent Support Project - Statewide.....	200,000
Family Unification Center - Dade.....	50,000
Center for Children and Families Program - Orange County.....	100,000
Crisis Shelter for Children-Devereux - District VII.....	250,000

325B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY		
	CHILD WELFARE FACILITIES		
	FROM GENERAL REVENUE FUND	175,000	
	FROM TOBACCO SETTLEMENT TRUST FUND		375,000

The non-recurring General Revenue funds in Specific Appropriation 325B shall be allocated for Child Welfare Facilities as follows:

Club Esteem - Brevard County.....	75,000
The Haven II Emergency Shelter - District 7.....	100,000

The non-recurring Tobacco Settlement Trust Funds in Specific Appropriation 325B shall be allocated for child welfare facilities as follows:

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Children's Advocacy Center-Relocation Hillsborough County.....	125,000
HIS House Dawn & Horizon on Landmark Learning - Dade County.....	250,000

Funds in Specific Appropriation 325B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	18,914,114	
FROM TRUST FUNDS		50,710,888
TOTAL POSITIONS	499	
TOTAL ALL FUNDS		69,625,002

PROGRAM: PERSONS WITH DISABILITIES PROGRAM

From the funds in Specific Appropriation 326 through 360, the Persons with Disabilities Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Adults receiving services in developmental services institutions	1,419
Number of people served in the community (not in private ICF/DDs)	27,891
Number of disabled adults provided in-home supports	4,302
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

DEVELOPMENTAL SERVICES PUBLIC FACILITIES

326	SALARIES AND BENEFITS POSITIONS 3,772		
	FROM GENERAL REVENUE FUND	62,053,776	
	FROM ADMINISTRATIVE TRUST FUND		31,498
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		61,608,148
327	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,857,244	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		315,728
328	EXPENSES		
	FROM GENERAL REVENUE FUND	5,331,219	
	FROM TOBACCO SETTLEMENT TRUST FUND		300,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,370
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,817,526
329	OPERATING CAPITAL OUTLAY		
	FROM TOBACCO SETTLEMENT TRUST FUND		12,616
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,036,532
330	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,184,973	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		352,356

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331 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 2,934,054
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,672,904

332 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,956,000

333 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,811,926

333A FIXED CAPITAL OUTLAY
FIXED CAPITAL OUTLAY NEEDS FOR INSTITUTIONS
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,300,000

TOTAL: DEVELOPMENTAL SERVICES PUBLIC FACILITIES

FROM GENERAL REVENUE FUND 77,173,192
FROM TRUST FUNDS 74,407,678

TOTAL POSITIONS 3,772
TOTAL ALL FUNDS 151,580,870

HOME AND COMMUNITY SERVICES

334 SALARIES AND BENEFITS POSITIONS 520
FROM GENERAL REVENUE FUND 16,987,380
FROM ADMINISTRATIVE TRUST FUND 144,322
FROM FEDERAL GRANTS TRUST FUND 24,945
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,006,579
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 168,091

335 EXPENSES
FROM GENERAL REVENUE FUND 2,590,283
FROM OPERATIONS AND MAINTENANCE TRUST FUND 542,690
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 220,467

339 LUMP SUM
SERVICES TO THE DEVELOPMENTALLY DISABLED
POSITIONS 4
FROM GENERAL REVENUE FUND 22,000,000
FROM TOBACCO SETTLEMENT TRUST FUND 22,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 86,360,892

340 SPECIAL CATEGORIES
GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS
FROM GENERAL REVENUE FUND 14,296,688
FROM TOBACCO SETTLEMENT TRUST FUND 875,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 7,510
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 12,518,342

Funds from Specific Appropriation 340 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

From the funds in Specific Appropriation 340, $25,000 in non-recurring Tobacco Settlement Trust Funds is provided to the ARC of Florida for a videotape production of training programs for law enforcement personnel to recognize people with mental retardation and understanding special handling required for such persons.

From the funds in Specific Appropriation 340, the following issues are from recurring General Revenue unless specifically noted:

Pasco Association for Challenged Kids Summer Program - Pasco..... 50,000
Association for Development of Exceptional-Waitlist Funding - Dade..... 350,000

From the funds in Specific Appropriation 340, the agency shall apply for a waiver of federal Medicaid regulations in order to serve school-age children with autism who are not otherwise eligible for Medicaid coverage. Such a waiver must address individuals who are not eligible for home and community-based services under existing waivers. Under the waiver these children will be deemed, for the purposes of eligibility under Title XIX of the Social Security Act, to be receiving Supplemental Security Income benefits. Implementation of the waiver, which is subject to approval of the Health Care Financing Administration, is contingent upon specific legislative appropriation.

341 SPECIAL CATEGORIES
ROOM AND BOARD PAYMENTS FOR DEVELOPMENTALLY DISABLED
FROM GENERAL REVENUE FUND 8,235,846
FROM TOBACCO SETTLEMENT TRUST FUND 50,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,764,455

342 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,807,699

From the funds in Specific Appropriation 342, the following issues are from recurring General Revenue unless specifically noted:

Best Buddies - statewide..... 200,000
Inclusive Child Care - Autism - Broward..... 200,000
Internet Based Resource Directory/ARC-Statewide..... 35,000
Loveland New Education Center - Charlotte and Sarasota..... 300,000
Assistive Technology of Florida - Statewide..... 10,000
W.O.R.C. Developmental Services - Flagler and Volusia (non-recurring)..... 639,000

343 SPECIAL CATEGORIES
GRANT AND AID COMMUNITY DEVELOPMENT SERVICES
FROM GENERAL REVENUE FUND 339,519
FROM FEDERAL GRANTS TRUST FUND 18,472
FROM OPERATIONS AND MAINTENANCE TRUST FUND 35,799

From the funds in Specific Appropriations 343, $50,000 from recurring General Revenue is provided to continue the Independent Living for Retarded Adults non-profit organization in Marion County.

344 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 187,358,893
FROM TOBACCO SETTLEMENT TRUST FUND 20,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 247,713,593

Funds in Specific Appropriation 344 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

From the funds in Specific Appropriation 344, $84,878,065 is provided to continue support for clients living in facilities that were

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reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law.

The department is authorized to include the medical quality assurance program, as funded, in the contract for quality assurance which is overseen by the interagency quality assurance council.

Funds in Specific Appropriation 344 and 339 are provided to meet the needs of developmental services Medicaid Waiver participants based on the individuals' most recent support plans. Priorities for this funding, in order, are as follows: 1) Transitions for those requesting transfers from Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) institutional placements into Home and Community Based Waiver residential placements or other community waiver services, and 2) Meeting the needs of identified under served participants in the Home and Community Based Waiver Services after accurately assessing the actual costs of each person's support plan. The Medicaid waiver services mix must be fully met for all eligible participants before funds are transferred to non-Medicaid covered services, with the exception of room and board payments. The funds in Specific Appropriation 344 and 339 are intended to fulfill Florida's commitment to provide improved developmental disabilities services, and to redesign the program to provide a consumer-directed, choice-based system.

From the funds in Specific Appropriations 344 and 339, $1,121,213 in General Revenue, and $1,121,213 in Operations and Maintenance Trust Funds are provided for medical case management and medical technical assistance; $300,000 in General Revenue and $300,000 in Operations and Maintenance Trust Funds are provided for choice counseling; and $50,000 in General Revenue and $50,000 in Operations and Maintenance Trust Funds are provided to support the addition of a registry of individuals to the ABC system. This registry feature for the ABC system will enable the Developmental Services program to forecast and plan services for persons with developmental disabilities who are potential consumers of services. All remaining funds from these line items shall be used for direct client services. A budget amendment for the release of all or a portion of the lump sum is contingent upon accurately reporting the needs of those persons who are under served waiver participants to the Legislature.

From the funds in Specific Appropriation 344, the Department of Children and Families, Assistant Secretary for Administration shall immediately contract with a qualified consulting firm to examine the statewide rate structures for community providers and support coordinators to determine how the department implements provider rates and to set up uniform policies, procedures and standards for establishing statewide rates. A report shall be presented to the legislature no later than September 1, 2000.

From the funds in Specific Appropriation 344, up to a three percent rate adjustment increase shall be provided for community providers, beginning January 1st, 2001, based on the findings of the rate and standardization study and after the department provides a plan to the Legislature by November 30, 2000 for equitably increasing rates to providers. Of any rate increase, direct care workers shall be paid a 3% raise first. Separately, support coordinators shall receive a 3% increase for the direct case management workers, beginning November 15, 2000. The rate adjustment does not include an increase for Intermediate Care Facilities for Developmentally Disabled (ICF/DD) which are provided separately through the Medicaid program.

345	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	373,684	
346	SPECIAL CATEGORIES START-UP FUNDS/GROUP HOMES FROM GENERAL REVENUE FUND	72,960	
	FROM COMMUNITY RESOURCES DEVELOPMENT TRUST FUND		72,960
347	SPECIAL CATEGORIES COMMUNITY SUPPORTED LIVING WAIVER FROM GENERAL REVENUE FUND	179,653	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		663,244
347A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY FIXED CAPITAL OUTLAY FOR PERSONS WITH DISABILITIES FROM GENERAL REVENUE FUND	800,000	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		675,000

From the funds in Specific Appropriation 347A, the following issues are from non-recurring General Revenue unless specifically noted:

ARC Marion Building Project - Marion.....	100,000
Center for Independence Group Homes - Pasco.....	500,000
ARC - Charlotte and DeSoto.....	200,000

From the funds in Specific Appropriation 347A, the following issues are from non-recurring Operations and Maintenance Trust Funds unless specifically noted:

Easter Seals Building - Volusia.....	325,000
Community by the Sea - Brevard.....	350,000

Funds in Specific Appropriation 347A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: HOME AND COMMUNITY SERVICES

FROM GENERAL REVENUE FUND	255,042,605	
FROM TRUST FUNDS		400,862,361
TOTAL POSITIONS	524	
TOTAL ALL FUNDS		655,904,966

IN-HOME SERVICES FOR DISABLED ADULTS

348	SALARIES AND BENEFITS POSITIONS 52 FROM GENERAL REVENUE FUND	1,204,002	
	FROM ADMINISTRATIVE TRUST FUND		237,435
	FROM TOBACCO SETTLEMENT TRUST FUND		15,413
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		397,875
349	EXPENSES FROM GENERAL REVENUE FUND	170,213	
	FROM ADMINISTRATIVE TRUST FUND		41,759
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		44,833
350	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	977	
351	SPECIAL CATEGORIES HOME CARE FOR DISABLED ADULTS FROM GENERAL REVENUE FUND	2,219,860	
352	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS FROM GENERAL REVENUE FUND	2,724,866	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		226,507

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353	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	243,623	
	FROM ADMINISTRATIVE TRUST FUND		46,001
	FROM TOBACCO SETTLEMENT TRUST FUND		1,250,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		322,945

From the funds in Specific Appropriation 353, $500,000 in non-recurring Tobacco Settlement Trust Funds is provided for the statewide Adult Cystic Fibrosis Assistance program to purchase therapy vests for persons with cystic fibrosis.

Of the funds in Specific Appropriation 353, the department and the Agency for Health Care Administration may request a Medicaid waiver for persons with cystic fibrosis. A portion of the fund must be kept for those who do not meet Medicaid eligibility. From resources allocated for Cystic Fibrosis, implementation of this waiver shall not reduce services to non-Medicaid individuals currently served.

354	SPECIAL CATEGORIES		
	HOME AND COMMUNITY BASED SERVICES WAIVER		
	FROM GENERAL REVENUE FUND	2,453,881	
	FROM TOBACCO SETTLEMENT TRUST FUND		581,425
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,159,406

From the funds in Specific Appropriation 354, $250,000 in recurring Tobacco Settlement Trust Fund and $326,170 in Operations and Maintenance Trust Funds are provided for waiting list waiver clients statewide.

355	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICES-SPINA BIFIDA		
	FROM GENERAL REVENUE FUND	344,609	
356	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	8,379	

TOTAL: IN-HOME SERVICES FOR DISABLED ADULTS

FROM GENERAL REVENUE FUND	9,370,410	
FROM TRUST FUNDS		7,323,599
TOTAL POSITIONS	52	
TOTAL ALL FUNDS		16,694,009

PROGRAM MANAGEMENT AND COMPLIANCE

357	SALARIES AND BENEFITS POSITIONS	9	
	FROM GENERAL REVENUE FUND	362,606	
	FROM ADMINISTRATIVE TRUST FUND		40,384
	FROM FEDERAL GRANTS TRUST FUND		10,364
	FROM GRANTS AND DONATIONS TRUST FUND . . .		158,930
358	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,078	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		120,651
359	EXPENSES		
	FROM GENERAL REVENUE FUND	90,430	
	FROM ADMINISTRATIVE TRUST FUND		1,152
	FROM GRANTS AND DONATIONS TRUST FUND . . .		159,206
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,332
360	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	7	
	FROM ADMINISTRATIVE TRUST FUND		17

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TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	457,121	
FROM TRUST FUNDS		495,036
TOTAL POSITIONS	9	
TOTAL ALL FUNDS		952,157

PROGRAM: MENTAL HEALTH PROGRAM

From the funds in Specific Appropriation 361 through 390, the Mental Health Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Number of sexual predators treated	150
Number of adults with a serious and persistent mental illness in the community served	53,736
Number of SED children to be served	32,817
Number of ED children to be served	18,272
Number of people in civil commitment served	2,700
Number of adults in forensic commitment served	1,605

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

VIOLENT SEXUAL PREDATOR PROGRAM

361	SALARIES AND BENEFITS POSITIONS	8	
	FROM GENERAL REVENUE FUND	446,169	
362	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	81,814	
363	EXPENSES		
	FROM GENERAL REVENUE FUND	213,574	
364	LUMP SUM		
	INVOLUNTARY CIVIL COMMITMENT FOR SEXUALLY VIOLENT PREDATORS' TREATMENT AND CARE POSITIONS	50	
	FROM GENERAL REVENUE FUND	19,276,483	

TOTAL: VIOLENT SEXUAL PREDATOR PROGRAM

FROM GENERAL REVENUE FUND	20,018,040	
TOTAL POSITIONS	58	
TOTAL ALL FUNDS		20,018,040

ADULT COMMUNITY MENTAL HEALTH SERVICES

367	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	108,683,719	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		15,110,914
	FROM TOBACCO SETTLEMENT TRUST FUND		8,692,633
	FROM FEDERAL GRANTS TRUST FUND		13,370,639
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,131,228

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 207 results in state match requirements exceeding

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$6,930,899, the Department of Children and Families shall transfer General Revenue as necessary from Specific Appropriation 367. The Department of Children and Families shall cooperate with the Agency for Health Care Administration to ensure that adult mental health targeted case management services are targeted solely to priority clients as described in Florida Administrative Code 65E-15.

From the funds in Specific Appropriation 367, $2,147,064 in recurring General Revenue is provided for the annualization of the Assertive Community Treatment teams in the current pilot areas.

From the funds in Specific Appropriation 367, $7,644,579 in recurring Tobacco Settlement Trust Funds is to be allocated to the Department of Children and Families to increase services to persons with severe and persistent mental illness as follows:

District 4	1,620,465
District 7	5,024,008
District 11	1,000,106

From the funds in Specific Appropriation 367, the sum of $750,000 in recurring TANF (Temporary Assistance to Needy Families) federal funds is provided to Lakeside Alternatives for a pilot transportation system for WAGES eligible clients in Orange and Seminole counties who have mental illness and substance abuse problems.

From the funds in Specific Appropriation 367, $6,000,000 in recurring General Revenue and $6,131,228 in Federal Grants Trust Funds ($3,000,000 from Temporary Assistance to Needy Families or T.A.N.F.) are provided for an increase capacity of 13 additional Assertive Community Treatment teams in the state, two of which are to be located in the DeSoto county facility catchment area.

From the funds in Specific Appropriation 367, the following issues are from recurring General Revenue unless specifically noted:

C.O.U.R.T. Cottages in the Pines-Broward	100,000
Focused Outreach and Intervention Program Mental Health Services-Pinellas	500,000
Senior Mobile Crisis Teams-Palm Beach	200,000
Charlotte Community Mental Health	100,000
Henderson Community Mental Health-Broward	200,000
Henderson Community Mental Health-Broward Tobacco Settlement Trust Fund	200,000
Locktown Community Mental Health-Dade	100,000
Wayne Densch Center-Brevard, Orange, Osceola, Seminole and Volusia	200,000
Family Emergency Treatment Center-Manatee	1,000,000

The non-recurring General Revenue funds in Specific Appropriation 367 provided for mental health programs shall be allocated as follows:

Psychotropic Medication-Indian River, Martin, Okeechobee, and St. Lucie Counties	200,000
Ruth Cooper Center Crisis Stabilization Beds-Lee County	315,000
New Horizons Children & Family Center-Dade County	100,000
New Horizons Family Intervention & Support Program-Dade County	100,000
Family Emergency Treatment Center-Pilot Project-Pinellas County	500,000
New Horizons Dual Diagnosis Aftercare Program-Dade County	100,000
Wayne Densch Center-District 7 and Volusia County	200,000

From the funds in Specific Appropriation 367, the Department of Children and Families' Mental Health Program shall contract with Manatee Glens Corporation in Manatee County and with Coastal Recovery Centers, Inc. in Sarasota County to establish an Assertive Community Treatment Team (ACT) with each of these providers to serve individuals with severe and persistent mental illness in the G. Pierce Wood Memorial Hospital catchment area.

368 SPECIAL CATEGORIES
GRANTS AND AIDS - BAKER ACT SERVICES

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FROM GENERAL REVENUE FUND	48,277,899	
FROM GRANTS AND DONATIONS TRUST FUND		1,099,807

369 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM

FROM GENERAL REVENUE FUND	5,439,987	

369A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
SUBSTANCE ABUSE/MENTAL HEALTH FACILITIES

FROM GENERAL REVENUE FUND	2,050,000	
FROM ADMINISTRATIVE TRUST FUND		654,213

The non-recurring General Revenue in Specific Appropriation 369A provided for mental health facilities shall be allocated as follows:

Satellite Clinic-Dade County	350,000
Miami Behavioral Health Center, Inc. (MBHC)-Dade County	200,000
Expansion of Crisis Stabilization Unit/Public Receiving Facility Capacity-Leon County	400,000
The Starting Place 1999 Capital Campaign Facility Expansion-Broward County	450,000
Hillsborough County Crisis Center, Inc	500,000
Mental Health Care Inc, Inc.- Hillsborough	50,000
Fellowship House-Dade	100,000

From the funds in Specific Appropriation 369A, $654,213 in non-recurring Administrative Trust Funds is provided for Seminole Community Mental Health Center for construction of a new program in Seminole county.

Funds in Specific Appropriation 369A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: ADULT COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	164,451,605	
FROM TRUST FUNDS		42,059,434
TOTAL ALL FUNDS		206,511,039

CHILDREN'S MENTAL HEALTH SERVICES

370 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	22,254,891	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		9,382,756
FROM TOBACCO SETTLEMENT TRUST FUND		862,772
FROM FEDERAL GRANTS TRUST FUND		1,201,249
FROM GRANTS AND DONATIONS TRUST FUND		7,333,290

From the funds in Specific Appropriation 370, $2,000,000 in recurring General Revenue is provided for the juvenile incompetent to proceed program.

From the funds in Specific Appropriation 370, $318,645 of recurring General Revenue and $250,000 of recurring Tobacco Settlement Trust Fund are provided for children's mental health programs. These funds shall be allocated as follows:

Infant and Young Children's Mental Health Project-Dade Escambia and Sarasota Counties	250,000
Children's Crisis Stabilization Beds Funding-Collier Glades, Hendry and Lee Counties	318,645

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From the funds in Specific Appropriation 370, $192,100 in recurring Federal Grants Trust Funds (Temporary Assistance to Needy Families) is provided for children who need mental health services from the Guidance Center of the Middle Keys in Monroe County.

From the funds in Specific Appropriation 370, $100,000 in recurring General Revenue is provided for a Children's Medical Director in District 15.

371	SPECIAL CATEGORIES THERAPEUTIC SERVICES FOR CHILDREN		
	FROM GENERAL REVENUE FUND	8,356,919	
	FROM FEDERAL GRANTS TRUST FUND		10,747,457
372	SPECIAL CATEGORIES PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN		
	FROM GENERAL REVENUE FUND	9,047,814	
373	SPECIAL CATEGORIES GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH		
	FROM GENERAL REVENUE FUND	20,097,166	
374	SPECIAL CATEGORIES GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES		
	FROM GENERAL REVENUE FUND	8,908,208	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		725,193

TOTAL: CHILDREN'S MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	68,664,998	
FROM TRUST FUNDS		30,252,717
TOTAL ALL FUNDS		98,917,715

ADULT MENTAL HEALTH TREATMENT FACILITIES

375	SALARIES AND BENEFITS POSITIONS	5,560	
	FROM GENERAL REVENUE FUND	113,567,730	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		466
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		88,079,051
376	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	532,993	
377	EXPENSES		
	FROM GENERAL REVENUE FUND	13,967,612	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		911,508
378	OPERATING CAPITAL OUTLAY FROM OPERATIONS AND MAINTENANCE TRUST FUND		980,093
379	FOOD PRODUCTS FROM GENERAL REVENUE FUND	3,492,652	
379A	LUMP SUM GPW - TRANSITION COSTS/RESIDENTIAL TREATMENT		
	FROM GENERAL REVENUE FUND	3,000,000	

From the funds in Specific Appropriation 379A, $3,000,000 in non-recurring General Revenue funds shall be used for transition costs for G. Pierce Wood Memorial Hospital and start-up costs for short-term residential treatment programs in the hospital catchment area.

381	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND	26,285,609	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		12,856,514
382	SPECIAL CATEGORIES GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM		
	FROM GENERAL REVENUE FUND	1,759,897	
383	SPECIAL CATEGORIES PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	5,556,852	
	FROM ADMINISTRATIVE TRUST FUND		3,000,000
384	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,381,585	
385	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	60,937	
385A	FIXED CAPITAL OUTLAY FIXED CAPITAL OUTLAY NEEDS FOR INSTITUTIONS		
	FROM ADMINISTRATIVE TRUST FUND		2,598,350

From the funds in Specific Appropriation 385A, $100,000 in the Administrative Trust Fund is provided for the renovation of the Florida Center for Addictions and Dual Disorders in Avon Park.

TOTAL: ADULT MENTAL HEALTH TREATMENT FACILITIES

FROM GENERAL REVENUE FUND	173,605,867	
FROM TRUST FUNDS		108,425,982
TOTAL POSITIONS	5,560	
TOTAL ALL FUNDS		282,031,849

PROGRAM MANAGEMENT AND COMPLIANCE

386	SALARIES AND BENEFITS POSITIONS	147	
	FROM GENERAL REVENUE FUND	5,311,869	
	FROM ADMINISTRATIVE TRUST FUND		308,776
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		333,782
	FROM TOBACCO SETTLEMENT TRUST FUND		146,062
	FROM FEDERAL GRANTS TRUST FUND		387,989
	FROM GRANTS AND DONATIONS TRUST FUND . . .		250,117
387	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	104,640	
	FROM ADMINISTRATIVE TRUST FUND		34,535
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		16,000
	FROM TOBACCO SETTLEMENT TRUST FUND		37,856
	FROM FEDERAL GRANTS TRUST FUND		659,968
388	EXPENSES		
	FROM GENERAL REVENUE FUND	1,018,355	
	FROM ADMINISTRATIVE TRUST FUND		69,026
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		130,325
	FROM TOBACCO SETTLEMENT TRUST FUND		41,084
	FROM FEDERAL GRANTS TRUST FUND		567,315
389	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,818	
	FROM ADMINISTRATIVE TRUST FUND		17
390	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	20,065	

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TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	6,461,747	
FROM TRUST FUNDS		2,982,852
TOTAL POSITIONS	147	
TOTAL ALL FUNDS		9,444,599

PROGRAM: SUBSTANCE ABUSE PROGRAM

From the funds in Specific Appropriation 391 through 398A, the Substance Abuse Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Number of children with substance abuse problems served	55,000
Number of adults served	124,400
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

PROGRAM MANAGEMENT AND COMPLIANCE

391	SALARIES AND BENEFITS POSITIONS	69	
	FROM GENERAL REVENUE FUND	2,194,401	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		884,965
	FROM FEDERAL GRANTS TRUST FUND		451,043
	FROM GRANTS AND DONATIONS TRUST FUND . . .		81,434
392	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	39,774	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		505,845
	FROM FEDERAL GRANTS TRUST FUND		6,000
393	EXPENSES		
	FROM GENERAL REVENUE FUND	376,196	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		200,783
	FROM FEDERAL GRANTS TRUST FUND		294,916
394	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	3,554	
395	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	170,840	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,859
396	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	10,471	

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	2,795,236	
FROM TRUST FUNDS		2,436,845
TOTAL POSITIONS	69	
TOTAL ALL FUNDS		5,232,081

CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES

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397	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	24,828,408	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		20,348,873
	FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		9,584,987
	FROM TOBACCO SETTLEMENT TRUST FUND		3,012,920
	FROM FEDERAL GRANTS TRUST FUND		640,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		90,000

From the funds in Specific Appropriations 397 through 398, the department may not make payment to a private provider for alcohol, drug abuse and mental health services, unless standard client demographic, service, and outcome information required for the department's Mental Health and Substance Abuse Data System is submitted to the department by the provider within the due date specified in the provider contract. The Mental Health and Substance Abuse Measures Guide specifies the requirements for client demographic, service, and outcome information.

From the funds in Specific Appropriation 397, the following issues are from recurring General Revenue unless specifically noted:

The House Next Door - Flagler and Volusia	165,000
Roots N Wings Substance Abuse Services - Broward	25,000

TOTAL: CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES

FROM GENERAL REVENUE FUND	24,828,408	
FROM TRUST FUNDS		33,676,780
TOTAL ALL FUNDS		58,505,188

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES

398	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	24,867,623	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		57,681,509
	FROM TOBACCO SETTLEMENT TRUST FUND		8,468,998
	FROM FEDERAL GRANTS TRUST FUND		17,163,209
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,385,419
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		155,880

From the funds in Specific Appropriation 398, $500,000 is provided in recurring Federal Grants Trust Funds (Temporary Assistance to Needy Families) to expand the Center for Drug Free Living's Women and Infant's Residential Program to Brevard, Osceola and Seminole Counties.

From the funds in Specific Appropriation 398, the following issues are from recurring General Revenue unless specifically noted:

Miami Behavioral Center-Dade	50,000
Locktown Community Mental Health-Dade	100,000
New Horizons-Dade	100,000
Flagler Service Center-Flagler and Volusia (non-recurring)	300,000
Pasco Adolescent Intervention (non-recurring)	725,000
Tri-county Community Service Integration - Hardy, Highlands and Polk (non-recurring)	300,000
Stewart-Marchman Center-Flagler and Volusia	1,043,217
New Beginnings Program renewal-Flagler and Volusia	150,000
Addiction Treatment Services-Flagler and Volusia	91,000
Serenity House Domiciliary-Flagler and Volusia	339,000

From the funds in Specific Appropriation 398, the following issues are from non-recurring Tobacco Settlement Trust Funds unless specifically noted:

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Anti-drug Addiction Prototype Project - Brevard..... 250,000
Adolescent Treatment Program - Franklin, Gadsden, Jefferson, Leon, Madison, Taylor and Wakulla..... 500,000
Informed Families of Florida - Statewide..... 800,000
Adolescent ADM Treatment for Girls - Statewide..... 500,000

398A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
SUBSTANCE ABUSE/MENTAL HEALTH FACILITIES
FROM GENERAL REVENUE FUND 1,950,000

The non-recurring General Revenue in Specific Appropriation 398A provided for substance abuse facilities shall be allocated as follows:

Volusia Drug Residential Treatment Center - Flagler and Volusia Counties..... 1,800,000
Specialized Treatment, Education and Prevention Services, Inc. (STEPS) - Orange County..... 150,000

Funds in Specific Appropriation 398A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES
FROM GENERAL REVENUE FUND 26,817,623
FROM TRUST FUNDS 84,855,015

TOTAL ALL FUNDS 111,672,638

PROGRAM: ECONOMIC SELF SUFFICIENCY PROGRAM

From the funds in Specific Appropriation 399 through 435, the Economic Self-Sufficiency Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Total number of applications processed	2,890,790
Dollars saved through front-end fraud prevention	$18,929,800
Number of applications processed for Optional State Supplementation payments	5,640
Number of children that received subsidized child care services	147,085
Number of refugee cases closed	5,840
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

COMPREHENSIVE ELIGIBILITY SERVICES

399 SALARIES AND BENEFITS POSITIONS 7,387
FROM GENERAL REVENUE FUND 130,848,103
FROM ADMINISTRATIVE TRUST FUND 107,782,016

Funds in Specific Appropriation 399 shall be used by the Department to award lump-sum bonus payments in accordance with the Department's approved plan for Competency Based Training and Performance Based Pay Incentive.

400 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,507,419
FROM ADMINISTRATIVE TRUST FUND 315,887

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401 EXPENSES
FROM GENERAL REVENUE FUND 24,727,978
FROM ADMINISTRATIVE TRUST FUND 21,283,317

402 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,162
FROM ADMINISTRATIVE TRUST FUND 154,025

403 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 144,134
FROM ADMINISTRATIVE TRUST FUND 138,354

TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES

FROM GENERAL REVENUE FUND 158,232,796
FROM TRUST FUNDS 129,673,599

TOTAL POSITIONS 7,387
TOTAL ALL FUNDS 287,906,395

PROGRAM MANAGEMENT AND COMPLIANCE

404 SALARIES AND BENEFITS POSITIONS 317
FROM GENERAL REVENUE FUND 7,952,221
FROM ADMINISTRATIVE TRUST FUND 5,355,667
FROM FEDERAL GRANTS TRUST FUND 38,625
FROM REFUGEE ASSISTANCE TRUST FUND 271,970

405 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 23,466
FROM ADMINISTRATIVE TRUST FUND 1,724,752

406 EXPENSES
FROM GENERAL REVENUE FUND 4,623,341
FROM ADMINISTRATIVE TRUST FUND 3,848,632
FROM FEDERAL GRANTS TRUST FUND 20,835

407 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,574
FROM ADMINISTRATIVE TRUST FUND 14,233

408 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 400,000
FROM ADMINISTRATIVE TRUST FUND 3,294,394
FROM TOBACCO SETTLEMENT TRUST FUND 400,000
FROM FEDERAL GRANTS TRUST FUND 388,236

From the funds in Specific Appropriation 408, $200,000 in non-recurring Tobacco Settlement Trust Funds is provided to Miami Dade County Homeless Trust and $200,000 in non-recurring Tobacco Settlement Trust Funds is provided to the Broward Community Partnership on Homeless for crisis out-placement housing and services for homeless mentally ill individuals.

The recurring General Revenue funds in Specific Appropriation 408, are provided for the following:

Community Outreach Program in Pinellas County..... 50,000
LEIC Little Havana EZ/EC Project - Dade County..... 250,000
Clearwater Homeless Intervention Project..... 100,000

409 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,397,441
FROM ADMINISTRATIVE TRUST FUND 1,397,439

410A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
PASCO COUNTY FOOD BANK EXTENSION
FROM ADMINISTRATIVE TRUST FUND 301,650

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From the funds in Specific Appropriation 410A, $301,650 in nonrecurring funds from the Administrative Trust fund is provided for the expansion of the Pasco Food Bank in Pasco County.

410B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
CHILDREN AND FAMILIES - GENERAL
FROM GENERAL REVENUE FUND 700,000

From the non-recurring General Revenue funds in Specific Appropriation 410B, $200,000 is provided for the Florence Fuller Child Development Centers in Palm Beach County and $500,000 is provided for the Human Development & Resource Center in Fort Pierce.

Funds in Specific Appropriations 410A and 410B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	15,112,043	
FROM TRUST FUNDS		17,056,433
TOTAL POSITIONS	317	
TOTAL ALL FUNDS		32,168,476

FRAUD PREVENTION AND BENEFIT RECOVERY

411 SALARIES AND BENEFITS POSITIONS 200		
FROM GENERAL REVENUE FUND	2,145,963	
FROM ADMINISTRATIVE TRUST FUND		4,556,070
412 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		249,831
413 EXPENSES		
FROM GENERAL REVENUE FUND	504,124	
FROM ADMINISTRATIVE TRUST FUND		1,756,956
414 SPECIAL CATEGORIES		
PUBLIC ASSISTANCE FRAUD CONTRACT		
FROM GENERAL REVENUE FUND	47,752	
FROM ADMINISTRATIVE TRUST FUND		4,447,752
415 SPECIAL CATEGORIES		
FOOD STAMP REINVESTMENT		
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000,000

TOTAL: FRAUD PREVENTION AND BENEFIT RECOVERY

FROM GENERAL REVENUE FUND	2,697,839	
FROM TRUST FUNDS		14,010,609
TOTAL POSITIONS	200	
TOTAL ALL FUNDS		16,708,448

SPECIAL ASSISTANCE PAYMENTS

416 SPECIAL CATEGORIES		
GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM		
FROM GENERAL REVENUE FUND	988,322	
FROM ADMINISTRATIVE TRUST FUND		1,800,000
FROM FEDERAL GRANTS TRUST FUND		3,034,474
417 FINANCIAL ASSISTANCE PAYMENTS		
ADULT CONGREGATE LIVING FACILITY CARE SUPPLEMENT		
FROM GENERAL REVENUE FUND	24,403,695	

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418 FINANCIAL ASSISTANCE PAYMENTS
FOSTER HOME CARE SUPPLEMENT
FROM GENERAL REVENUE FUND 2,129,325

From General Revenue funds appropriated in Specific Appropriations 417 and 418, the Department of Children and Families shall have the authority to transfer Optional State Supplementation funds to the Agency for Health Care Administration for the Fiscal Year 2000-2001. This transfer will allow the Agency for Health Care Administration to obtain federal matching funds to be used to supplement the Optional State Supplementation payments to clients. The amount of the transfer shall not exceed $14,262,835 in Fiscal Year 2000-2001. In addition, the department shall utilize the sum of $1,181,565 from the General Revenue Fund to increase the personal needs allowance from $43 per month per client, to $54 per month per client.

419 FINANCIAL ASSISTANCE PAYMENTS
PERSONAL CARE ALLOWANCE
FROM GENERAL REVENUE FUND 314,456

TOTAL: SPECIAL ASSISTANCE PAYMENTS

FROM GENERAL REVENUE FUND	27,835,798	
FROM TRUST FUNDS		4,834,474
TOTAL ALL FUNDS		32,670,272

WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) AND EMPLOYMENT SUPPORTS

420 SALARIES AND BENEFITS POSITIONS 12		
FROM ADMINISTRATIVE TRUST FUND		672,825
421 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		167,075
422 EXPENSES		
FROM ADMINISTRATIVE TRUST FUND		709,187
423 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND		10,306
424 LUMP SUM		
PREPAID TUITION FOR WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) CLIENTS		
FROM ADMINISTRATIVE TRUST FUND		2,500,000
425 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,471,483	
FROM ADMINISTRATIVE TRUST FUND		8,394,377
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,105,274

From the funds in Specific Appropriation 425, $100,000 in non-recurring General Revenue is provided for Mildly Ill Child Care in Broward County.

426 SPECIAL CATEGORIES
RESPITE CHILD CARE FOR WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) CLIENTS
FROM FEDERAL GRANTS TRUST FUND 2,000,000

Funds in Specific Appropriation 426 may be used to purchase child care services for children of WAGES participants from a hospital-based mildly ill child care program. The department is authorized to pay the private pay rate for the hospital-based care. If the child is already enrolled in subsidized child care, payments to the regular subsidized provider may also be made for up to five days per month while the child is receiving services in the hospital-based program.

427 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE - WAGES

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FROM GENERAL REVENUE FUND	93,736,865	
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		24,584,384
FROM FEDERAL GRANTS TRUST FUND		95,496,924

Funds in Specific Appropriation 427 are provided for child care services to WAGES recipients; however, by September 30, 2000, the Social Services Estimating Conference shall determine projected utilization rates for WAGES and working poor child care. In the event a surplus is projected and there is a determined need in the working poor child care category, the Executive Office of the Governor may transfer, pursuant to the provisions of Chapter 216, Florida Statutes, the surplus funding to address the shortfall. In no instance shall this transfer create an annualization cost in the working poor child care category. The transfer of these funds shall provide for the maximum utilization of child care slots for all populations served.

From funds in Specific Appropriation 427, up to $1,500,000 is provided for nationally recognized T.E.A.C.H. Program. The department is authorized to contract with the agency that is licensed to administer the T.E.A.C.H. Program in Florida.

Funds in Specific Appropriation 427 may be used to enhance the quality of child care by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent or the amount required to reach the provider's private pay rate, whichever is less.

From the funds in Specific Appropriation 427 and 428, up to $5,000,000 in non-recurring Temporary Assistance for Needy Families (TANF) funds in the Federal Grants Trust Fund may be used for match at a fifty percent match rate to provide school age child care for eligible clients. Local county governments must match these school age funds in order to participate and must provide certification of availability of match funding at the time of the request. The Department of Children and Family Services shall contract the funds through the local Community Child Care Coordinating agency to serve school age children who are residents of the county that is providing the match. Children must meet subsidized child care eligibility requirements. Funds for the match program will be limited to $250,000 per county with allocations made on a first come first serve basis. Any funds not matched by any local county by December 31, 2000 will be made available to Department of Children and Family Services districts for serving additional age groups eligible for subsidized child care.

428	SPECIAL CATEGORIES GRANTS AND AIDS - CHILD CARE - WORKING POOR AND AT-RISK FAMILIES	
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND	245,109,533
	FROM FEDERAL GRANTS TRUST FUND	61,261,131
	FROM GRANTS AND DONATIONS TRUST FUND . . .	5,550,907
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	3,703,588

The Department of Children and Families is authorized to count at least $4.2 million of Department of Education pre-kindergarten funds and at least $13.7 million of child care funded through the "Teenage Parent Program" as match for federal Child Care Development Fund dollars. This language shall not be construed as a transfer of funds, but rather as authorization to designate these funds as match.

Funds in Specific Appropriation 428 shall require a six percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services from the provision of in-kind match. The match requirement shall not apply to funding for child care services directed toward children at risk of abuse.

From funds in Specific Appropriation 428, up to $10 million may be used as match to provide services to low income families at or below 200 percent of poverty who participate in the Child Care Executive Partnership Program as defined in s. 409.178, Florida Statutes. Up to 25 percent of the $10 million may be used by the Child Care Executive Partnership to match funds on a statewide basis, administered through the statewide resource and referral agency.

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From funds in Specific Appropriation 428, $1,500,000 is provided for the national recognized T.E.A.C.H. Program. The department is authorized to contract with the agency that is licensed to administer the T.E.A.C.H. Program in Florida.

Funds in Specific Appropriation 428 may be used to enhance the quality of child care by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent or the amount required to reach the provider's private pay rate, whichever is less.

429	FINANCIAL ASSISTANCE PAYMENTS CASH ASSISTANCE		
	FROM GENERAL REVENUE FUND	245,231,499	

TOTAL:	WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) AND EMPLOYMENT SUPPORTS		
	FROM GENERAL REVENUE FUND	340,439,847	
	FROM TRUST FUNDS		452,265,511
	TOTAL POSITIONS	12	
	TOTAL ALL FUNDS		792,705,358

REFUGEES

430	SALARIES AND BENEFITS POSITIONS	21	
	FROM ADMINISTRATIVE TRUST FUND		944,254
431	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		165,272
432	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		301,190
433	SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL SERVICES PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND		39,384,114
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		60,706
434	SPECIAL CATEGORIES SERVICES TO REPATRIATED AMERICANS		
	FROM FEDERAL GRANTS TRUST FUND		40,380
435	FINANCIAL ASSISTANCE PAYMENTS REFUGEE/ENTRANT ASSISTANCE		
	FROM REFUGEE ASSISTANCE TRUST FUND		20,000,000

From the funds in Specific Appropriation 435, $50,000 in recurring Refugee Assistance Trust Funds is provided for the Asian Family and Community Empowerment Center in Pinellas County.

TOTAL:	REFUGEES		
	FROM TRUST FUNDS		60,895,916
	TOTAL POSITIONS	21	
	TOTAL ALL FUNDS		60,895,916

ELDER AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriation 436 through 461, the Services to Elders Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Total number of CARES assessments	64,356

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Number of people served	139,331
Number of congregate meals provided	4,709,932

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

PROGRAM: SERVICES TO ELDERS PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

436	SALARIES AND BENEFITS POSITIONS	195	
	FROM GENERAL REVENUE FUND	2,328,941	
	FROM TOBACCO SETTLEMENT TRUST FUND		136,187
	FROM FEDERAL GRANTS TRUST FUND		41,102
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,826,684
437	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	151,887	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		473,378
438	EXPENSES		
	FROM GENERAL REVENUE FUND	436,713	
	FROM TOBACCO SETTLEMENT TRUST FUND		43,054
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,485,985
438A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	11,951	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		35,854
TOTAL:	COMPREHENSIVE ELIGIBILITY SERVICES		
	FROM GENERAL REVENUE FUND	2,929,492	
	FROM TRUST FUNDS		8,042,244
	TOTAL POSITIONS	195	
	TOTAL ALL FUNDS		10,971,736

HOME AND COMMUNITY SERVICES

439	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES		
	FROM GENERAL REVENUE FUND	4,034,824	
	FROM TOBACCO SETTLEMENT TRUST FUND		189,000

From the funds in Specific Appropriation 439, $189,000 in recurring General Revenue is provided for a Memory Disorder Clinic at the Sarasota Memorial Hospital in Sarasota County, as authorized in Section 430.502(1)(k), Florida Statutes.

From the funds in Specific Appropriation 439, $200,000 in recurring General Revenue funds is provided for the Alzheimer's Community Care Association in Palm Beach and Martin Counties.

440	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ALZHEIMERS DISEASE RESPITE SERVICES		
	FROM GENERAL REVENUE FUND	7,301,939	
	FROM TOBACCO SETTLEMENT TRUST FUND		500,000
441	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY		
	FROM GENERAL REVENUE FUND	51,769,733	
	FROM TOBACCO SETTLEMENT TRUST FUND		9,901,184
	FROM FEDERAL GRANTS TRUST FUND		249,025
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		750,000

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From funds in Specific Appropriation 441, a minimum of $35,000 from General Revenue may be retained by each Area Agency on Aging for administrative costs associated with Community Care for the Elderly, except for those Area Agencies on Aging who competitively procure Community Care for the Elderly services through the request for proposal process directed in Chapter 430, Florida Statutes, where the department may contractually negotiate a higher amount not to exceed $70,000 per Area Agency on Aging to address workload issues related to contract management.

Of the funds in Specific Appropriation 441, the department may allocate funds in Planning and Service Areas (PSA) to support CCE caseload growth produced by placing CARES pre-admission screening staff in local hospitals. These funds shall be distributed proportionately based on the number of referrals in each PSA.

From funds in Specific Appropriation 441, the Department of Elder Affairs may contract with the University of Florida Health Science Center in the amount of $500,000 in recurring General Revenue funds for a Dementia Caregivers Telehealth Pilot Project that will provide statewide information and support hotline for caregivers of the elderly with dementia.

442	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HOME ENERGY ASSISTANCE		
	FROM FEDERAL GRANTS TRUST FUND		1,000,758
443	SPECIAL CATEGORIES		
	GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
	FROM GENERAL REVENUE FUND	346,998	
	FROM FEDERAL GRANTS TRUST FUND		57,904,225
444	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	1,628,868	
	FROM TOBACCO SETTLEMENT TRUST FUND		600,000
	FROM FEDERAL GRANTS TRUST FUND		6,258,258
	FROM GRANTS AND DONATIONS TRUST FUND		128,812
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		128,813

From the funds in Specific Appropriation 444, $250,000 in recurring General Revenue is provided for the operation of the Lippman Senior Center in Broward County.

Of the funds in Specific Appropriation 444, the following shall apply to the RELIEF respite program. The maximum hourly rate for respite services shall not exceed an amount equal to the federal minimum wage and shall be considered a stipend. The department shall continue to administer the program and will contractually negotiate acceptable administrative costs with service providers necessary to operate the program, not to exceed $40,000 per Planning and Service Area.

From the funds in Specific Appropriation 444, $200,000 in recurring Tobacco Settlement Trust Fund is provided for a statewide Osteoporosis Enhancement program for training and education.

From the funds in Specific Appropriation 444, $40,000 in General Revenue is provided for each planning and service area to continue to administer the program and will contractually negotiate acceptable administrative costs with service providers necessary to operate the program.

445	SPECIAL CATEGORIES		
	HOME AND COMMUNITY BASED SERVICES WAIVER		
	FROM GENERAL REVENUE FUND	20,587,925	
	FROM TOBACCO SETTLEMENT TRUST FUND		8,000,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		36,156,523

Of the funds in Specific Appropriation 445, the department may allocate funds in Planning and Service Areas (PSA) to support Medicaid waiver caseload growth produced by placing CARES pre-admission screening

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staff in local hospitals. These funds shall be distributed proportionately based on the number of referrals in each PSA.

Of the funds in Specific Appropriation 445, up to $4,039,000 may be used to implement a consumer directed care project, subject to the approval of a waiver by the Federal Health Care Financing Administration.

From the funds in Specific Appropriation 445, $6,000,000 in recurring Tobacco Settlement Trust Funds are proceeds from the Lawton Chiles Endowment Fund and are to be used to expand the Home and Community Based Services Waiver serving the elderly.

From the funds in Specific Appropriation 445, for the Home and Community Based Services Medicaid Waiver program, and after consultation and approval of the affected Area Agencies on Aging, the department may contract with public or private entities for any authorized demonstration project to demonstrate the effectiveness of comprehensive day treatment services to seniors as provided in Section 430.6001 Florida Statutes.

446 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER
FROM GENERAL REVENUE FUND 4,517,607
FROM TOBACCO SETTLEMENT TRUST FUND 5,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 12,168,409

From the funds in Specific Appropriation 446, $3,000,000 in recurring Tobacco Settlement Trust Funds are proceeds from the Lawton Chiles Endowment Fund and are to be used to expand the Assisted Living Facility Waiver serving the elderly.

447 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 3,953,443
FROM TOBACCO SETTLEMENT TRUST FUND 175,000

From the funds in Specific Appropriation 447, $248,750 in General Revenue is to continue to be provided to Pinellas, Pasco, and Broward Counties.

From funds in Specific Appropriation 447, $300,000 in recurring General Revenue is provided for the Meals on Wheels Plus of Manatee, Inc. to provide adult day care services in Manatee County.

From the funds in Specific Appropriation 447, $100,000 in non-recurring Tobacco Settlement Trust Fund shall be provided to Southwest Social Services in Dade County.

The non-recurring General Revenue funds in Specific Appropriation 447 are provided for meals programs as follows:

Allapattah Elderly Meals Program..... 200,000
Self-Care Elderly Meals - Dade..... 10,000
Food Care for the Elderly - Dade..... 10,000

The non-recurring Tobacco Settlement Trust Funds in Specific Appropriation 447 are provided as follows:

West Miami Meals on Wheels..... 25,000
Hialeah Gardens Meals on Wheels..... 50,000

448 SPECIAL CATEGORIES
COMMUNITY CARE PROGRAMS FOR THE ELDERLY
FROM GENERAL REVENUE FUND 50,000
FROM TOBACCO SETTLEMENT TRUST FUND 200,000

The recurring General Revenue Funds and Tobacco Settlement Trust Fund in Specific Appropriation 448 provided for Community Care Programs for the Elderly shall be allocated as follows:

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Mount Sinai Medical Center - Elderly House Call Program..... 200,000
Villa Maria Nursing Home - Dade..... 50,000

448A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SENIOR CITIZEN CENTERS
FROM GENERAL REVENUE FUND 2,076,000
FROM TOBACCO SETTLEMENT TRUST FUND 100,000

The non-recurring General Revenue funds in Specific Appropriation 448A provided for senior centers shall be allocated as follows:

Town and Country Senior Center - Hillsborough County..... 150,000
Crescent Theater/Senior Enrichment Center - Pasco County.... 200,000
Columbia County Community Senior Services Center..... 100,000
Adolph and Rose Levis Jewish Community Center
- Palm Beach County..... 500,000
Senior Center/Service Campus - Martin County..... 500,000
Largo Adult Day Services Center - Pinellas County..... 426,000
Senior Wellness Project - Dade County..... 200,000

The non-recurring Tobacco Settlement funds in Specific Appropriation 448A provided for senior centers shall be allocated as follows:

Elder Affairs Projects-De Hostos Senior Center
Construction - Dade County..... 100,000

Funds in Specific Appropriation 448A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: HOME AND COMMUNITY SERVICES
FROM GENERAL REVENUE FUND 96,267,337
FROM TRUST FUNDS 139,410,007

TOTAL ALL FUNDS 235,677,344

EXECUTIVE DIRECTION AND SUPPORT SERVICES

449 SALARIES AND BENEFITS POSITIONS 151
FROM GENERAL REVENUE FUND 2,754,566
FROM ADMINISTRATIVE TRUST FUND 46,585
FROM FEDERAL GRANTS TRUST FUND 3,525,371
FROM GRANTS AND DONATIONS TRUST FUND . . . 184,903
FROM OPERATIONS AND MAINTENANCE TRUST FUND 838,703

450 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 97,934
FROM FEDERAL GRANTS TRUST FUND 77,992

451 EXPENSES
FROM GENERAL REVENUE FUND 380,035
FROM ADMINISTRATIVE TRUST FUND 77,463
FROM FEDERAL GRANTS TRUST FUND 1,216,103
FROM GRANTS AND DONATIONS TRUST FUND . . . 24,682
FROM OPERATIONS AND MAINTENANCE TRUST FUND 43,114

452 SPECIAL CATEGORIES
AGING AND ADULT SERVICES TRAINING AND EDUCATION
FROM FEDERAL GRANTS TRUST FUND 119,493

452A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 20,000

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452B SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	2,628	
453 SPECIAL CATEGORIES		
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
FROM FEDERAL GRANTS TRUST FUND		1,750,000
454 SPECIAL CATEGORIES		
ASSISTED LIVING FACILITY STAFF TRAINING		
FROM ADMINISTRATIVE TRUST FUND		364,293
455 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	53,968	
FROM FEDERAL GRANTS TRUST FUND		19,257
456 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,288
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	3,309,131	
FROM TRUST FUNDS		8,293,247
TOTAL POSITIONS	151	
TOTAL ALL FUNDS		11,602,378

CONSUMER ADVOCATE SERVICES

457 SALARIES AND BENEFITS POSITIONS	28	
FROM GENERAL REVENUE FUND	657,409	
FROM TOBACCO SETTLEMENT TRUST FUND		136,610
FROM FEDERAL GRANTS TRUST FUND		385,696

From the funds in Specific Appropriations 457, 457A, 458 and 460, two positions and $300,000 in recurring General Revenue appropriated in FY 1999-2000 are continued, and two positions and $225,351 in recurring General Revenue are provided for the operations of the Public Guardianship Oversight Office in the Department of Elder Affairs.

457A OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	58,000	
458 EXPENSES		
FROM GENERAL REVENUE FUND	31,712	
FROM TOBACCO SETTLEMENT TRUST FUND		138,354
459 SPECIAL CATEGORIES		
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
FROM FEDERAL GRANTS TRUST FUND		500,000
460 SPECIAL CATEGORIES		
PUBLIC GUARDIANSHIP CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	406,286	
FROM TOBACCO SETTLEMENT TRUST FUND		23,476
461 SPECIAL CATEGORIES		
LONG TERM CARE OMBUDSMAN COUNCIL		
FROM GENERAL REVENUE FUND	33,203	
TOTAL: CONSUMER ADVOCATE SERVICES		
FROM GENERAL REVENUE FUND	1,186,610	
FROM TRUST FUNDS		1,184,136
TOTAL POSITIONS	28	
TOTAL ALL FUNDS		2,370,746

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HEALTH, DEPARTMENT OF

From the funds in Specific Appropriations 462 through 592B any expenditures from the Temporary Assistance for Needy Families block grant shall be in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended or any other applicable federal requirement or limitation. Before any funds are released by the department, each provider shall certify to the department the number of clients to be served and their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

From the funds in Specific Appropriations 462 through 592B any expenditures of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or her designee to be planned expenditures as Qualified State Expenditures to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of Part A of Title IV of the Social Security Act, as amended. The secretary or her designee shall certify that controls are in place to insure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

From the funds in Specific Appropriations 462 through 592B, the department shall develop an analysis of base funding and the impacts the Children's Health Insurance Program (Title XXI) and Medicaid (Title XIX) will have on current operations. The analysis must show the number of currently uninsured children by program who will convert to Title XXI or Title XIX funding and the current annual expenditures made on behalf of these clients. Clients who may be ineligible for part of a Fiscal Year must be shown separately. A proposed plan detailing how these savings may be utilized and reinvested into other programs is to be submitted to the Executive Office of the Governor and the Chairs of the House Fiscal Responsibility Council and Senate Budget Committee by December 31, 2000.

PROGRAM: EXECUTIVE DIRECTION AND ADMINISTRATION

From the funds in Specific Appropriations 462 through 474, the Executive Direction and Administration Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of middle and high school students who report using tobacco products in last 30 days	25.5%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

EXECUTIVE DIRECTION AND SUPPORT SERVICES

462 SALARIES AND BENEFITS POSITIONS	385	
FROM GENERAL REVENUE FUND	10,675,225	
FROM ADMINISTRATIVE TRUST FUND		2,951,531
FROM TOBACCO SETTLEMENT TRUST FUND		203,003
FROM FEDERAL GRANTS TRUST FUND		793,204
FROM GRANTS AND DONATIONS TRUST FUND . . .		55,925
FROM MEDICAL QUALITY ASSURANCE TRUST FUND		342,463
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		337,277

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463 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 489,194
FROM ADMINISTRATIVE TRUST FUND 105,013
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 21,114

464 EXPENSES
FROM GENERAL REVENUE FUND 4,226,091
FROM ADMINISTRATIVE TRUST FUND 574,595
FROM TOBACCO SETTLEMENT TRUST FUND 225,381
FROM FEDERAL GRANTS TRUST FUND 351,669
FROM GRANTS AND DONATIONS TRUST FUND . . . 283,177
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 95,427

465 AID TO LOCAL GOVERNMENTS
COMMUNITY HEALTH INITIATIVES
FROM TOBACCO SETTLEMENT TRUST FUND 150,000

466 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 238,091

466A LUMP SUM
FLORIDA TOBACCO PILOT PROGRAM
FROM TOBACCO SETTLEMENT TRUST FUND 39,100,000

From the funds in Specific Appropriation 466A, $1,350,000 in non-recurring funds from the Tobacco Settlement Trust Fund is provided for the enhancement of traffic law and substance abuse education courses to include a tobacco education component. Each provider which has developed a course prior to December 31, 1999, pursuant to guidelines established by the department shall be paid $270,000 for implementation of such course.

From the funds in Specific Appropriation 466A, up to $2,000,000 in non-recurring funds from the Tobacco Settlement Trust Fund shall be provided to the American Heart Association Youth Fitness Program, $500,000 in non-recurring funds from the Tobacco Settlement Trust Fund shall be provided to the D-FY-IT Program in Dade County, and $400,000 shall be provided for an interactive anti-smoking education project in Dade County.

Funds in Specific Appropriation 466A shall be used to retain the services of an advertising agency with extensive experience in producing ads addressing public policy issues. The advertising agency should have produced ads for statewide TV campaigns in no fewer than ten states with advertising budgets of no less than $1 million in each state. The advertising agency must have recent experience in Florida. The advertising agency must have produced TV ads and implemented a statewide ad campaign in Florida since 1995, and the budget for the TV ad campaign(s) must have exceeded $5 million. The advertising agency must have extensive experience producing TV ads related to health care and must have extensive experience working with experts in polling data.

467 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 200,000

468 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 35,291

469 SPECIAL CATEGORIES
NATIONAL PARKINSON'S FOUNDATION
FROM GENERAL REVENUE FUND 1,046,000

Funds in Specific Appropriation 469 include $295,500 in recurring funds for a respite program in Dade County.

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 16,909,892
FROM TRUST FUNDS 45,589,779

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TOTAL POSITIONS 385
TOTAL ALL FUNDS 62,499,671

INFORMATION TECHNOLOGY

470 SALARIES AND BENEFITS POSITIONS 78
FROM GENERAL REVENUE FUND 1,787,296
FROM ADMINISTRATIVE TRUST FUND 1,189,948
FROM TOBACCO SETTLEMENT TRUST FUND 241,557
FROM FEDERAL GRANTS TRUST FUND 116,436
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 916,409

471 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 55,000
FROM ADMINISTRATIVE TRUST FUND 231,000

472 EXPENSES
FROM GENERAL REVENUE FUND 116,422
FROM ADMINISTRATIVE TRUST FUND 2,568,858
FROM TOBACCO SETTLEMENT TRUST FUND 1,130,956
FROM FEDERAL GRANTS TRUST FUND 899,997
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 602,911

472A OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 455,643

472B LUMP SUM
INTEGRATED HEALTH INFORMATION SYSTEM
FROM ADMINISTRATIVE TRUST FUND 8,000,000

Funds are provided in Specific Appropriation 472B for the Integrated Health Information System which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes.

From the funds in Specific Appropriation 472B, $200,000 from the Tobacco Settlement Trust Fund is provided for the project monitoring contract. These funds shall be transferred by the Executive Office of The Governor pursuant to the provisions in Chapter 216, Florida Statutes.

473 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 1,691,140
FROM ADMINISTRATIVE TRUST FUND 5,297,193

474 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 102,713

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 3,649,858
FROM TRUST FUNDS 21,753,621

TOTAL POSITIONS 78
TOTAL ALL FUNDS 25,403,479

PROGRAM: COMMUNITY PUBLIC HEALTH

From the funds in Specific Appropriations 475 through 544B, the Community Pubic Health Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	

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|--------|
|Number of women and infants receiving Healthy Start services.....145,000|
|Provide food and nutrition services to women, infants and children (WIC and Child Care Food).....443,100|
|Number of HIV/AIDS counseling and testing services provided annually.....220,000|
|Number of immunization services provided by county public health departments.....1,629,815|
|Number of department-regulated facilities inspected.....122,527|
Number of onsite sewage disposal system inspections completed.....295,000
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

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FAMILY HEALTH SERVICES

475	SALARIES AND BENEFITS POSITIONS 161		
	FROM GENERAL REVENUE FUND	1,851,158	
	FROM ADMINISTRATIVE TRUST FUND		177,230
	FROM FEDERAL GRANTS TRUST FUND		4,657,883
	FROM GRANTS AND DONATIONS TRUST FUND . . .		46,663
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		506,875
476	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	55,649	
	FROM FEDERAL GRANTS TRUST FUND		228,449
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		102,074
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		93,482
477	EXPENSES		
	FROM GENERAL REVENUE FUND	864,538	
	FROM ADMINISTRATIVE TRUST FUND		16,549
	FROM TOBACCO SETTLEMENT TRUST FUND		267,537
	FROM FEDERAL GRANTS TRUST FUND		4,047,698
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,273
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		866,632
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		2,018,435
478	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FAMILY PLANNING SERVICES		
	FROM GENERAL REVENUE FUND	5,769,168	
	FROM FEDERAL GRANTS TRUST FUND		1,094,283
479	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - EPILEPSY SERVICES		
	FROM GENERAL REVENUE FUND	2,438,870	
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		300,000
480	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES		
	FROM EPILEPSY SERVICES TRUST FUND		1,340,000
481	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS		
	FROM FEDERAL GRANTS TRUST FUND		68,802,986
482	AID TO LOCAL GOVERNMENTS		
	CONTRIBUTION TO COUNTY HEALTH UNITS		
	FROM GENERAL REVENUE FUND	5,599,409	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,089,221

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483	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - PRIMARY CARE PROGRAM		
	FROM GENERAL REVENUE FUND	20,527,692	
484	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FLUORIDATION PROJECT		
	FROM GENERAL REVENUE FUND	150,000	
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		366,747
485	AID TO LOCAL GOVERNMENTS		
	IMPROVED PREGNANCY OUTCOME PROGRAM		
	FROM GENERAL REVENUE FUND	28,462,230	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		2,719,492
486	AID TO LOCAL GOVERNMENTS		
	MATERNAL AND CHILD HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	901,969	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		4,500,265
487	AID TO LOCAL GOVERNMENTS		
	SCHOOL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	17,021,881	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,500,000
	FROM FEDERAL GRANTS TRUST FUND		1,000,000
488	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER		
	FROM GENERAL REVENUE FUND	1,000,000	
	FROM TOBACCO SETTLEMENT TRUST FUND		309,300
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,159,278
489	SPECIAL CATEGORIES		
	GRANTS AND AIDS - OUNCE OF PREVENTION		
	FROM GENERAL REVENUE FUND	928,412	
	FROM FEDERAL GRANTS TRUST FUND		3,571,588
490	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	2,511,481	
	FROM TOBACCO SETTLEMENT TRUST FUND		599,499
	FROM FEDERAL GRANTS TRUST FUND		5,967,435
	FROM GRANTS AND DONATIONS TRUST FUND . . .		423,856
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		1,652,849

From the funds in Specific Appropriation 490, $1,000,000 in recurring General Revenue is provided for VisionQuest and $400,000 in recurring General Revenue is provided for Prevent Blindness Florida.

491	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HEALTHY START COALITIONS		
	FROM GENERAL REVENUE FUND	3,014,217	
	FROM FEDERAL GRANTS TRUST FUND		2,388,004
492	SPECIAL CATEGORIES		
	HEALTH EDUCATION RISK REDUCTION PROJECT		
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		12,686
493	SPECIAL CATEGORIES		
	KIDNEY DISEASE PROGRAM		
	FROM TOBACCO SETTLEMENT TRUST FUND		200,000
494	SPECIAL CATEGORIES		
	FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION		
	FROM TOBACCO SETTLEMENT TRUST FUND		10,000,000
	FROM FEDERAL GRANTS TRUST FUND		1,000,000

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495 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 86,627

496 SPECIAL CATEGORIES
WOMEN, INFANTS AND CHILDREN (WIC)
FROM FEDERAL GRANTS TRUST FUND 224,187,145

497 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF INSURANCE
FROM TOBACCO SETTLEMENT TRUST FUND 63,845

498 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION
FROM TOBACCO SETTLEMENT TRUST FUND 1,620,000

From the funds in Specific Appropriation 498, $1,020,000 in non-recurring Tobacco Settlement Trust Funds is transferred to the University of South Florida to provide for a distinguished chair / professorship at the Chiles Center.

498A SPECIAL CATEGORIES
MEDICALLY FRAGILE ENHANCEMENT PAYMENT
FROM GENERAL REVENUE FUND 610,020

499 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 1,298
FROM ADMINISTRATIVE TRUST FUND 4,112

TOTAL: FAMILY HEALTH SERVICES
FROM GENERAL REVENUE FUND 91,794,619
FROM TRUST FUNDS 352,907,371

TOTAL POSITIONS 161
TOTAL ALL FUNDS 444,701,990

INFECTIOUS DISEASE PREVENTION AND CONTROL

500 SALARIES AND BENEFITS POSITIONS 380
FROM GENERAL REVENUE FUND 5,035,819
FROM FEDERAL GRANTS TRUST FUND 6,843,508
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,564,715
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 252,000

501 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 53,346
FROM FEDERAL GRANTS TRUST FUND 623,226
FROM OPERATIONS AND MAINTENANCE TRUST FUND 57,211

502 EXPENSES
FROM GENERAL REVENUE FUND 3,519,741
FROM TOBACCO SETTLEMENT TRUST FUND 590,000
FROM FEDERAL GRANTS TRUST FUND 6,593,664
FROM GRANTS AND DONATIONS TRUST FUND . . . 185,537
FROM OPERATIONS AND MAINTENANCE TRUST FUND 811,742
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 208,068

503 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AIDS PATIENT CARE
FROM GENERAL REVENUE FUND 11,793,792
FROM FEDERAL GRANTS TRUST FUND 5,669,105

From the recurring General Revenue funds in Specific Appropriation 503, $400,000 is provided for methadone outpatient treatment, HIV/AIDS, and hepatitis prevention services in Broward and Palm Beach Counties.

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From the funds in Specific Appropriation 503, $200,000 in recurring General Revenue is provided for the HIV/AIDS Awareness & Prevention for Communities of Color in Pinellas County.

From the funds in Specific Appropriation 503, $200,000 in recurring General Revenue is provided for the NIA Project in Pinellas County.

From the funds in Specific Appropriation 503, $200,000 in recurring General Revenue is provided for the HIV/AIDS Care Program in Broward County.

From the funds in Specific Appropriation 503, $50,000 in recurring General Revenue is provided for the Dade Hospice Program - AIDS Network.

From the funds in Specific Appropriation 503, $400,000 in nonrecurring General Revenue is provided for HIV/AIDS Mental Health in Dade County.

From the funds in Specific Appropriation 503, $100,000 in non-recurring General Revenue is provided for HIV/AIDS Prevention in Dade County.

504 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RYAN WHITE CONSORTIA
FROM FEDERAL GRANTS TRUST FUND 11,104,358

505 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATEWIDE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS
FROM GENERAL REVENUE FUND 10,745,449

From the funds in Specific Appropriation 505, $200,000 in recurring General Revenue is continued and an additional $100,000 in recurring General Revenue is provided for AIDS Help Inc. in Monroe County.

506 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 14,555,795
FROM TOBACCO SETTLEMENT TRUST FUND 2,601,849

507 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY HEALTH CENTERS
FROM FEDERAL GRANTS TRUST FUND 1,204,010

508 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - DADE COUNTY HOSPICE
FROM GENERAL REVENUE FUND 407,009

509 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 38,295

510 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 92,548
FROM OPERATIONS AND MAINTENANCE TRUST FUND 431,313

511 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 3,484,434
FROM FEDERAL GRANTS TRUST FUND 8,111,955
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 7,658

From the recurring General Revenue funds in Specific Appropriation 511, $997,710 is provided for methadone outpatient treatment, HIV/AIDS, and hepatitis prevention services in Broward and Palm Beach Counties.

512 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 259,540

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513 SPECIAL CATEGORIES		
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE CONTINUATION PROGRAM		
FROM GENERAL REVENUE FUND	1,803,422	
FROM TOBACCO SETTLEMENT TRUST FUND		640,800
FROM FEDERAL GRANTS TRUST FUND		2,064,120
514 SPECIAL CATEGORIES		
HEALTH EDUCATION RISK REDUCTION PROJECT		
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		199,751
515 SPECIAL CATEGORIES		
HOSPITAL REIMBURSEMENT		
FROM GENERAL REVENUE FUND	452,801	
516 SPECIAL CATEGORIES		
PURCHASED CLIENT SERVICES		
FROM GENERAL REVENUE FUND	161,599	
517 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	116,084	
518 SPECIAL CATEGORIES		
OUTREACH FOR PREGNANT WOMEN		
FROM GENERAL REVENUE FUND	250,000	
FROM TOBACCO SETTLEMENT TRUST FUND		250,000
TOTAL: INFECTIOUS DISEASE PREVENTION AND CONTROL		
FROM GENERAL REVENUE FUND	52,769,674	
FROM TRUST FUNDS		52,014,590
TOTAL POSITIONS	380	
TOTAL ALL FUNDS		104,784,264

ENVIRONMENTAL HEALTH SERVICES

519 SALARIES AND BENEFITS POSITIONS	211	
FROM GENERAL REVENUE FUND	1,041,539	
FROM ADMINISTRATIVE TRUST FUND		2,459,141
FROM FEDERAL GRANTS TRUST FUND		597,728
FROM GRANTS AND DONATIONS TRUST FUND . . .		168,207
FROM RADIATION PROTECTION TRUST FUND . . .		5,408,440
520 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	2,543	
FROM ADMINISTRATIVE TRUST FUND		71,060
FROM FEDERAL GRANTS TRUST FUND		105,487
FROM GRANTS AND DONATIONS TRUST FUND . . .		130,415
FROM RADIATION PROTECTION TRUST FUND . . .		33,393
521 EXPENSES		
FROM GENERAL REVENUE FUND	677,487	
FROM ADMINISTRATIVE TRUST FUND		1,306,659
FROM FEDERAL GRANTS TRUST FUND		557,019
FROM GRANTS AND DONATIONS TRUST FUND . . .		252,757
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		13,608
FROM RADIATION PROTECTION TRUST FUND . . .		1,820,155
522 AID TO LOCAL GOVERNMENTS		
CONTRIBUTION TO COUNTY HEALTH UNITS		
FROM GENERAL REVENUE FUND	4,319,722	
FROM ADMINISTRATIVE TRUST FUND		1,722,436
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,004,571

From the funds in Specific Appropriation 522, $525,000 in recurring General Revenue for the "Healthy Beaches" monitoring program shall be allocated as follows:

Pinellas County.....	225,000
Escambia County.....	100,000
Dade County.....	200,000

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523 OPERATING CAPITAL OUTLAY		
FROM RADIATION PROTECTION TRUST FUND . . .		56,997
524 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM RADIATION PROTECTION TRUST FUND . . .		210,856
525 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	52,215	
FROM RADIATION PROTECTION TRUST FUND . . .		2,885
526 SPECIAL CATEGORIES		
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT		
FROM ADMINISTRATIVE TRUST FUND		434,775
TOTAL: ENVIRONMENTAL HEALTH SERVICES		
FROM GENERAL REVENUE FUND	6,093,506	
FROM TRUST FUNDS		16,356,589
TOTAL POSITIONS	211	
TOTAL ALL FUNDS		22,450,095

COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS

527 SALARIES AND BENEFITS		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		370,510,362
528 OTHER PERSONAL SERVICES		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		30,814,671
529 EXPENSES		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		110,651,356

From the funds in Specific Appropriation 529, $750,000 in recurring County Health Department Trust Funds shall be used to contract for a statewide hotline to provide information and counseling related to hepatitis and the utilization of FDA approved at-home hepatitis test kits.

530 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - FAMILY PLANNING SERVICES		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		2,200,000
531 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - AIDS PATIENT CARE		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		3,073,996
532 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		7,533,960
532A AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - MINORITY HEALTH INITIATIVES		
FROM GENERAL REVENUE FUND	5,000,000	
FROM FEDERAL GRANTS TRUST FUND		5,000,000

From the funds in Specific Appropriation 532A, $300,000 in recurring General Revenue is provided for the Jessie Trice Cancer Prevention Project, and $300,000 in recurring General Revenue is provided for the statewide Sickle Cell Outreach Program.

533 AID TO LOCAL GOVERNMENTS		
CONTRIBUTION TO COUNTY HEALTH UNITS		
FROM GENERAL REVENUE FUND	112,367,610	
FROM TOBACCO SETTLEMENT TRUST FUND		4,000,000
534 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - PRIMARY CARE PROGRAM		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		11,548,687

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534A AID TO LOCAL GOVERNMENTS
COMMUNITY HEALTH INITIATIVES
FROM GENERAL REVENUE FUND 5,100,000
FROM TOBACCO SETTLEMENT TRUST FUND 350,000
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 100,000

General Revenue Funds in Specific Appropriation 534A are provided for community health initiatives. Unless otherwise specified these funds are recurring and shall be allocated as follows:

Dunbar Health Center - Lee County..... 150,000
Medivan Project/Elderly Interest - Broward County..... 25,000
Alpha One Program - Alachua County..... 500,000
Rural Midwifery Service - Madison County..... 50,000
CATE - Environmental Community Health Project - Escambia County..... 300,000
Hospice Foundation of America - Dade County..... 350,000
Kidney Disease Program - Statewide..... 25,000
Manatee County Rural Health Services..... 150,000
Greenwood Community Health Resources Center in Pinellas County..... 50,000
New Horizons/Health Prevention -Dade County..... 50,000
Roosevelt Sands Community Healthcare Center Monroe County..... 100,000
Interdisciplinary Managed Care Initiative Serenity House-Flagler and Volusia Counties..... 250,000
Traumatic Brain Injury Association of Florida Statewide..... 300,000
Southwest Alachua County Primary and Community Health Care Clinic - Alachua County..... 200,000
Isabel Collier Read Prenatal Care Clinic Collier and Lee Counties..... 300,000
Islet Cell Transplantation to Cure Diabetes Statewide..... 500,000
Primary Care Outreach Program (Sun Coast Hospital) Pinellas County..... 300,000
Primary Care Center - Dania Beach Memorial Health Care System..... 100,000
Gem and End of Life Care Project - Mt. Sinai..... 100,000
Pediatric Echocardiography Telecommunication Network of North Florida Duval County..... 500,000

From the funds in Specific Appropriation 534A, $100,000 in non-recurring County Health Department Trust Funds is provided for the Model Cities Home Visitation Project in Dade County.

Tobacco Settlement Trust Funds in Specific Appropriation 534A are provided for community health initiatives. Unless otherwise specified these funds are recurring and shall be allocated as follows:

Diabetic Services for Homebound Patients in Dade County (non-recurring)..... 50,000
Primary Care Center - Dania Beach Memorial Health Care Systems (non-recurring)..... 300,000

The non-recurring General Revenue in Specific Appropriation 534A shall be allocated for family health facilities as follows:

Miami Children's Hospital - Dental Clinic..... 50,000
Hialeah Dental Clinic..... 50,000
Eastside Dental Clinic - Alachua..... 50,000
University of Florida Dental Clinic-Alachua..... 50,000
Marion County Dental Clinic..... 50,000
Alpha One Program - Alachua County..... 300,000
Manatee Rural Health - Lab Reimbursement..... 250,000

535 OPERATING CAPITAL OUTLAY
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 11,179,668

536 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 445,800

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537 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 2,027,500

From the funds in Specific Appropriation 537, $2,000,000 in non-recurring County Health Department Trust Funds is provided for the following:

School Health - Dade County..... 500,000
School Health - Hillsborough County..... 500,000
School Health - Broward County..... 500,000
School Health - Palm Beach County..... 500,000

Palm Beach County may utilize existing county health department expenditures when meeting the appropriation requirements of Specific Appropriation 537.

537A FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS
FROM GENERAL REVENUE FUND 1,037,133
FROM TOBACCO SETTLEMENT TRUST FUND 3,156,368
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 14,786,779

Funds in Specific Appropriation 537A shall be allocated as follows:

St. Lucie CHD Construction Equipment..... 300,000
Sumter CHD in Bushnell-Construction, Furniture and Equipment..... 250,000
Sumter CHD in Wildwood-Construction, Furniture and Equipment..... 100,000
Taylor CHD -- Perry Furniture and Equipment..... 125,000
Baker CHD -- Macclenny Completion of Renovation..... 300,000
Brevard CHD -- Titusville Furniture and Equipment..... 240,000
Wakulla CHD -- Crawfordville..... 1,500,000
Hendry CHD -- Clewiston Completion of Construction..... 2,500,000
Martin CHD -- New Construction..... 5,247,300
Walton CHD -- Freeport..... 900,000
Escambia CHD -- Northside..... 100,000
Sarasota CHD..... 500,000
Walton County/DeFuniak Springs Health Facility CHD..... 243,600
Broward CHD..... 400,000
Charlotte CHD..... 477,100
Dade CHD..... 4,500,000
Hernando CHD..... 266,000
Leon CHD..... 200,000
Putnam CHD..... 150,000
Washington CHD..... 243,600
Polk - Lake Wales CHD..... 172,140
Polk - Haines City CHD..... 265,540

537B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
FAMILY HEALTH FACILITIES
FROM TOBACCO SETTLEMENT TRUST FUND 3,810,000

The non-recurring Tobacco Settlement Trust Funds in Specific Appropriation 537B, shall be allocated for family health facilities as follows:

Miami Children's Hospital-Dade..... 200,000
Northwest Quadrant Health Center Hillsborough..... 500,000
Riverview/Gibsonton Health Center-Hillsborough..... 500,000
Pinellas County Community Health Centers..... 350,000
Shands at Starke Facility Upgrade..... 400,000
Central Florida Health Care, Inc., - Polk, Hardee and Highlands..... 100,000
Lakeland Volunteers in Medicine Family Health Facility..... 500,000
Borinquen Health Care - Dade County..... 60,000
Dover Health Center - Hillsborough County..... 500,000
Memorial Hospital in Flagler..... 500,000
Escambia - Gulf Coast Kids House..... 200,000

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Funds in Specific Appropriation 537B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law.

TOTAL: COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS
FROM GENERAL REVENUE FUND 123,504,743
FROM TRUST FUNDS 581,189,147

TOTAL ALL FUNDS 704,693,890

STATEWIDE HEALTH SUPPORT SERVICES

538 SALARIES AND BENEFITS POSITIONS 465
FROM GENERAL REVENUE FUND 8,836,750
FROM ADMINISTRATIVE TRUST FUND 269,183
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 933,800
FROM FEDERAL GRANTS TRUST FUND 940,820
FROM GRANTS AND DONATIONS TRUST FUND . . . 147,651
FROM PLANNING AND EVALUATION TRUST FUND . 6,741,505

539 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,546
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 6,704
FROM FEDERAL GRANTS TRUST FUND 489
FROM PLANNING AND EVALUATION TRUST FUND . 250,388

540 EXPENSES
FROM GENERAL REVENUE FUND 2,549,865
FROM ADMINISTRATIVE TRUST FUND 457,417
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 261,807
FROM FEDERAL GRANTS TRUST FUND 1,384,058
FROM GRANTS AND DONATIONS TRUST FUND . . . 233,812
FROM PLANNING AND EVALUATION TRUST FUND . 5,183,619

541 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 226,779
FROM PLANNING AND EVALUATION TRUST FUND . 28,302

542 SPECIAL CATEGORIES
DRUGS, VACCINES AND OTHER BIOLOGICALS
FROM GENERAL REVENUE FUND 18,809,719
FROM TOBACCO SETTLEMENT TRUST FUND 5,014,035
FROM FEDERAL GRANTS TRUST FUND 71,247,689

543 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,936,163

544 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM FEDERAL GRANTS TRUST FUND 1,000,000

544A FIXED CAPITAL OUTLAY
HEALTH FACILITIES REPAIR AND MAINTENANCE - STATEWIDE
FROM GENERAL REVENUE FUND 1,000,000
FROM ADMINISTRATIVE TRUST FUND 2,000,000

Funds in Specific Appropriation 544A, from the Administrative Trust Fund are to be used for departmental building needs including, but not limited to the Children's Medical Services Building in Leon County. This appropriation is contingent on receipt of funds from the sale of land related to the Blairstone right-of-way in Leon County.

544B FIXED CAPITAL OUTLAY
HEALTH SERVICES SPACE NEEDS / STATEWIDE

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FROM GENERAL REVENUE FUND 3,500,000
FROM ADMINISTRATIVE TRUST FUND 350,000

The non-recurring General Revenue Funds in Specific Appropriation 544B, shall be allocated as follows:

A. G. Holley..... 1,500,000
Jacksonville Laboratory--Porter & Hanson..... 2,000,000

From the funds in Specific Appropriation 544B $350,000 in non-recurring Administrative Trust Funds is provided for the restoration of the Sowder Building in Jacksonville.

TOTAL: STATEWIDE HEALTH SUPPORT SERVICES
FROM GENERAL REVENUE FUND 39,867,822
FROM TRUST FUNDS 96,451,279

TOTAL POSITIONS 465
TOTAL ALL FUNDS 136,319,101

PROGRAM: CHILDREN'S MEDICAL SERVICES

From the funds in Specific Appropriation 545 through 571A, the Children's Medical Services Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Number of children enrolled in CMS program Network (Medicaid and Non-Medicaid)	37,500
Number of clients receiving services in the CMS program Early Intervention program	29,000
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

CHILDREN'S SPECIAL HEALTH CARE

545 SALARIES AND BENEFITS POSITIONS 752
FROM GENERAL REVENUE FUND 18,437,976
FROM TOBACCO SETTLEMENT TRUST FUND 448,414
FROM DONATIONS TRUST FUND 7,268,546
FROM FEDERAL GRANTS TRUST FUND 3,183,241
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 892,244
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,147,162

546 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,854,361
FROM DONATIONS TRUST FUND 89,063
FROM FEDERAL GRANTS TRUST FUND 388,687

547 EXPENSES
FROM GENERAL REVENUE FUND 2,859,995
FROM TOBACCO SETTLEMENT TRUST FUND 214,046
FROM DONATIONS TRUST FUND 3,062,719
FROM FEDERAL GRANTS TRUST FUND 4,023,793
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 201,423
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 548,013

548 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 56,970

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549 SPECIAL CATEGORIES		
CATASTROPHIC MEDICAL SERVICES		
FROM DONATIONS TRUST FUND		1,800,000
550 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD ABUSE PROGRAM		
FROM GENERAL REVENUE FUND	190,168	
551 SPECIAL CATEGORIES		
CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM		
FROM GENERAL REVENUE FUND	675,153	
FROM TOBACCO SETTLEMENT TRUST FUND		350,000
552 SPECIAL CATEGORIES		
REGIONAL GENETICS PROGRAM		
FROM GENERAL REVENUE FUND	1,016,084	
FROM DONATIONS TRUST FUND		194,926
553 SPECIAL CATEGORIES		
SICKLE CELL EDUCATION AND SCREENING		
FROM GENERAL REVENUE FUND	790,686	
FROM TOBACCO SETTLEMENT TRUST FUND		250,000
554 SPECIAL CATEGORIES		
GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN		
FROM GENERAL REVENUE FUND	9,881,414	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,479,138
555 SPECIAL CATEGORIES		
GRANTS AND AIDS - PRIMARY CARE PROGRAM		
FROM GENERAL REVENUE FUND	3,801,467	
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,889,787
556 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	4,323,178	
FROM TOBACCO SETTLEMENT TRUST FUND		300,000
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		999,704
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		93,539

From the funds in Specific Appropriation 556, $250,000 in recurring General Revenue is provided for Developmental Center for Infants and Children and $125,000 in recurring General Revenue is provided for Northeast Florida Regional Pediatric Diabetes Program at Wolfson Hospital.

557 SPECIAL CATEGORIES		
MASTER CONTRACTS		
FROM GENERAL REVENUE FUND	4,548,652	
FROM DONATIONS TRUST FUND		500,000
558 SPECIAL CATEGORIES		
GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN		
FROM GENERAL REVENUE FUND	602,673	
559 SPECIAL CATEGORIES		
KIDNEY DISEASE PROGRAM FOR CHILDREN		
FROM GENERAL REVENUE FUND	813,077	
FROM TOBACCO SETTLEMENT TRUST FUND		350,000
560 SPECIAL CATEGORIES		
CHILDREN'S MEDICAL SERVICES NETWORK		
FROM DONATIONS TRUST FUND		49,468,004
561 SPECIAL CATEGORIES		
PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS		
FROM GENERAL REVENUE FUND	7,540,570	
FROM DONATIONS TRUST FUND		1,441,009
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		5,075,593
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,519,724
562 SPECIAL CATEGORIES		
POISON CONTROL CENTER		
FROM GENERAL REVENUE FUND	3,658,378	
563 SPECIAL CATEGORIES		
RHEUMATIC FEVER		
FROM GENERAL REVENUE FUND	78,409	
564 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	150,869	
FROM DONATIONS TRUST FUND		37,115
565 SPECIAL CATEGORIES		
PEDIATRIC LIVER TRANSPLANT PROGRAM		
FROM GENERAL REVENUE FUND	500,441	
566 SPECIAL CATEGORIES		
GRANTS AND AIDS - DEVELOPMENTAL, EVALUATION AND INTERVENTION SERVICES		
FROM GENERAL REVENUE FUND	13,017,599	
FROM TOBACCO SETTLEMENT TRUST FUND		1,000,000
FROM DONATIONS TRUST FUND		334,159
FROM FEDERAL GRANTS TRUST FUND		4,850,185

Funds in Specific Appropriation 566 are contingent upon the department ensuring that no early intervention provider participating in the Part C program shall provide both core and required Part C services without a waiver from the deputy secretary and deputy state health officer for Children's Medical Services. For purposes of this paragraph, core services are limited to child find and referral, family support planning, service coordination, and the multi-disciplinary evaluation.

567 SPECIAL CATEGORIES		
GRANTS AND AIDS - DEVELOPMENTAL EVALUATION AND INTERVENTION SERVICES/PART C		
FROM GENERAL REVENUE FUND	1,641,322	
FROM FEDERAL GRANTS TRUST FUND		15,502,104

From the funds in Specific Appropriation 567, the Department of Health, jointly with the Department of Education, is authorized to prepare a thirteenth year grant application to the United States Department of Education (USDOE) for Subchapter VIII of the Individuals with Disabilities Education Act (I.D.E.A.) funding for early intervention services for children with disabilities age birth through 36 months and their families. The application shall commit the state to meeting only the minimum service and eligibility requirements of the federal law and shall be implemented only if the federal grant is awarded. The application may be submitted to USDOE by the Governor only upon determination that required state funds can be made available from those portions of the current year's appropriation being spent on I.D.E.A. services and following consultation pursuant to s. 216.177, Florida Statutes.

In addition, $1,641,322 in General Revenue is provided for the state matching funds for Medicaid reimbursable early intervention services in Specific Appropriation 210. If the state match for the Medicaid early intervention services is either too much or insufficient to cover the cost of the entitlement, the Department of Health is authorized to transfer the necessary amount in General Revenue between Specific Appropriation 566, and Specific Appropriation 567.

Since Part C is an optional program, the department shall not redirect funds from other populations and programs to serve people under Part C.

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568 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER/ PERINATAL SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,421,183
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 411,375

569 SPECIAL CATEGORIES
CHILDREN'S CARDIAC PROGRAM
FROM GENERAL REVENUE FUND 837,163

571 SPECIAL CATEGORIES
GRANTS AND AIDS - PEDIATRIC ACQUIRED IMMUNE DEFICIENCY SYNDROME NETWORK
FROM GENERAL REVENUE FUND 2,119,231
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 631,934

571A FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, EQUIPMENT - CHILDREN'S MEDICAL SERVICES FACILITIES
FROM GENERAL REVENUE FUND 2,722,000
FROM DONATIONS TRUST FUND 3,700,000

From the funds in Specific Appropriation 571A, $2,722,000 in non-recurring General Revenue funds shall be allocated as follows:

Schiebler CMS Clinic in Gainesville..... 500,000
Relocation of CMS Clinics Serving Flagler and Volusia Counties..... 2,222,000

From the funds in Specific Appropriation 571A, $3,700,000 in non-recurring Donations Trust Funds shall be allocated as follows:

Leon County CMS Clinic..... 3,500,000
Duval CMS Jacksonville--Furniture and Equipment..... 200,000

TOTAL: CHILDREN'S SPECIAL HEALTH CARE
FROM GENERAL REVENUE FUND 83,539,019
FROM TRUST FUNDS 119,645,647

TOTAL POSITIONS 752
TOTAL ALL FUNDS 203,184,666

PROGRAM: HEALTH CARE PRACTITIONER AND ACCESS

From the funds in Specific Appropriation 572 through 592B, the Health Care Practitioner and Access Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Number of licenses issued and renewed by mail	314,688
Number of brain and spinal cord injury victims reintegrated to the community	3,384
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

MEDICAL QUALITY ASSURANCE

572 SALARIES AND BENEFITS POSITIONS 308
FROM GENERAL REVENUE FUND 80,402
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 11,041,884

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573 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,280
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 2,725,866

574 EXPENSES
FROM GENERAL REVENUE FUND 126,713
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 13,648,886

From the funds in Specific Appropriation 574, $90,000 in non-recurring General Revenue Funds is provided to conduct a Florida Medical Licensure Examination (FMLE) pre-test on a group of experienced physicians.

575 OPERATING CAPITAL OUTLAY
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 29,239

576 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 3,723,351

577 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 2,458,415

578 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 1,083,780

579 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 52,600

580 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 46,195

581 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 124,387

TOTAL: MEDICAL QUALITY ASSURANCE
FROM GENERAL REVENUE FUND 214,395
FROM TRUST FUNDS 34,934,603

TOTAL POSITIONS 308
TOTAL ALL FUNDS 35,148,998

COMMUNITY HEALTH RESOURCES

582 SALARIES AND BENEFITS POSITIONS 131
FROM GENERAL REVENUE FUND 237,910
FROM TOBACCO SETTLEMENT TRUST FUND 40,303
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 3,178,999
FROM FEDERAL GRANTS TRUST FUND 151,323
FROM GRANTS AND DONATIONS TRUST FUND . . . 185,981
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 1,956,652

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583 OTHER PERSONAL SERVICES
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 159,583

584 EXPENSES
FROM GENERAL REVENUE FUND 9,982
FROM TOBACCO SETTLEMENT TRUST FUND 18,373
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 1,698,987
FROM FEDERAL GRANTS TRUST FUND 155,350
FROM GRANTS AND DONATIONS TRUST FUND . . . 41,301

585 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HEALTH COUNCILS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,650,000

586 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 3,274,049

587 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 3,310,330

588 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 1,932

588A LUMP SUM
VOCATIONAL REHABILITATION PROGRAM
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 11,779,244

589 SPECIAL CATEGORIES
AREA HEALTH EDUCATION CENTERS
FROM GENERAL REVENUE FUND 7,150,255
FROM TOBACCO SETTLEMENT TRUST FUND 1,431,509

590 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS
FROM GENERAL REVENUE FUND 500,000

590A SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 1,500,000

591 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 870
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 3,541

592 SPECIAL CATEGORIES
GRANTS AND AIDS - TRAUMA CARE
FROM GENERAL REVENUE FUND 1,622,601
FROM TOBACCO SETTLEMENT TRUST FUND 3,177,399
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 93,747

The non-recurring funds in Specific Appropriation 592, are provided for trauma care and shall be allocated as follows:

Broward General Medical Center - Broward..... 450,000
Jackson Memorial Hospital - Dade..... 450,000
Memorial Regional Hospital - Broward..... 450,000
Orlando Regional Medical Center - Orange..... 450,000

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Shands Jacksonville - Duval..... 450,000
Tampa General Healthcare - Hillsborough..... 450,000
Delray Medical Center - Palm Beach..... 233,334
St. Joseph's Hospital - Hillsborough..... 233,333
St. Mary's Medical Center - Palm Beach..... 233,333
All Children Hospital - Pinellas..... 200,000
Miami Children's Hospital - Dade..... 200,000
Sacred Heart Hospital - Escambia..... 200,000
Baptist Hospital - Escambia..... 100,000
Bayfront Medical Center - Pinellas..... 100,000
Halifax Medical Center - Volusia..... 100,000
Lakeland Regional Medical Center - Polk..... 100,000
Lee Memorial Hospital - Lee..... 100,000
North Broward Medical Center - Broward..... 100,000
West Florida Regional Medical Center - Escambia..... 100,000
Holmes Regional Medical Center - Brevard..... 100,000

592A DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 75,703

592B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
RURAL HOSPITALS
FROM GENERAL REVENUE FUND 1,600,000
FROM TOBACCO SETTLEMENT TRUST FUND 5,750,000

From the funds in Specific Appropriation 592B, $3,250,000 in non-recurring Tobacco Settlement Trust Funds is provided for the rural hospital capital improvement grant program and shall be allocated in accordance with the grant process outlined in s. 395.6061, Florida Statutes.

From the funds in Specific Appropriation 592B, $2,500,000 in non-recurring Tobacco Settlement Trust Funds is provided to Jay Hospital in Santa Rosa County.

From the funds in Specific Appropriation 592B, $1,600,000 in non-recurring General Revenue is provided to Madison Hospital in Madison County.

Funds in Specific Appropriation 592B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law.

TOTAL: COMMUNITY HEALTH RESOURCES
FROM GENERAL REVENUE FUND 11,121,618
FROM TRUST FUNDS 39,634,306

TOTAL POSITIONS 131
TOTAL ALL FUNDS 50,755,924

PROGRAM: DISABILITY DETERMINATIONS

From the funds in Specific Appropriation 592C through 592E, the Disability Determinations Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Number of Title II and XVI disability decisions completed	212,489

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|Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.|

DISABILITY BENEFITS DETERMINATION

592C	SALARIES AND BENEFITS POSITIONS	907	
	FROM GENERAL REVENUE FUND	402,434	
	FROM ADMINISTRATIVE TRUST FUND		382,069
	FROM U.S. TRUST FUND		33,704,949
592D	LUMP SUM		
	DISABILITY DETERMINATION PROGRAM		
	FROM GENERAL REVENUE FUND	338,792	
	FROM ADMINISTRATIVE TRUST FUND		338,792
	FROM U.S. TRUST FUND		31,195,053
592E	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,125	
	FROM ADMINISTRATIVE TRUST FUND		2,126
	FROM U.S. TRUST FUND		148,245
TOTAL:	DISABILITY BENEFITS DETERMINATION		
	FROM GENERAL REVENUE FUND	743,351	
	FROM TRUST FUNDS		65,771,234
	TOTAL POSITIONS	907	
	TOTAL ALL FUNDS		66,514,585

VETERANS' AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriation 593 through 611, the Services to Veterans Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2000-2001 Standards
OUTPUTS:	
Number of veterans' homes beds available	390
Number of veterans served	195,000

|Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.|

PROGRAM: SERVICES TO VETERANS' PROGRAM

VETERANS' HOMES

593	SALARIES AND BENEFITS POSITIONS	444	
	FROM GENERAL REVENUE FUND	2,214,193	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		11,809,201
594	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	31,536	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		377,596
595	EXPENSES		
	FROM GENERAL REVENUE FUND	471,048	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,536,491
596	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	83,160	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		47,794
597	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	213,697	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,089,639
598	SPECIAL CATEGORIES		
	RECREATIONAL EQUIPMENT AND SUPPLIES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		31,000
599	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	41,950	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		153,518
599A	FIXED CAPITAL OUTLAY		
	MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		457,087
599B	FIXED CAPITAL OUTLAY		
	STATE NURSING HOME FOR VETERANS - NUMBER TWO - DMS MGD		
	FROM GENERAL REVENUE FUND	4,000,000	
	FROM FEDERAL GRANTS TRUST FUND		7,561,594

From the funds in Specific Appropriation 599B, $4,000,000 in non-recurring General Revenue is provided for the state share of construction for veterans' nursing home number four in Bay County and number five in Charlotte County. This is the first half of the state share for these two homes. The federal share for this appropriation is $7,561,594 from the Federal Grants Trust Fund and represents one half of the federal participation in these projects.

TOTAL:	VETERANS' HOMES		
	FROM GENERAL REVENUE FUND	7,055,584	
	FROM TRUST FUNDS		28,063,920
	TOTAL POSITIONS	444	
	TOTAL ALL FUNDS		35,119,504

VETERANS' CLAIMS

600	SALARIES AND BENEFITS POSITIONS	18	
	FROM GENERAL REVENUE FUND	785,461	
601	EXPENSES		
	FROM GENERAL REVENUE FUND	19,233	
602	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	9,683	
TOTAL:	VETERANS' CLAIMS		
	FROM GENERAL REVENUE FUND	814,377	
	TOTAL POSITIONS	18	
	TOTAL ALL FUNDS		814,377

VETERANS' FIELD SERVICES

603	SALARIES AND BENEFITS POSITIONS	42	
	FROM GENERAL REVENUE FUND	1,915,331	
604	EXPENSES		
	FROM GENERAL REVENUE FUND	39,050	
605	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,072	

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TOTAL: VETERANS' FIELD SERVICES		
FROM GENERAL REVENUE FUND	1,959,453	
TOTAL POSITIONS	42	
TOTAL ALL FUNDS		1,959,453

EXECUTIVE DIRECTION AND SUPPORT SERVICES

606	SALARIES AND BENEFITS POSITIONS	36	
	FROM GENERAL REVENUE FUND	1,494,194	
	FROM FEDERAL GRANTS TRUST FUND		361,521
607	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	19,765	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		71,557
608	EXPENSES		
	FROM GENERAL REVENUE FUND	481,273	
	FROM FEDERAL GRANTS TRUST FUND		78,417

From the funds in Specific Appropriation 608, $248,000 in non-recurring General Revenue is provided for the National World War II Veterans' Memorial, representing the 248,000 veterans who served in the Armed Forces from Florida during World War II.

609	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	103,302	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		38,200
611	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,072	
	FROM FEDERAL GRANTS TRUST FUND		805
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	2,103,606	
	FROM TRUST FUNDS		550,500
	TOTAL POSITIONS	36	
	TOTAL ALL FUNDS		2,654,106
	TOTAL OF SECTION 3 POSITIONS	33,264	
	FROM GENERAL REVENUE FUND	4793,973,185	
	FROM TRUST FUNDS		10118,361,866
	TOTAL ALL FUNDS		14912,335,051

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Florida Department of Law Enforcement, Department of Juvenile Justice, Parole Commission, Department of Legal Affairs/Attorney General and the Justice Administration Commission as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

CORRECTIONS, DEPARTMENT OF

Upon approval of a majority of the Board of Trustees of the Internal Improvement Trust Fund, the Department of Corrections may sell, trade, exchange, or otherwise dispose of the following state properties: the ACI property, located in Decatur County, Georgia; the former Glenbeigh Hospital, located in Dade County, Florida; the Hillsborough Work Release Center and the Tampa Work Release and Probation and Restitution Centers, located in Hillsborough County, Florida. Proceeds from the sale, trade, exchange, or other disposition of any or all of these properties shall be directed to the department's Grants and Donations Trust Fund, and subject to specific appropriation shall be used to acquire, construct, equip, maintain, and improve the department's correctional facilities.

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From the funds in Specific Appropriations 612 through 766, each provider identified in proviso who receives a specific allocation of funds must provide the Department of Corrections with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

The Department of Corrections may allow the public to use the department's shooting ranges when the following conditions are met: use is limited to members of organized gun clubs who sign a waiver of liability and are supervised by a National Rifle Association certified instructor. Public use of the department's shooting ranges shall not interfere with any department or law enforcement agency use of the ranges.

The Department of Corrections shall, subject to all applicable provisions of Chapter 216, F.S., transfer funds, positions and rate among budget entities and programs within Specific Appropriations 612 through 766 if necessary to ensure public safety and avoid adversely affecting current employees due to the elimination of vacant positions and other approved reductions.

PROGRAM: DEPARTMENT ADMINISTRATION

BUSINESS SERVICE CENTERS

612	SALARIES AND BENEFITS POSITIONS	817	
	FROM GENERAL REVENUE FUND	31,036,894	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		132,594
	FROM INMATE WELFARE TRUST FUND		1,536,037
613	EXPENSES		
	FROM GENERAL REVENUE FUND	5,496,129	
	FROM INMATE WELFARE TRUST FUND		148,711
TOTAL: BUSINESS SERVICE CENTERS			
	FROM GENERAL REVENUE FUND	36,533,023	
	FROM TRUST FUNDS		1,817,342
	TOTAL POSITIONS	817	
	TOTAL ALL FUNDS		38,350,365

EXECUTIVE DIRECTION AND SUPPORT SERVICES

614	SALARIES AND BENEFITS POSITIONS	269	
	FROM GENERAL REVENUE FUND	10,336,966	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		77,556
	FROM GRANTS AND DONATIONS TRUST FUND . . .		564,958
	FROM OPERATING TRUST FUND		1,577,033
	FROM INMATE WELFARE TRUST FUND		225,291
615	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	30,501	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
616	EXPENSES		
	FROM GENERAL REVENUE FUND	3,656,082	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		977,605
	FROM GRANTS AND DONATIONS TRUST FUND . . .		58,975
	FROM OPERATING TRUST FUND		127,101
	FROM INMATE WELFARE TRUST FUND		30,489

From the funds in Specific Appropriation 616, $150,000 from General Revenue is provided for renovation, removal or relocation of three cottages at Forest Hills to the Florida Association of Women's and

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Girls' Clubs to ensure the preservation and continuation of the first African-American Women's Club in Florida. If the cottages are unable to be renovated or relocated, the funds can be used to preserve as much infrastructure as possible for use in a new headquarters to be located in the City of Ocala on property owned by the Association.

From the funds provided in Specific Appropriation 616, the department must submit a report to the Senate Budget Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budgeting by September 1, 2000, detailing for FY 1999-00 the following: (a) the names of the employees trained as correctional officers and correctional probation officers at the department's expense during the fiscal year; (b) the amount of money spent by the department to train those employees (including, but not limited to, tuition costs, salaries and benefits, and expense); (c) the employees who voluntarily terminated their employment within the year; (d) the employing agency that hired the employee to fill a correctional officer position (if known); (e) the number of civil actions commenced during the year to recover the cost of the employee's participation in the training program; and (f) the amount recovered during the year from employees under the provisions of section 943.16, Florida Statutes.

617	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	90,648	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		21,280
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,500
618	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	17,904	
619	SPECIAL CATEGORIES		
	OFFICE OF MANAGEMENT AND BUDGET LAW LIBRARY		
	FROM GENERAL REVENUE FUND	9,649	
620	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	983,833	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	15,125,583	
	FROM TRUST FUNDS		3,727,788
	TOTAL POSITIONS	269	
	TOTAL ALL FUNDS		18,853,371

FLORIDA CORRECTIONS COMMISSION

621	SALARIES AND BENEFITS POSITIONS	5	
	FROM GENERAL REVENUE FUND	321,630	
622	SPECIAL CATEGORIES		
	FLORIDA CORRECTIONS COMMISSION		
	FROM GENERAL REVENUE FUND	117,008	
TOTAL:	FLORIDA CORRECTIONS COMMISSION		
	FROM GENERAL REVENUE FUND	438,638	
	TOTAL POSITIONS	5	
	TOTAL ALL FUNDS		438,638

INFORMATION TECHNOLOGY

623	SALARIES AND BENEFITS POSITIONS	49	
	FROM GENERAL REVENUE FUND	3,908,479	
624	EXPENSES		
	FROM GENERAL REVENUE FUND	39,503	

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TOTAL:	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND	3,947,982	
	TOTAL POSITIONS	49	
	TOTAL ALL FUNDS		3,947,982

PROGRAM: SECURITY AND INSTITUTIONAL OPERATIONS

From the funds and positions provided in Specific Appropriations 625, 640, 648, 657, 663, 669, and 677, 100 positions shall be placed in reserve by the Governor's Office of Policy and Budgeting along with the associated rate. These positions and the associated rate may be released from reserve if the actual inmate population exceeds the estimate developed by the Criminal Justice Estimating Conference on March 2, 2000, and the department certifies the need to fill the positions. Any release of the positions and rate shall be subject to all applicable provisions of Chapter 216, Florida Statutes.

Funds provided in Specific Appropriations 636, 645A, and 654 shall be used for the obligations of the Correctional Privatization Commission pursuant to the requirements of the Operation and Management Services Contracts and Lease-Purchase Agreements. The Department of Corrections shall not utilize the provisions of Chapter 216, Florida Statutes, to transfer funds from this appropriation category.

From the funds in Specific Appropriations 636 and 654, $974,362 from General Revenue is provided to pay local property tax assessments for the following correctional facilities under contract with the Correctional Privatization Commission: Moore Haven, South Bay, and Bay adult correctional facilities and the Lake City youthful offender correctional facility. In the event that it is determined that these properties are not subject to local property tax assessments, these funds shall be provided as payments in lieu of taxes to the local governments in an amount equal to the property taxes that would have been assessed if the properties were determined to be subject to assessment for local property taxes.

From the funds in Specific Appropriations 625 through 700, the Security and Institutional Operations Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994, to protect the public and provide a safe and secure environment for incarcerated offenders and the staff that maintains custody of them by applying effective physical security methods and procedures and providing accurate risk assessment and classification of inmates and adequate nutrition and facility maintenance:

Performance Measures - Outcomes	FY 2000-2001 Standards
Number of escapes from the secure perimeter of major institutions	0
Percentage of random inmate drug tests that are negative	98.5%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

ADULT MALE CUSTODY OPERATIONS

625	SALARIES AND BENEFITS POSITIONS	8,535	
	FROM GENERAL REVENUE FUND	330,446,034	
	FROM INMATE WELFARE TRUST FUND		5,520,874
626	EXPENSES		
	FROM GENERAL REVENUE FUND	18,917,270	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		163,235
	FROM INMATE WELFARE TRUST FUND		714,224

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From the funds provided in Specific Appropriation 626, the Department of Corrections may spend up to $300,000 from General Revenue for a public awareness campaign describing penalties for "10-20-Life" offenses.

627	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	329,510	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,100,000
	FROM OPERATING TRUST FUND		279,000
	FROM INMATE WELFARE TRUST FUND		767,953
628	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	29,662,590	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		83,421
628A	LUMP SUM		
	CJEC INMATE POPULATION INCREASE		
	POSITIONS	179	
	FROM GENERAL REVENUE FUND	7,402,497	
628B	LUMP SUM		
	CRITICAL PUBLIC SAFETY INFRASTRUCTURE		
	POSITIONS	360	
	FROM GENERAL REVENUE FUND	6,020,268	
629	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	420,258	
630	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	3,510,030	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		118,172
630A	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	3,039,857	
630B	SPECIAL CATEGORIES		
	TRANSFER TO GENERAL REVENUE FUND		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,000,000
631	SPECIAL CATEGORIES		
	RETURN OF PAROLE VIOLATORS		
	FROM GENERAL REVENUE FUND	131,313	
632	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	12,403,982	
633	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,031,511	
634	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND	2,000	
635	SPECIAL CATEGORIES		
	TUITION PAYMENTS		
	FROM GENERAL REVENUE FUND	355,360	
636	SPECIAL CATEGORIES		
	PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	49,006,014	
	FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND		1,419,151
637	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	858,996	

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638	FIXED CAPITAL OUTLAY		
	CONTRACTED CORRECTIONAL INSTITUTIONS - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	4,302,258	
639	FIXED CAPITAL OUTLAY		
	CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	8,027,690	
TOTAL:	ADULT MALE CUSTODY OPERATIONS		
	FROM GENERAL REVENUE FUND	480,867,438	
	FROM TRUST FUNDS		26,166,030
	TOTAL POSITIONS	9,074	
	TOTAL ALL FUNDS		507,033,468

ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS

640	SALARIES AND BENEFITS	POSITIONS 488	
	FROM GENERAL REVENUE FUND	1,998,464	
	FROM INMATE WELFARE TRUST FUND		233,718
641	EXPENSES		
	FROM GENERAL REVENUE FUND	1,611,742	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,000
	FROM INMATE WELFARE TRUST FUND		43,286
642	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	1,354,439	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,841
644	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	128,536	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,509
644A	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	169,441	
645	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	334,870	
645A	SPECIAL CATEGORIES		
	PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	15,782,215	
	FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND		448,269
646	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	92,816	
647	FIXED CAPITAL OUTLAY		
	CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	1,622,340	
TOTAL:	ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS		
	FROM GENERAL REVENUE FUND	23,094,863	
	FROM TRUST FUNDS		793,623
	TOTAL POSITIONS	488	
	TOTAL ALL FUNDS		23,888,486

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MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS

648	SALARIES AND BENEFITS POSITIONS	827	
	FROM GENERAL REVENUE FUND	33,584,770	
	FROM INMATE WELFARE TRUST FUND		389,953
649	EXPENSES		
	FROM GENERAL REVENUE FUND	2,447,451	
	FROM GRANTS AND DONATIONS TRUST FUND		281,311
	FROM INMATE WELFARE TRUST FUND		86,572
650	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	24,000	
	FROM GRANTS AND DONATIONS TRUST FUND		500,000
651	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	1,572,133	
	FROM GRANTS AND DONATIONS TRUST FUND		483,667
652	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	217,664	
	FROM GRANTS AND DONATIONS TRUST FUND		191,046
652A	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	287,737	
653	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	741,265	
654	SPECIAL CATEGORIES		
	PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	9,220,130	
	FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND		158,486
655	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	82,569	
656	FIXED CAPITAL OUTLAY		
	CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	952,237	
TOTAL:	MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS		
	FROM GENERAL REVENUE FUND	49,129,956	
	FROM TRUST FUNDS		2,091,035
	TOTAL POSITIONS	827	
	TOTAL ALL FUNDS		51,220,991

SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS

657	SALARIES AND BENEFITS POSITIONS	4,391	
	FROM GENERAL REVENUE FUND	176,389,584	
	FROM OPERATING TRUST FUND		150,056
	FROM INMATE WELFARE TRUST FUND		467,436
658	EXPENSES		
	FROM GENERAL REVENUE FUND	13,644,035	
	FROM OPERATING TRUST FUND		13,157
	FROM INMATE WELFARE TRUST FUND		86,572
659	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	5,738,000	
660	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	1,416,828	

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660A	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	1,527,756	
661	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,068,964	
662	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	106,844	
TOTAL:	SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS		
	FROM GENERAL REVENUE FUND	200,892,011	
	FROM TRUST FUNDS		717,221
	TOTAL POSITIONS	4,391	
	TOTAL ALL FUNDS		201,609,232

RECEPTION CENTER OPERATIONS

663	SALARIES AND BENEFITS POSITIONS	1,479	
	FROM GENERAL REVENUE FUND	60,324,598	
	FROM INMATE WELFARE TRUST FUND		311,624
664	EXPENSES		
	FROM GENERAL REVENUE FUND	5,006,248	
	FROM GRANTS AND DONATIONS TRUST FUND		48,106
	FROM INMATE WELFARE TRUST FUND		43,286
664A	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND		250,000
665	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	4,140,711	
	FROM GRANTS AND DONATIONS TRUST FUND		32,449
666	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	370,703	
	FROM GRANTS AND DONATIONS TRUST FUND		46,893
666A	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	514,239	
667	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,504,726	
668	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	102,840	
TOTAL:	RECEPTION CENTER OPERATIONS		
	FROM GENERAL REVENUE FUND	71,964,065	
	FROM TRUST FUNDS		732,358
	TOTAL POSITIONS	1,479	
	TOTAL ALL FUNDS		72,696,423

PUBLIC SERVICE WORKSQUADS AND WORK RELEASE TRANSITION

669	SALARIES AND BENEFITS POSITIONS	861	
	FROM GENERAL REVENUE FUND	21,378,139	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		10,631,448
	FROM GRANTS AND DONATIONS TRUST FUND		36,485
670	EXPENSES		
	FROM GENERAL REVENUE FUND	3,176,790	

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FROM CORRECTIONAL WORK PROGRAM TRUST FUND		977,984
FROM INMATE WELFARE TRUST FUND		103,975
671 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	113,907	
672 FOOD PRODUCTS		
FROM GENERAL REVENUE FUND	2,230,668	
673 LUMP SUM		
CORRECTIONAL WORK PROGRAMS		
POSITIONS	75	
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		5,571,286

The funds and positions in Specific Appropriation 673 from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These positions and funds shall be released as needed upon execution of interagency community service squad contract(s).

674 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		2,193,000
675 SPECIAL CATEGORIES		
FOOD SERVICE AND PRODUCTION		
FROM GENERAL REVENUE FUND	504,143	
FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND		87,962
675A SPECIAL CATEGORIES		
OVERTIME		
FROM GENERAL REVENUE FUND	340,970	
676 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	1,772,501	
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		70,782
TOTAL: PUBLIC SERVICE WORKSQUADS AND WORK RELEASE TRANSITION		
FROM GENERAL REVENUE FUND	29,517,118	
FROM TRUST FUNDS		19,672,922
TOTAL POSITIONS	936	
TOTAL ALL FUNDS		49,190,040

ROAD PRISON OPERATIONS

677 SALARIES AND BENEFITS POSITIONS	98	
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		4,424,672
678 EXPENSES		
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		908,000
679 FOOD PRODUCTS		
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		543,729
680 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		122,500
681 SPECIAL CATEGORIES		
FOOD SERVICE AND PRODUCTION		
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		53,567

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682 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	93,152	
683 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	31,039	
TOTAL: ROAD PRISON OPERATIONS		
FROM GENERAL REVENUE FUND	124,191	
FROM TRUST FUNDS		6,052,468
TOTAL POSITIONS	98	
TOTAL ALL FUNDS		6,176,659

OFFENDER MANAGEMENT AND CONTROL

684 SALARIES AND BENEFITS POSITIONS	1,299	
FROM GENERAL REVENUE FUND	48,499,073	
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		90,585
685 EXPENSES		
FROM GENERAL REVENUE FUND	2,082,666	
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		13,959
FROM INMATE WELFARE TRUST FUND		97,073
686 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	26,906	
686A SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	1,489,496	
TOTAL: OFFENDER MANAGEMENT AND CONTROL		
FROM GENERAL REVENUE FUND	52,098,141	
FROM TRUST FUNDS		201,617
TOTAL POSITIONS	1,299	
TOTAL ALL FUNDS		52,299,758

EXECUTIVE DIRECTION AND SUPPORT SERVICES

687 SALARIES AND BENEFITS POSITIONS	220	
FROM GENERAL REVENUE FUND	8,569,660	
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		35,385
688 OTHER PERSONAL SERVICES		
FROM GRANTS AND DONATIONS TRUST FUND		75,000
FROM INMATE WELFARE TRUST FUND		581,686
689 EXPENSES		
FROM GENERAL REVENUE FUND	5,582,209	
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		5,952
FROM GRANTS AND DONATIONS TRUST FUND		351,785
690 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	98,350	
690A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	100,000	
FROM CORRECTIONAL WORK PROGRAM TRUST FUND		122,500
690B SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	297,899	

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TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND	14,648,118	
FROM TRUST FUNDS		1,172,308
TOTAL POSITIONS	220	
TOTAL ALL FUNDS		15,820,426

CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR

691 SALARIES AND BENEFITS POSITIONS	665	
FROM GENERAL REVENUE FUND	25,903,745	
692 EXPENSES		
FROM GENERAL REVENUE FUND	51,994,217	
693 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	110,513	
694 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	113,391	
694A FIXED CAPITAL OUTLAY		
FACILITIES REPAIRS AND MAINTENANCE		
FROM GENERAL REVENUE FUND	2,000,000	

Funds provided in Specific Appropriation 694A are provided for major repairs, renovations, and improvements for correctional institutions. The department shall provide a quarterly report to the Senate Budget Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting detailing the following: (a) the allocation of these funds to specific institutions and projects; (b) the estimated cost of each project; (c) the projected start and completion date for each project; and (d) the current status of each project expressed in terms of the percentage completed.

694B FIXED CAPITAL OUTLAY		
IMPROVEMENTS TO SECURITY SYSTEMS		
FROM GENERAL REVENUE FUND	2,350,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,200,000

Funds provided in Specific Appropriation 694B are provided for improvements to security systems at correctional institutions. The department shall provide a quarterly report to the Senate Budget Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting detailing the following: (a) the allocation of these funds to specific institutions and projects; (b) the estimated cost of each project; (c) the projected start and completion date for each project; and (d) the current status of each project expressed in terms of the percentage completed.

694C FIXED CAPITAL OUTLAY		
VISITING AREA FOR INMATE FAMILIES/FRIENDS		
FROM INMATE WELFARE TRUST FUND		1,500,000

TOTAL: CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR

FROM GENERAL REVENUE FUND	82,471,866	
FROM TRUST FUNDS		4,700,000
TOTAL POSITIONS	665	
TOTAL ALL FUNDS		87,171,866

INFORMATION TECHNOLOGY

695 SALARIES AND BENEFITS POSITIONS	21	
FROM GENERAL REVENUE FUND	1,115,865	
696 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	142,424	
FROM INMATE WELFARE TRUST FUND		256,686
697 EXPENSES		
FROM GENERAL REVENUE FUND	6,689,159	

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698 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	1,174,770	
FROM INMATE WELFARE TRUST FUND		534,323
699 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM GENERAL REVENUE FUND	226,334	
700 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	234,355	
FROM INMATE WELFARE TRUST FUND		390,677

TOTAL: INFORMATION TECHNOLOGY

FROM GENERAL REVENUE FUND	9,582,907	
FROM TRUST FUNDS		1,181,686
TOTAL POSITIONS	21	
TOTAL ALL FUNDS		10,764,593

PROGRAM: COMMUNITY CORRECTIONS

From the funds in Specific Appropriations 701 through 736, the Community Corrections Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994, to assist sentenced felony offenders to become productive law abiding citizens by supervising them in the community, holding offenders accountable to the conditions of their supervision, detecting violations of those conditions, and apprehending offenders when supervision violations or new crimes occur:

Performance Measures - Outcomes	FY 2000-2001 Standards
Number/percentage of offenders who abscond within 2 years	FY 2001-2002 LBR
Number/percentage of offenders who had their supervision revoked within two years	FY 2001-2002 LBR

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

PROBATION SUPERVISION

701 SALARIES AND BENEFITS POSITIONS	2,356	
FROM GENERAL REVENUE FUND	91,631,700	
FROM GRANTS AND DONATIONS TRUST FUND . . .		189,763
FROM INMATE WELFARE TRUST FUND		78,839
702 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	49,138	
703 EXPENSES		
FROM GENERAL REVENUE FUND	8,472,283	
FROM GRANTS AND DONATIONS TRUST FUND . . .		14,108
FROM OPERATING TRUST FUND		2,238,167
FROM INMATE WELFARE TRUST FUND		14,408
704 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	88,877	
FROM OPERATING TRUST FUND		284,640
705 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	736,590	

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706	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	128,010	
TOTAL:	PROBATION SUPERVISION FROM GENERAL REVENUE FUND	101,106,598	
	FROM TRUST FUNDS		2,819,925
	TOTAL POSITIONS	2,356	
	TOTAL ALL FUNDS		103,926,523

DRUG OFFENDER PROBATION SUPERVISION

707	SALARIES AND BENEFITS POSITIONS	570	
	FROM GENERAL REVENUE FUND	23,312,095	
708	EXPENSES		
	FROM GENERAL REVENUE FUND	3,931,335	
	FROM OPERATING TRUST FUND		656,946
708A	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	21,370	
709	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	206,465	
TOTAL:	DRUG OFFENDER PROBATION SUPERVISION FROM GENERAL REVENUE FUND	27,471,265	
	FROM TRUST FUNDS		656,946
	TOTAL POSITIONS	570	
	TOTAL ALL FUNDS		28,128,211

PRE TRIAL INTERVENTION SUPERVISION

710	SALARIES AND BENEFITS POSITIONS	123	
	FROM GENERAL REVENUE FUND	3,628,998	
711	EXPENSES FROM GENERAL REVENUE FUND	268,997	
TOTAL:	PRE TRIAL INTERVENTION SUPERVISION FROM GENERAL REVENUE FUND	3,897,995	
	TOTAL POSITIONS	123	
	TOTAL ALL FUNDS		3,897,995

COMMUNITY CONTROL SUPERVISION

713	SALARIES AND BENEFITS POSITIONS	719	
	FROM GENERAL REVENUE FUND	27,951,870	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,017,607
714	EXPENSES		
	FROM GENERAL REVENUE FUND	4,357,920	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		212,243
	FROM OPERATING TRUST FUND		681,593
715	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	236,382	
716	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GRANTS AND DONATIONS TRUST FUND . . .		30,030
717	SPECIAL CATEGORIES ELECTRONIC MONITORING FROM GENERAL REVENUE FUND	2,349,375	
	FROM OPERATING TRUST FUND		114,700

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From the funds in Specific Appropriation 717, $1,500,000 in General Revenue is provided to expand the use of supervising offenders using Global Positioning Satellite (GPS) monitoring. These funds shall initially be placed in reserve by the Governor's Office of Policy and Budgeting and shall only be released after the department solicits proposals from more than one vendor that detail the services that will be delivered, the expected results, and recommended performance measures. The funds shall be released upon the execution of a contract to the most qualified vendor that includes mutually agreed upon performance measures. The department shall continue to use radio frequency electronic monitoring in addition to GPS monitoring. The department shall not expend funds for electronic monitoring in excess of the funds provided in Specific Appropriation 717 unless such expenditure has been approved pursuant to the budget amendment provisions of Chapter 216, Florida Statutes.

TOTAL:	COMMUNITY CONTROL SUPERVISION FROM GENERAL REVENUE FUND	34,895,547	
	FROM TRUST FUNDS		3,056,173
	TOTAL POSITIONS	719	
	TOTAL ALL FUNDS		37,951,720

POST PRISON RELEASE SUPERVISION

718	SALARIES AND BENEFITS POSITIONS	115	
	FROM GENERAL REVENUE FUND	4,470,744	
719	EXPENSES		
	FROM GENERAL REVENUE FUND	697,025	
	FROM OPERATING TRUST FUND		109,017
720	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	37,808	
TOTAL:	POST PRISON RELEASE SUPERVISION FROM GENERAL REVENUE FUND	5,205,577	
	FROM TRUST FUNDS		109,017
	TOTAL POSITIONS	115	
	TOTAL ALL FUNDS		5,314,594

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

721	EXPENSES		
	FROM GENERAL REVENUE FUND	5,639,534	
	FROM INMATE WELFARE TRUST FUND		150,000
722	LUMP SUM INVOLUNTARY CIVIL COMMITMENT FOR SEXUALLY VIOLENT PREDATORS' TREATMENT AND CARE FROM GRANTS AND DONATIONS TRUST FUND . . .		1,500,000
723	SPECIAL CATEGORIES GRANTS AND AIDS - ASSISTANCE ALTERNATIVES TO INCARCERATION PROGRAMS FROM GENERAL REVENUE FUND	500,000	
723A	SPECIAL CATEGORIES LOCAL COMMUNITY CONTROL PROJECTS FROM GENERAL REVENUE FUND	2,473,000	

Funds in Specific Appropriation 723A are provided for the following local community control and transition projects:

New Horizons Dual Diagnosis Aftercare Residential Program.....	550,000
Dade HART.....	500,000
Clearwater Community Services Program.....	158,000
New Horizons Family Intervention and Support Program.....	500,000

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The Jail Alternative Project		400,000
Bridges of America Post Release Transitional Housing Program		365,000
725 SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	545,180	
726 SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS FROM GENERAL REVENUE FUND	22,593,488	
FROM GRANTS AND DONATIONS TRUST FUND		2,000,000

From the funds in Specific Appropriation 726, $2,000,000 from the Grants and Donations Trust Fund is provided for secure and non-secure drug treatment beds. Expenditure of these funds is contingent upon receipt of sufficient federal reimbursements for incarcerated aliens above the $15,000,000 transferred to General Revenue in Specific Appropriation 630B.

726A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY PINELLAS COUNTY SECURE DRUG TREATMENT FACILITY FOR OFFENDERS FROM GENERAL REVENUE FUND	200,000	
TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES FROM GENERAL REVENUE FUND	31,951,202	
FROM TRUST FUNDS		3,650,000
TOTAL ALL FUNDS		35,601,202

OFFENDER MANAGEMENT AND CONTROL

727 SALARIES AND BENEFITS POSITIONS	65	
FROM GENERAL REVENUE FUND	1,719,268	
FROM GRANTS AND DONATIONS TRUST FUND		345,069
727A OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	20,545	
728 EXPENSES FROM GENERAL REVENUE FUND	538,652	
TOTAL: OFFENDER MANAGEMENT AND CONTROL FROM GENERAL REVENUE FUND	2,278,465	
FROM TRUST FUNDS		345,069
TOTAL POSITIONS	65	
TOTAL ALL FUNDS		2,623,534

INFORMATION TECHNOLOGY

729 SALARIES AND BENEFITS POSITIONS	20	
FROM GENERAL REVENUE FUND	933,071	
730 EXPENSES FROM GENERAL REVENUE FUND	1,540,196	
FROM OPERATING TRUST FUND		424,010
731 OPERATING CAPITAL OUTLAY FROM OPERATING TRUST FUND		519,737
732 DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM OPERATING TRUST FUND		244,901
TOTAL: INFORMATION TECHNOLOGY FROM GENERAL REVENUE FUND	2,473,267	
FROM TRUST FUNDS		1,188,648
TOTAL POSITIONS	20	
TOTAL ALL FUNDS		3,661,915

COMMUNITY FACILITY OPERATIONS

733 SALARIES AND BENEFITS POSITIONS	109	
FROM GENERAL REVENUE FUND	1,025,499	
FROM OPERATING TRUST FUND		3,561,009
734 EXPENSES FROM GENERAL REVENUE FUND	1,125,432	
735 FOOD PRODUCTS FROM GENERAL REVENUE FUND	336,437	
736 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	39,625	
TOTAL: COMMUNITY FACILITY OPERATIONS FROM GENERAL REVENUE FUND	2,526,993	
FROM TRUST FUNDS		3,561,009
TOTAL POSITIONS	109	
TOTAL ALL FUNDS		6,088,002

PROGRAM: HEALTH SERVICES

From the funds in Specific Appropriations 737 through 750, the Department of Corrections shall issue a Request for Proposal (RFP) no later than September 1, 2000 for the provision of health care services to inmates in the custody of the Department of Corrections (DOC) in Region Four, excluding those inmates housed in institutions authorized under the provisions of Chapter 957, Florida Statutes. The RFP shall request responders to submit options to provide inmates with health care services that are compatible to the current standard Medicaid service level of health care, but include a requirement to provide an enhanced Medicaid service level of care that includes dental, mental health and pharmacy programs.

The purpose of the RFP is to secure one or more private vendors to provide the minimal constitutionally adequate level of health care to inmates at a cost savings when compared to the department's actual FY 1999-2000 health care expenditures. DOC shall develop the RFP in coordination with the Correctional Privatization Commission and the Agency for Health Care Administration. When developing the RFP, DOC shall also consult with the Correctional Medical Authority and the Department of Legal Affairs to ensure that the proposal requests the minimal constitutionally adequate level of health care the state is required to provide to inmates. The RFP shall not require specific staffing standards and should encourage innovation in providing health care to inmates in the department's custody.

Within 60 days of the closing period for responses to the RFP, DOC shall notify the Executive Office of the Governor; the Chairs of the Senate Committees on Budget and Criminal Justice; and the Chairs of the House Fiscal Responsibility Council and Committee on Corrections of its intent to award a contract for the provision of health care services and submit a budget amendment placing the appropriate positions in reserve and transferring funds to the proper appropriation categories in accordance with the provisions of Chapter 216, Florida Statutes. A contract shall not be executed until the funds have been transferred.

From the funds in Specific Appropriations 737 through 750, the Health Services Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994, to protect the public and maintain a humane environment in correctional institutions for incarcerated offenders and the staff that maintains custody of them by applying effective basic health care treatment to inmates:

Performance	FY 2000-2001

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Measures - Outcomes	Standards
Percentage of health care grievances upheld	3.0%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

INMATE HEALTH SERVICES

737	SALARIES AND BENEFITS	POSITIONS	2,006	
	FROM GENERAL REVENUE FUND		90,276,888	
738	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		1,637,743	
739	EXPENSES			
	FROM GENERAL REVENUE FUND		7,366,382	
740	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		276,921	
741	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		1,941,259	
742	SPECIAL CATEGORIES			
	INMATE HEALTH SERVICES			
	FROM GENERAL REVENUE FUND		65,676,418	
743	SPECIAL CATEGORIES			
	TREATMENT OF INMATES - GENERAL DRUGS			
	FROM GENERAL REVENUE FUND		16,099,398	
744	SPECIAL CATEGORIES			
	TREATMENT OF INMATES - PSYCHOTROPIC DRUGS			
	FROM GENERAL REVENUE FUND		9,918,987	
TOTAL:	INMATE HEALTH SERVICES			
	FROM GENERAL REVENUE FUND		193,193,996	
	TOTAL POSITIONS		2,006	
	TOTAL ALL FUNDS			193,193,996

TREATMENT OF INMATES WITH INFECTIOUS DISEASES

745	SALARIES AND BENEFITS	POSITIONS	10	
	FROM GENERAL REVENUE FUND		116,395	
	FROM GRANTS AND DONATIONS TRUST FUND			240,980
746	OTHER PERSONAL SERVICES			
	FROM GRANTS AND DONATIONS TRUST FUND			66,839
747	EXPENSES			
	FROM GENERAL REVENUE FUND		200,000	
	FROM GRANTS AND DONATIONS TRUST FUND			53,322
748	OPERATING CAPITAL OUTLAY			
	FROM GRANTS AND DONATIONS TRUST FUND			27,019
749	SPECIAL CATEGORIES			
	INMATE HEALTH SERVICES			
	FROM GENERAL REVENUE FUND		5,252,405	
750	SPECIAL CATEGORIES			
	TREATMENT OF INMATES - INFECTIOUS DISEASE DRUGS			
	FROM GENERAL REVENUE FUND		27,966,581	

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TOTAL:	TREATMENT OF INMATES WITH INFECTIOUS DISEASES		
	FROM GENERAL REVENUE FUND	33,535,381	
	FROM TRUST FUNDS		388,160
	TOTAL POSITIONS	10	
	TOTAL ALL FUNDS		33,923,541

PROGRAM: EDUCATION AND PROGRAMS

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

From the funds in Specific Appropriations 751 through 766, the Education and Rehabilitation Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994, by providing offenders with educational, vocational and life management opportunities:

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of inmates who successfully complete GED Education Programs	14.0%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

751	SALARIES AND BENEFITS	POSITIONS	93	
	FROM GENERAL REVENUE FUND		2,748,885	
	FROM GRANTS AND DONATIONS TRUST FUND			102,801
752	EXPENSES			
	FROM GENERAL REVENUE FUND		358,327	
	FROM GRANTS AND DONATIONS TRUST FUND			622,865
752A	OPERATING CAPITAL OUTLAY			
	FROM GRANTS AND DONATIONS TRUST FUND			5,154
753	SPECIAL CATEGORIES			
	CONTRACT DRUG ABUSE SERVICES			
	FROM GENERAL REVENUE FUND		5,165,414	
	FROM GRANTS AND DONATIONS TRUST FUND			1,718,153
	FROM INMATE WELFARE TRUST FUND			4,000,000
TOTAL:	ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES			
	FROM GENERAL REVENUE FUND		8,272,626	
	FROM TRUST FUNDS			6,448,973
	TOTAL POSITIONS		93	
	TOTAL ALL FUNDS			14,721,599

BASIC EDUCATION SKILLS

754	SALARIES AND BENEFITS	POSITIONS	614	
	FROM GENERAL REVENUE FUND		13,651,385	
	FROM GRANTS AND DONATIONS TRUST FUND			2,561,869
	FROM INMATE WELFARE TRUST FUND			8,291,132
755	OTHER PERSONAL SERVICES			
	FROM GRANTS AND DONATIONS TRUST FUND			854,733
	FROM INMATE WELFARE TRUST FUND			2,291,959
756	EXPENSES			
	FROM GENERAL REVENUE FUND		574,891	
	FROM GRANTS AND DONATIONS TRUST FUND			2,592,049
	FROM INMATE WELFARE TRUST FUND			4,385,124

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757 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,093
FROM GRANTS AND DONATIONS TRUST FUND . . . 537,832

758 SPECIAL CATEGORIES
GRANTS AND AIDS - EVEN START FAMILY LITERACY PROJECT
FROM GRANTS AND DONATIONS TRUST FUND . . . 494,974

759 SPECIAL CATEGORIES
MAJOR INSTITUTIONS LAW LIBRARY
FROM GENERAL REVENUE FUND 69,229

760 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 117,473

TOTAL: BASIC EDUCATION SKILLS
FROM GENERAL REVENUE FUND 14,416,071
FROM TRUST FUNDS 22,009,672

TOTAL POSITIONS 614
TOTAL ALL FUNDS 36,425,743

ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT

761 SALARIES AND BENEFITS POSITIONS 231
FROM GENERAL REVENUE FUND 7,916,636
FROM GRANTS AND DONATIONS TRUST FUND . . . 636,128
FROM OPERATING TRUST FUND 184,128
FROM INMATE WELFARE TRUST FUND 1,349,719

762 OTHER PERSONAL SERVICES
FROM INMATE WELFARE TRUST FUND 57,853

763 EXPENSES
FROM GENERAL REVENUE FUND 1,975,568
FROM GRANTS AND DONATIONS TRUST FUND . . . 176,760
FROM OPERATING TRUST FUND 132,488
FROM INMATE WELFARE TRUST FUND 796,306

765 SPECIAL CATEGORIES
GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM
FROM GENERAL REVENUE FUND 150,000

Funds in Specific Appropriation 765 shall be used to contract with Transition, Inc. for on-the-job training services for offenders after their release from state prison.

766 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 31,227

TOTAL: ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT
FROM GENERAL REVENUE FUND 10,073,431
FROM TRUST FUNDS 3,333,382

TOTAL POSITIONS 231
TOTAL ALL FUNDS 13,406,813

JUSTICE ADMINISTRATION

PROGRAM: JUSTICE ADMINISTRATIVE COMMISSION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

774 SALARIES AND BENEFITS POSITIONS 31
FROM GENERAL REVENUE FUND 1,242,432
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,381

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775 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,094

776 EXPENSES
FROM GENERAL REVENUE FUND 355,893
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,825

777 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,322

778 LUMP SUM
STATE ATTORNEY, PUBLIC DEFENDER CONTRACT/ GRANT POSITIONS
POSITIONS 28

The positions in Specific Appropriation 778 are provided for State Attorneys and Public Defenders to utilize with grants received during the 2000-2001 Fiscal Year that will recur for a minimum of 3 years. The commission may request the transfer of these positions to the offices of the State Attorneys and Public Defenders as needed. Such transfer is contingent upon the commission notifying and providing documentation of the grant received to the Senate Budget Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting. Such notification is subject to the legislative objection provisions of Chapter 216, Florida Statutes.

778A LUMP SUM
REPLACEMENT OF INFORMATION TECHNOLOGY EQUIPMENT
FROM GENERAL REVENUE FUND 138,000

779A SPECIAL CATEGORIES
SEXUAL PREDATOR CIVIL COMMITMENT LITIGATION COSTS
FROM GENERAL REVENUE FUND 1,080,000

Funds in Specific Appropriation 779A are provided for case-related expenses associated with prosecuting and defending sexual predator civil commitment cases including, but not limited to, expert witness fees and court reporter costs. These funds shall not be used to compensate court appointed attorneys. The Justice Administrative Commission is authorized to pay up to $5,000 per case for case-related expenses incurred by the State Attorney and the Public Defender, for a combined maximum of $10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports to the Senate Budget Committee and the House Fiscal Responsibility Council describing, by judicial circuit, requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.

779B SPECIAL CATEGORIES
DEPENDENCY COUNSEL
FROM GENERAL REVENUE FUND 3,500,000

779C SPECIAL CATEGORIES
POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS
FROM GENERAL REVENUE FUND 2,492,500

780 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF MANAGEMENT SERVICES FOR COPES
FROM GENERAL REVENUE FUND 90,125

781 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,017

781A SPECIAL CATEGORIES
STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT
FROM GENERAL REVENUE FUND 134,620

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781B SPECIAL CATEGORIES		
STATE ATTORNEY AND PUBLIC DEFENDER TRAINING		
FROM GENERAL REVENUE FUND	35,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		125,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	9,115,003	
FROM TRUST FUNDS		159,206
TOTAL POSITIONS	59	
TOTAL ALL FUNDS		9,274,209

STATE ATTORNEYS

The Prosecution Coordination Office's budgetary, training, and education needs may be shared by each State Attorney's office within the funds provided in Specific Appropriations 782 through 924A. Funding for this office shall not exceed $338,250.

From the funds provided in Specific Appropriations 782 through 924A, new Assistant State Attorney positions shall be established at a rate not to exceed $32,765.

The State Attorneys shall not spend funds from any source when such expenditure would create a future year increased state funding obligation unless the Legislature has specifically appropriated funds for such purpose in the General Appropriations Act or the expenditure has been approved pursuant to the budget amendment provisions of Chapter 216, Florida Statutes.

From the funds provided in Specific Appropriations 782 through 924A, each State Attorney shall provide a report by September 1, 2000, to the Senate Budget Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budget detailing each federal, state and local grant received by the office, in a format specified by the Senate Budget Committee and the House Fiscal Responsibility Council.

Funds in Specific Appropriations 788A, 795A, 802A, 809A, 816A, 823A, 830A, 837A, 844A, 851A, 858A, 865A, 872A, 879A, 886A, 893A, 901A, 909A, 917A and 924A are provided for non-recurring bonuses for Assistant State Attorneys at the discretion of the State Attorney. By September 1, 2000, each State Attorney shall provide a report to the Senate Budget Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budgeting detailing the turnover of Assistant State Attorneys in their office for the prior fiscal year, in a format specified by the Senate Budget Committee and the House Fiscal Responsibility Council.

PROGRAM: FIRST JUDICIAL CIRCUIT

782 SALARIES AND BENEFITS POSITIONS	197	
FROM GENERAL REVENUE FUND	9,033,139	
FROM GRANTS AND DONATIONS TRUST FUND . . .		329,198
783 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	17,213	
784 EXPENSES		
FROM GENERAL REVENUE FUND	460,304	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		8,750
FROM GRANTS AND DONATIONS TRUST FUND . . .		67,000
785 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	87,296	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		32,600
FROM GRANTS AND DONATIONS TRUST FUND . . .		26,800

From the funds and positions provided in Specific Appropriations 782, 784, and 785, 3 positions and $133,617 in recurring and $13,233 in non-recurring General Revenue is provided for an Early Case Resolution Division in the First Judicial Circuit.

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785A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		72,000
786 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	38,587	
787 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	9,998	
788 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	56,993	
788A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	29,739	
TOTAL: PROGRAM: FIRST JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	9,733,269	
FROM TRUST FUNDS		536,348
TOTAL POSITIONS	197	
TOTAL ALL FUNDS		10,269,617

PROGRAM: SECOND JUDICIAL CIRCUIT

789 SALARIES AND BENEFITS POSITIONS	113	
FROM GENERAL REVENUE FUND	5,288,603	
FROM GRANTS AND DONATIONS TRUST FUND . . .		347,830
790 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	18,386	
FROM GRANTS AND DONATIONS TRUST FUND . . .		205,980
791 EXPENSES		
FROM GENERAL REVENUE FUND	341,056	
FROM GRANTS AND DONATIONS TRUST FUND . . .		67,740
792 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	49,120	
FROM GRANTS AND DONATIONS TRUST FUND . . .		169,057
792A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		18,000
793 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	33,415	
794 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	8,195	
795 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	22,446	
795A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	19,826	
TOTAL: PROGRAM: SECOND JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	5,781,047	
FROM TRUST FUNDS		808,607
TOTAL POSITIONS	113	
TOTAL ALL FUNDS		6,589,654

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PROGRAM: THIRD JUDICIAL CIRCUIT

796	SALARIES AND BENEFITS POSITIONS	61	
	FROM GENERAL REVENUE FUND	3,029,857	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		131,098
797	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,605	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		33,800
798	EXPENSES		
	FROM GENERAL REVENUE FUND	258,895	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		34,030
799	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	17,065	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		55,745
799A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		95,000
800	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	22,697	
801	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,110	
802	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	2,813	
	FROM CIVIL RICO TRUST FUND		11,946
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,054
802A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	9,391	
TOTAL:	PROGRAM: THIRD JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	3,349,433	
	FROM TRUST FUNDS		364,673
	TOTAL POSITIONS	61	
	TOTAL ALL FUNDS		3,714,106

PROGRAM: FOURTH JUDICIAL CIRCUIT

803	SALARIES AND BENEFITS POSITIONS	342	
	FROM GENERAL REVENUE FUND	15,170,218	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		849,161
804	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	147,500	
	FROM CONSUMER FRAUDS TRUST FUND		21,272
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		63,815
	FROM GRANTS AND DONATIONS TRUST FUND . . .		352,283
805	EXPENSES		
	FROM GENERAL REVENUE FUND	384,523	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		5,343
	FROM GRANTS AND DONATIONS TRUST FUND . . .		478,263
806	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	128,731	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		105,588
	FROM GRANTS AND DONATIONS TRUST FUND . . .		339,426

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806A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		72,000
807	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	90,415	
808	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	11,547	
809	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	49,653	
809A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	44,348	
TOTAL:	PROGRAM: FOURTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	16,026,935	
	FROM TRUST FUNDS		2,287,151
	TOTAL POSITIONS	342	
	TOTAL ALL FUNDS		18,314,086

PROGRAM: FIFTH JUDICIAL CIRCUIT

810	SALARIES AND BENEFITS POSITIONS	207	
	FROM GENERAL REVENUE FUND	9,037,728	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		384,946
811	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	10,732	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		95,178
812	EXPENSES		
	FROM GENERAL REVENUE FUND	343,236	
	FROM CIVIL RICO TRUST FUND		1,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		23,383
813	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	87,406	
813A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,496
814	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	43,506	
815	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	15,938	
816	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	37,689	
816A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	42,783	
TOTAL:	PROGRAM: FIFTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	9,619,018	
	FROM TRUST FUNDS		543,003
	TOTAL POSITIONS	207	
	TOTAL ALL FUNDS		10,162,021

SECTION 4
SPECIFIC
APPROPRIATION

PROGRAM: SIXTH JUDICIAL CIRCUIT

817	SALARIES AND BENEFITS POSITIONS	458	
	FROM GENERAL REVENUE FUND	18,768,339	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,533,457
818	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	64,204	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		64,772
819	EXPENSES		
	FROM GENERAL REVENUE FUND	613,651	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		298,853
820	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	108,614	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		295,503
820A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		140,000
821	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	111,509	
822	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	23,009	
823	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	49,161	
823A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	69,913	
TOTAL:	PROGRAM: SIXTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	19,808,400	
	FROM TRUST FUNDS		3,332,585
	TOTAL POSITIONS	458	
	TOTAL ALL FUNDS		23,140,985

PROGRAM: SEVENTH JUDICIAL CIRCUIT

824	SALARIES AND BENEFITS POSITIONS	219	
	FROM GENERAL REVENUE FUND	9,883,100	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		569,586
825	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,264	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		33,800
826	EXPENSES		
	FROM GENERAL REVENUE FUND	483,615	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		24,414
827	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	66,472	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		17,750
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,070
827A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		72,000
828	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	85,996	

SECTION 4
SPECIFIC
APPROPRIATION

829	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,171	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		13,689
830	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	16,719	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		8,000
830A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	42,783	
TOTAL:	PROGRAM: SEVENTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	10,610,120	
	FROM TRUST FUNDS		814,309
	TOTAL POSITIONS	219	
	TOTAL ALL FUNDS		11,424,429

PROGRAM: EIGHTH JUDICIAL CIRCUIT

831	SALARIES AND BENEFITS POSITIONS	147	
	FROM GENERAL REVENUE FUND	5,645,610	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,205,716
832	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,640	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		47,027
833	EXPENSES		
	FROM GENERAL REVENUE FUND	251,881	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		341,753
834	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	68,898	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		61,600
834A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
835	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	28,732	
836	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,676	
837	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	27,823	
837A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	32,348	
TOTAL:	PROGRAM: EIGHTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	6,077,608	
	FROM TRUST FUNDS		1,704,996
	TOTAL POSITIONS	147	
	TOTAL ALL FUNDS		7,782,604

PROGRAM: NINTH JUDICIAL CIRCUIT

838	SALARIES AND BENEFITS POSITIONS	301	
	FROM GENERAL REVENUE FUND	13,693,551	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		124,031
	FROM GRANTS AND DONATIONS TRUST FUND . . .		328,292

SECTION 4 SPECIFIC APPROPRIATION		
839 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	92,265	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		63,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		44,980
840 EXPENSES		
FROM GENERAL REVENUE FUND	368,997	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		23,643
FROM GRANTS AND DONATIONS TRUST FUND . . .		34,790
841 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	126,879	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		106,134
FROM GRANTS AND DONATIONS TRUST FUND . . .		23,157
841A SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		55,500
FROM GRANTS AND DONATIONS TRUST FUND . . .		18,500
842 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	119,314	
843 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	27,936	
844 SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	62,184	
FROM GRANTS AND DONATIONS TRUST FUND . . .		6,600
844A SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	56,348	
TOTAL: PROGRAM: NINTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	14,547,474	
FROM TRUST FUNDS		828,627
TOTAL POSITIONS	301	
TOTAL ALL FUNDS		15,376,101
PROGRAM: TENTH JUDICIAL CIRCUIT		
845 SALARIES AND BENEFITS POSITIONS	200	
FROM GENERAL REVENUE FUND	8,514,606	
FROM GRANTS AND DONATIONS TRUST FUND . . .		610,944
846 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	17,871	
FROM GRANTS AND DONATIONS TRUST FUND . . .		103,262
847 EXPENSES		
FROM GENERAL REVENUE FUND	404,258	
FROM GRANTS AND DONATIONS TRUST FUND . . .		104,095
848 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	64,154	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		4,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		135,183

From the funds and positions provided in Specific Appropriations 845, 847, and 848, 5 positions and $222,389 in recurring and $21,071 in non-recurring General Revenue is provided for an Expedited Disposition Project in the Tenth Judicial Circuit.

SECTION 4 SPECIFIC APPROPRIATION		
848A SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		17,300
849 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	84,322	
850 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	14,545	
851 SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	10,879	
851A SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	34,435	
TOTAL: PROGRAM: TENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	9,145,070	
FROM TRUST FUNDS		974,784
TOTAL POSITIONS	200	
TOTAL ALL FUNDS		10,119,854
PROGRAM: ELEVENTH JUDICIAL CIRCUIT		
852 SALARIES AND BENEFITS POSITIONS	1,188	
FROM GENERAL REVENUE FUND	35,860,720	
FROM CHILD SUPPORT TRUST FUND		13,958,937
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,538,447
853 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	243,644	
FROM CHILD SUPPORT TRUST FUND		718,362
FROM GRANTS AND DONATIONS TRUST FUND . . .		63,774
854 EXPENSES		
FROM GENERAL REVENUE FUND	1,067,523	
FROM CHILD SUPPORT TRUST FUND		2,764,656
FROM CIVIL RICO TRUST FUND		82,000
FROM CONSUMER FRAUDS TRUST FUND		10,939
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		216,210
FROM GRANTS AND DONATIONS TRUST FUND . . .		311,408
855 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	243,208	
FROM CHILD SUPPORT TRUST FUND		357,689
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		531,615
FROM GRANTS AND DONATIONS TRUST FUND . . .		24,115
855A SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		130,000
856 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	332,571	
FROM CHILD SUPPORT TRUST FUND		31,880
857 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	22,500	
858 SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	68,835	

SECTION 4
SPECIFIC
APPROPRIATION

858A	SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES FROM GENERAL REVENUE FUND	144,521	
TOTAL:	PROGRAM: ELEVENTH JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND	37,983,522	
	FROM TRUST FUNDS		20,740,032
	TOTAL POSITIONS	1,188	
	TOTAL ALL FUNDS		58,723,554
PROGRAM: TWELFTH JUDICIAL CIRCUIT			
859	SALARIES AND BENEFITS POSITIONS	174	
	FROM GENERAL REVENUE FUND	8,264,643	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,056
860	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	11,375	
861	EXPENSES FROM GENERAL REVENUE FUND	380,522	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,589
862	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	68,121	
862A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
863	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	55,335	
864	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	9,580	
865	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	40,354	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,500
865A	SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES FROM GENERAL REVENUE FUND	40,696	
TOTAL:	PROGRAM: TWELFTH JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND	8,870,626	
	FROM TRUST FUNDS		36,145
	TOTAL POSITIONS	174	
	TOTAL ALL FUNDS		8,906,771
PROGRAM: THIRTEENTH JUDICIAL CIRCUIT			
866	SALARIES AND BENEFITS POSITIONS	323	
	FROM GENERAL REVENUE FUND	14,852,864	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		503,384
867	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	100,177	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		127,240
868	EXPENSES FROM GENERAL REVENUE FUND	332,546	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,802
869	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	158,562	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		23,800
	FROM GRANTS AND DONATIONS TRUST FUND . . .		66,500
870	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	118,608	
871	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	6,913	
872	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	35,004	
872A	SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES FROM GENERAL REVENUE FUND	66,783	
TOTAL:	PROGRAM: THIRTEENTH JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND	15,671,457	
	FROM TRUST FUNDS		735,726
	TOTAL POSITIONS	323	
	TOTAL ALL FUNDS		16,407,183
PROGRAM: FOURTEENTH JUDICIAL CIRCUIT			
873	SALARIES AND BENEFITS POSITIONS	92	
	FROM GENERAL REVENUE FUND	4,380,878	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		213,986
874	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	2,721	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		29,900
875	EXPENSES FROM GENERAL REVENUE FUND	243,647	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000
876	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	21,505	
877	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	14,282	
878	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	7,794	
879	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY FROM GENERAL REVENUE FUND	7,058	
879A	SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES FROM GENERAL REVENUE FUND	12,522	
TOTAL:	PROGRAM: FOURTEENTH JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND	4,690,407	
	FROM TRUST FUNDS		247,886
	TOTAL POSITIONS	92	
	TOTAL ALL FUNDS		4,938,293
PROGRAM: FIFTEENTH JUDICIAL CIRCUIT			
880	SALARIES AND BENEFITS POSITIONS	327	
	FROM GENERAL REVENUE FUND	14,314,542	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,341,090

SECTION 4 SPECIFIC APPROPRIATION		
881 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	56,629	
FROM GRANTS AND DONATIONS TRUST FUND . . .		103,920
882 EXPENSES		
FROM GENERAL REVENUE FUND	656,052	
FROM GRANTS AND DONATIONS TRUST FUND . . .		263,721
883 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	116,428	
FROM GRANTS AND DONATIONS TRUST FUND . . .		80,900
883A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		54,000
884 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	70,754	
885 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	10,702	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,000
886 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	28,059	
FROM GRANTS AND DONATIONS TRUST FUND . . .		21,686
886A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	60,000	
TOTAL: PROGRAM: FIFTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	15,313,166	
FROM TRUST FUNDS		1,866,317
TOTAL POSITIONS	327	
TOTAL ALL FUNDS		17,179,483
PROGRAM: SIXTEENTH JUDICIAL CIRCUIT		
887 SALARIES AND BENEFITS POSITIONS	68	
FROM GENERAL REVENUE FUND	2,792,352	
FROM GRANTS AND DONATIONS TRUST FUND . . .		626,413
888 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	15,684	
FROM GRANTS AND DONATIONS TRUST FUND . . .		192,694
889 EXPENSES		
FROM GENERAL REVENUE FUND	191,922	
FROM GRANTS AND DONATIONS TRUST FUND . . .		79,322
890 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	23,082	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		20,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		70,995

From the funds and positions provided in Specific Appropriations 887, 889, and 890, 1 position and $44,386 in recurring and $10,669 in non-recurring General Revenue is provided for an Early Case Resolution Division in the Sixteenth Judicial Circuit.

890A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		38,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		18,000

SECTION 4 SPECIFIC APPROPRIATION		
891 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	15,701	
892 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	7,129	
893 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	1,285	
893A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	12,522	
TOTAL: PROGRAM: SIXTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	3,059,677	
FROM TRUST FUNDS		1,045,424
TOTAL POSITIONS	68	
TOTAL ALL FUNDS		4,105,101
PROGRAM: SEVENTEENTH JUDICIAL CIRCUIT		
894 SALARIES AND BENEFITS POSITIONS	453	
FROM GENERAL REVENUE FUND	21,175,082	
FROM GRANTS AND DONATIONS TRUST FUND . . .		242,232
895 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	90,566	
FROM GRANTS AND DONATIONS TRUST FUND . . .		64,682
896 EXPENSES		
FROM GENERAL REVENUE FUND	843,756	
FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
897 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - TRUANCY PROGRAM		
FROM GENERAL REVENUE FUND	59,936	
898 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	284,617	
899 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	163,454	
900 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	23,786	
901 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	36,272	
901A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	82,435	
902 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	2,004	
TOTAL: PROGRAM: SEVENTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	22,761,908	
FROM TRUST FUNDS		356,914
TOTAL POSITIONS	453	
TOTAL ALL FUNDS		23,118,822

SECTION 4
SPECIFIC
APPROPRIATION
PROGRAM: EIGHTEENTH JUDICIAL CIRCUIT

903	SALARIES AND BENEFITS POSITIONS 279		
	FROM GENERAL REVENUE FUND	11,904,003	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		951,085
904	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	19,868	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		76,821
905	EXPENSES		
	FROM GENERAL REVENUE FUND	501,883	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		104,953
906	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	111,995	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		76,330

From the funds and positions provided in Specific Appropriations 903, 905 and 906, 1 position, $44,386 in recurring General Revenue and $3,919 in non-recurring General Revenue is provided for an Early Case Resolution Division in the Eighteenth Judicial Circuit.

906A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		58,023
907	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	66,938	
908	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,707	
909	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	47,172	

From the funds and positions provided in Specific Appropriations 903, 905, 906 and 909, 8 positions and $325,100 in recurring and $16,800 in non-recurring General Revenue is provided for the Neighborhood State Attorney Initiative in the Eighteenth Judicial Circuit.

909A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	53,217	
TOTAL:	PROGRAM: EIGHTEENTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	12,714,783	
	FROM TRUST FUNDS		1,267,212
	TOTAL POSITIONS	279	
	TOTAL ALL FUNDS		13,981,995

PROGRAM: NINETEENTH JUDICIAL CIRCUIT

910	SALARIES AND BENEFITS POSITIONS 144		
	FROM GENERAL REVENUE FUND	6,138,699	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		548,384
911	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	19,658	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		28,000
912	EXPENSES		
	FROM GENERAL REVENUE FUND	257,582	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		115,254
913	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	53,806	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		80,503

SECTION 4
SPECIFIC
APPROPRIATION

914	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		72,000
915	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	74,645	
916	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	8,874	
917	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	20,710	
917A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	29,217	
TOTAL:	PROGRAM: NINETEENTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	6,603,191	
	FROM TRUST FUNDS		844,141
	TOTAL POSITIONS	144	
	TOTAL ALL FUNDS		7,447,332

PROGRAM: TWENTIETH JUDICIAL CIRCUIT

918	SALARIES AND BENEFITS POSITIONS 231		
	FROM GENERAL REVENUE FUND	10,470,827	
	FROM CIVIL RICO TRUST FUND		198,785
	FROM GRANTS AND DONATIONS TRUST FUND . . .		208,119
919	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	14,574	
	FROM CIVIL RICO TRUST FUND		50,380
	FROM GRANTS AND DONATIONS TRUST FUND . . .		80,608
920	EXPENSES		
	FROM GENERAL REVENUE FUND	398,519	
	FROM CIVIL RICO TRUST FUND		36,044
	FROM GRANTS AND DONATIONS TRUST FUND . . .		154,992
921	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	80,066	
	FROM CIVIL RICO TRUST FUND		79,129
	FROM GRANTS AND DONATIONS TRUST FUND . . .		191,648
921A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CIVIL RICO TRUST FUND		54,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		54,000
922	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	244,643	
923	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	21,288	
	FROM CIVIL RICO TRUST FUND		6,149
	FROM GRANTS AND DONATIONS TRUST FUND . . .		480
924	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	10,760	
	FROM CIVIL RICO TRUST FUND		839
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,988
924A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	39,130	

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL: PROGRAM: TWENTIETH JUDICIAL CIRCUIT

FROM GENERAL REVENUE FUND	11,279,807	
FROM TRUST FUNDS		1,136,161
TOTAL POSITIONS	231	
TOTAL ALL FUNDS		12,415,968

PUBLIC DEFENDERS

The Public Defenders' Coordination Office's budgetary needs may be shared by each Public Defender's office within the funds provided in Specific Appropriations 925 through 1044A. The total funding for this office shall not exceed $338,250.

From the funds provided in Specific Appropriations 925 through 1044A, new Assistant Public Defender positions shall be established at a rate not to exceed $32,765.

The Public Defenders shall not spend funds from any source when such expenditure would create a future year increased state funding obligation unless the Legislature has specifically appropriated funds for such purpose in the General Appropriations Act or the expenditure has been approved pursuant to the budget amendment provisions of Chapter 216, Florida Statutes.

From the funds provided in Specific Appropriations 925 through 1069A, the Public Defenders' Coordination Office shall submit a quarterly report to the Senate Budget Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting detailing the number of appellate and trial level conflict cases in each judicial circuit. Such reports must specify the number of "ethical" conflicts and "overload" conflicts (as described in ss. 27.53(3) and 27.54(2)(b), Florida Statutes, respectively).

From the funds in Specific Appropriations 925 through 1044A, a Public Defender may spend up to $6,000 to reimburse any employee who purchased, at his or her own expense, additional retirement credit in the elected state and county officers class, for time spent as an employee of the Public Defender, in the Florida Retirement System up to the amount actually spent by the employee.

From the funds in Specific Appropriations 925 through 1044A, each Public Defender shall provide a report by September 1, 2000, to the Senate Budget Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting detailing each federal, state and local grant received by the office, in a format specified by the Senate Budget Committee and the House Fiscal Responsibility Council.

Funds in Specific Appropriations 930A, 936A, 942A, 948A, 954A, 960A, 966A, 972A, 978A, 984A, 990A, 996A, 1002A, 1008A, 1014A, 1020A, 1026A, 1032A, 1038A and 1044A are provided for non-recurring bonuses for Assistant Public Defenders at the discretion of the Public Defender. By September 1, 2000, each Public Defender shall provide a report to the Senate Budget Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budgeting detailing the turnover of Assistant Public Defenders in their office for the prior fiscal year, in a format specified by the Senate Budget Committee and the House Fiscal Responsibility Council.

PROGRAM: FIRST JUDICIAL CIRCUIT

925	SALARIES AND BENEFITS POSITIONS 113		
	FROM GENERAL REVENUE FUND	5,326,698	
926	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,888	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		75,500
927	EXPENSES		
	FROM GENERAL REVENUE FUND	207,264	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		39,048

SECTION 4
SPECIFIC
APPROPRIATION

928	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	59,996	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		38,504

From the funds and positions provided in Specific Appropriations 925, 927, and 928, 3 positions and $133,617 in recurring and $13,233 in non-recurring General Revenue is provided for an Early Case Resolution Division in the First Judicial Circuit.

929	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	19,911	
930	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	23,179	
930A	SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	20,870	

TOTAL: PROGRAM: FIRST JUDICIAL CIRCUIT

FROM GENERAL REVENUE FUND	5,680,806	
FROM TRUST FUNDS		153,052
TOTAL POSITIONS	113	
TOTAL ALL FUNDS		5,833,858

PROGRAM: SECOND JUDICIAL CIRCUIT

931	SALARIES AND BENEFITS POSITIONS 81		
	FROM GENERAL REVENUE FUND	3,666,481	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		24,624
932	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,744	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		11,587
933	EXPENSES		
	FROM GENERAL REVENUE FUND	185,820	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,677
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		5,294
934	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	34,131	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		27,920
935	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	14,954	
936	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	21,945	
936A	SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	16,696	

TOTAL: PROGRAM: SECOND JUDICIAL CIRCUIT

FROM GENERAL REVENUE FUND	3,960,771	
FROM TRUST FUNDS		71,102
TOTAL POSITIONS	81	
TOTAL ALL FUNDS		4,031,873

SECTION 4
SPECIFIC
APPROPRIATION
PROGRAM: THIRD JUDICIAL CIRCUIT

937	SALARIES AND BENEFITS POSITIONS 30		
	FROM GENERAL REVENUE FUND	1,692,046	
938	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,887	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		3,600
939	EXPENSES		
	FROM GENERAL REVENUE FUND	126,812	
940	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	8,516	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		15,600
941	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	9,854	
942	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	4,301	
942A	SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	5,739	
TOTAL:	PROGRAM: THIRD JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	1,856,155	
	FROM TRUST FUNDS		19,200
	TOTAL POSITIONS	30	
	TOTAL ALL FUNDS		1,875,355

PROGRAM: FOURTH JUDICIAL CIRCUIT

943	SALARIES AND BENEFITS POSITIONS 151		
	FROM GENERAL REVENUE FUND	7,259,405	
944	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,277	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		101,000
945	EXPENSES		
	FROM GENERAL REVENUE FUND	258,930	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		22,929
946	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	58,038	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		19,000
946A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		19,000
947	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	32,354	
948	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	59,222	
948A	SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	29,217	

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL:	PROGRAM: FOURTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	7,719,443	
	FROM TRUST FUNDS		161,929
	TOTAL POSITIONS	151	
	TOTAL ALL FUNDS		7,881,372

PROGRAM: FIFTH JUDICIAL CIRCUIT

949	SALARIES AND BENEFITS POSITIONS 79		
	FROM GENERAL REVENUE FUND	3,620,550	
	FROM GRANTS AND DONATIONS TRUST FUND		73,032
950	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,000	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		10,400
951	EXPENSES		
	FROM GENERAL REVENUE FUND	186,146	
952	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,850	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		31,082
953	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	10,612	
954	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	11,941	
954A	SPECIAL CATEGORIES RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	19,304	
TOTAL:	PROGRAM: FIFTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	3,893,403	
	FROM TRUST FUNDS		114,514
	TOTAL POSITIONS	79	
	TOTAL ALL FUNDS		4,007,917

PROGRAM: SIXTH JUDICIAL CIRCUIT

955	SALARIES AND BENEFITS POSITIONS 199		
	FROM GENERAL REVENUE FUND	9,435,215	
956	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	82,867	
957	EXPENSES		
	FROM GENERAL REVENUE FUND	450,125	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		40,464
958	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	91,419	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		36,000
959	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	45,601	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		4,560
960	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	63,848	

SECTION 4
SPECIFIC
APPROPRIATION

960A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	41,217	
TOTAL: PROGRAM: SIXTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	10,210,292	
FROM TRUST FUNDS		81,024
TOTAL POSITIONS	199	
TOTAL ALL FUNDS		10,291,316

PROGRAM: SEVENTH JUDICIAL CIRCUIT

961 SALARIES AND BENEFITS POSITIONS	112	
FROM GENERAL REVENUE FUND	5,171,779	
962 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	34	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		3,000
963 EXPENSES		
FROM GENERAL REVENUE FUND	149,314	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		35,552
964 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	24,968	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		28,635
965 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	40,861	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		805
966 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	20,777	
966A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	23,478	
TOTAL: PROGRAM: SEVENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	5,431,211	
FROM TRUST FUNDS		67,992
TOTAL POSITIONS	112	
TOTAL ALL FUNDS		5,499,203

PROGRAM: EIGHTH JUDICIAL CIRCUIT

967 SALARIES AND BENEFITS POSITIONS	68	
FROM GENERAL REVENUE FUND	3,243,848	
968 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	12,919	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		8,000
969 EXPENSES		
FROM GENERAL REVENUE FUND	121,460	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		20,270
970 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	12,410	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		17,516

SECTION 4
SPECIFIC
APPROPRIATION

971 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	10,469	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		8,984
972 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	16,385	
972A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	15,652	
TOTAL: PROGRAM: EIGHTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	3,433,143	
FROM TRUST FUNDS		54,770
TOTAL POSITIONS	68	
TOTAL ALL FUNDS		3,487,913

PROGRAM: NINTH JUDICIAL CIRCUIT

973 SALARIES AND BENEFITS POSITIONS	136	
FROM GENERAL REVENUE FUND	6,248,699	
974 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	25,000	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		33,000
975 EXPENSES		
FROM GENERAL REVENUE FUND	296,169	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		75,011
976 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	80,609	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		177,200
976A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		57,000
977 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	27,479	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		6,248
978 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	47,375	
978A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	44,870	
TOTAL: PROGRAM: NINTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	6,770,201	
FROM TRUST FUNDS		348,459
TOTAL POSITIONS	136	
TOTAL ALL FUNDS		7,118,660

PROGRAM: TENTH JUDICIAL CIRCUIT

979 SALARIES AND BENEFITS POSITIONS	107	
FROM GENERAL REVENUE FUND	4,992,038	

SECTION 4
SPECIFIC
APPROPRIATION

980	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,580	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		46,176
981	EXPENSES		
	FROM GENERAL REVENUE FUND	200,700	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		78,365
982	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	34,189	

From the funds and positions provided in Specific Appropriations 979, 981, and 982, 5 positions and $222,389 in recurring and $21,071 in non-recurring General Revenue is provided for an Expedited Disposition Project in the Tenth Judicial Circuit.

982A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		41,000
983	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	9,865	
984	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	35,309	
984A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	24,000	
TOTAL:	PROGRAM: TENTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	5,308,681	
	FROM TRUST FUNDS		165,541
	TOTAL POSITIONS	107	
	TOTAL ALL FUNDS		5,474,222

PROGRAM: ELEVENTH JUDICIAL CIRCUIT

985	SALARIES AND BENEFITS POSITIONS	374	
	FROM GENERAL REVENUE FUND	16,596,144	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,899,508
986	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	95,217	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		125,000
987	EXPENSES		
	FROM GENERAL REVENUE FUND	678,037	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000
988	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	119,571	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		60,000
988A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		72,000
989	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	87,731	

SECTION 4
SPECIFIC
APPROPRIATION

990	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	139,686	
990A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	72,521	
TOTAL:	PROGRAM: ELEVENTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	17,788,907	
	FROM TRUST FUNDS		2,199,508
	TOTAL POSITIONS	374	
	TOTAL ALL FUNDS		19,988,415

PROGRAM: TWELFTH JUDICIAL CIRCUIT

991	SALARIES AND BENEFITS POSITIONS	89	
	FROM GENERAL REVENUE FUND	4,183,659	
992	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	38,699	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		83,378
993	EXPENSES		
	FROM GENERAL REVENUE FUND	271,348	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		101,679
994	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	50,642	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		28,126
995	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	50,853	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		19,082
996	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	31,746	
996A	SPECIAL CATEGORIES		
	RETENTION INCENTIVE BONUSES		
	FROM GENERAL REVENUE FUND	17,739	
TOTAL:	PROGRAM: TWELFTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	4,644,686	
	FROM TRUST FUNDS		232,265
	TOTAL POSITIONS	89	
	TOTAL ALL FUNDS		4,876,951

PROGRAM: THIRTEENTH JUDICIAL CIRCUIT

997	SALARIES AND BENEFITS POSITIONS	186	
	FROM GENERAL REVENUE FUND	8,614,988	
998	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	48,954	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		15,000
999	EXPENSES		
	FROM GENERAL REVENUE FUND	578,467	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		50,000

SECTION 4
SPECIFIC
APPROPRIATION

1000 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	134,122	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		105,000
1001 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	27,631	
1002 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	30,231	
1002A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	42,261	
TOTAL: PROGRAM: THIRTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	9,476,654	
FROM TRUST FUNDS		170,000
TOTAL POSITIONS	186	
TOTAL ALL FUNDS		9,646,654

PROGRAM: FOURTEENTH JUDICIAL CIRCUIT

1003 SALARIES AND BENEFITS POSITIONS	44	
FROM GENERAL REVENUE FUND	2,523,338	
1004 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	7,101	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		45,902
1005 EXPENSES		
FROM GENERAL REVENUE FUND	141,766	
1006 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	17,029	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		37,575
1007 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	26,794	
1008 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	7,855	
1008A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	7,826	
TOTAL: PROGRAM: FOURTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	2,731,709	
FROM TRUST FUNDS		83,477
TOTAL POSITIONS	44	
TOTAL ALL FUNDS		2,815,186

PROGRAM: FIFTEENTH JUDICIAL CIRCUIT

1009 SALARIES AND BENEFITS POSITIONS	188	
FROM GENERAL REVENUE FUND	8,355,612	
1010 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	248,199	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		90,000

SECTION 4
SPECIFIC
APPROPRIATION

1011 EXPENSES		
FROM GENERAL REVENUE FUND	259,890	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		41,715
1012 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	65,525	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		40,000
1013 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	11,984	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		23,197
1014 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	79,474	
1014A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	31,304	
TOTAL: PROGRAM: FIFTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	9,051,988	
FROM TRUST FUNDS		194,912
TOTAL POSITIONS	188	
TOTAL ALL FUNDS		9,246,900

PROGRAM: SIXTEENTH JUDICIAL CIRCUIT

1015 SALARIES AND BENEFITS POSITIONS	41	
FROM GENERAL REVENUE FUND	1,928,976	
1016 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	13,468	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		13,345
1017 EXPENSES		
FROM GENERAL REVENUE FUND	127,249	
1018 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	18,847	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		19,000
1019 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	21,615	
1020 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	6,271	
1020A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	9,913	
1020B DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	2,500	

From the funds and positions provided in Specific Appropriations 1015, 1017, 1018, and 1020B, 1 position and $44,386 in recurring and $10,669 in non-recurring General Revenue is provided for an Early Case Resolution Division in the Sixteenth Judicial Circuit.

TOTAL: PROGRAM: SIXTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	2,128,839	
FROM TRUST FUNDS		32,345

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	41	
TOTAL ALL FUNDS		2,161,184

PROGRAM: SEVENTEENTH JUDICIAL CIRCUIT

1021 SALARIES AND BENEFITS POSITIONS	203	
FROM GENERAL REVENUE FUND	10,053,398	
1022 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	86,757	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		83,200
1023 EXPENSES		
FROM GENERAL REVENUE FUND	463,438	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		149,941
1024 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	83,181	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		80,000
1024A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		38,000
1025 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	54,906	
1026 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	48,300	
1026A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	50,087	
TOTAL: PROGRAM: SEVENTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	10,840,067	
FROM TRUST FUNDS		351,141
TOTAL POSITIONS	203	
TOTAL ALL FUNDS		11,191,208

PROGRAM: EIGHTEENTH JUDICIAL CIRCUIT

1027 SALARIES AND BENEFITS POSITIONS	96	
FROM GENERAL REVENUE FUND	4,415,718	
1028 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	12,953	
1029 EXPENSES		
FROM GENERAL REVENUE FUND	240,037	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		21,300
1030 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	46,176	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		41,000

From the funds and positions provided in Specific Appropriations 1027, 1029 and 1030, 1 position, $44,386 in recurring General Revenue and $3,919 in non-recurring General Revenue is provided for an Early Case Resolution Division in the Eighteenth Judicial Circuit.

1030A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		75,000
1031 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	32,068	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		11,300
1032 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	17,426	
1032A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	26,087	
TOTAL: PROGRAM: EIGHTEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	4,790,465	
FROM TRUST FUNDS		148,600
TOTAL POSITIONS	96	
TOTAL ALL FUNDS		4,939,065

PROGRAM: NINETEENTH JUDICIAL CIRCUIT

1033 SALARIES AND BENEFITS POSITIONS	69	
FROM GENERAL REVENUE FUND	3,167,692	
1034 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,893	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		26,200
1035 EXPENSES		
FROM GENERAL REVENUE FUND	183,863	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		35,830
1036 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	27,492	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		33,135

From the funds and positions provided in Specific Appropriation 1033, 1035 and 1036, 1 position and $33,867 in recurring and $4,411 in non-recurring General Revenue is provided for the Public Defender Client Services Program in the Nineteenth Judicial Circuit.

1036A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		34,000
1037 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	43,366	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		5,415
1038 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	69,225	
1038A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	16,174	
TOTAL: PROGRAM: NINETEENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	3,518,705	
FROM TRUST FUNDS		134,580

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	69	
TOTAL ALL FUNDS		3,653,285

PROGRAM: TWENTIETH JUDICIAL CIRCUIT

1039 SALARIES AND BENEFITS POSITIONS	88	
FROM GENERAL REVENUE FUND	3,785,927	
FROM GRANTS AND DONATIONS TRUST FUND . . .		189,158
1040 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	15,287	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		10,000
1041 EXPENSES		
FROM GENERAL REVENUE FUND	196,255	
1042 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	55,376	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		75,000
1043 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	18,771	
1044 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	11,525	
1044A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	24,000	
TOTAL: PROGRAM: TWENTIETH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	4,107,141	
FROM TRUST FUNDS		274,158
TOTAL POSITIONS	88	
TOTAL ALL FUNDS		4,381,299

PUBLIC DEFENDERS APPELLATE DIVISION

From the funds provided in Specific Appropriations 1045 through 1069A, new Assistant Appellate Public Defender positions shall be established at a rate not to exceed $37,485.

Funds in Specific Appropriations 1049A, 1054A, 1059A, 1064A, and 1069A are provided for non-recurring bonuses for Assistant Appellate Public Defenders at the discretion of the Appellate Public Defender. By September 1, 2000, each Appellate Public Defender shall provide a report to the Senate Budget Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budgeting detailing the turnover of Assistant Appellate Public Defenders in their office for the prior fiscal year, in a format specified by the Senate Budget Committee and the House Fiscal Responsibility Council.

PROGRAM: SECOND JUDICIAL CIRCUIT

1045 SALARIES AND BENEFITS POSITIONS	35	
FROM GENERAL REVENUE FUND	1,880,111	
1046 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	7,500	
1047 EXPENSES		
FROM GENERAL REVENUE FUND	134,254	
1048 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	42,273	

SECTION 4
SPECIFIC
APPROPRIATION

1049 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	17,115	
1049A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	12,522	
TOTAL: PROGRAM: SECOND JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	2,093,775	
TOTAL POSITIONS	35	
TOTAL ALL FUNDS		2,093,775

PROGRAM: SEVENTH JUDICIAL CIRCUIT

1050 SALARIES AND BENEFITS POSITIONS	33	
FROM GENERAL REVENUE FUND	1,736,240	
1051 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	2,400	
1052 EXPENSES		
FROM GENERAL REVENUE FUND	168,988	
1053 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	24,575	
1054 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	15,205	
1054A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	6,261	
TOTAL: PROGRAM: SEVENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	1,953,669	
TOTAL POSITIONS	33	
TOTAL ALL FUNDS		1,953,669

PROGRAM: TENTH JUDICIAL CIRCUIT

1055 SALARIES AND BENEFITS POSITIONS	51	
FROM GENERAL REVENUE FUND	2,641,982	
1056 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	305,744	
1057 EXPENSES		
FROM GENERAL REVENUE FUND	162,866	
1058 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	28,823	
1059 SPECIAL CATEGORIES		
PUBLIC DEFENDERS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	16,795	
1059A SPECIAL CATEGORIES		
RETENTION INCENTIVE BONUSES		
FROM GENERAL REVENUE FUND	6,783	
TOTAL: PROGRAM: TENTH JUDICIAL CIRCUIT		
FROM GENERAL REVENUE FUND	3,162,993	
TOTAL POSITIONS	51	
TOTAL ALL FUNDS		3,162,993

SECTION 4
SPECIFIC
APPROPRIATION
PROGRAM: ELEVENTH JUDICIAL CIRCUIT

1060 SALARIES AND BENEFITS POSITIONS 24
FROM GENERAL REVENUE FUND 1,625,713

1061 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,165

1062 EXPENSES
FROM GENERAL REVENUE FUND 106,438

1063 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 14,528

1064 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,121

1064A SPECIAL CATEGORIES
RETENTION INCENTIVE BONUSES
FROM GENERAL REVENUE FUND 7,826

TOTAL: PROGRAM: ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 1,772,791

TOTAL POSITIONS 24
TOTAL ALL FUNDS 1,772,791

PROGRAM: FIFTEENTH JUDICIAL CIRCUIT

1065 SALARIES AND BENEFITS POSITIONS 38
FROM GENERAL REVENUE FUND 2,662,831

1066 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,837

1067 EXPENSES
FROM GENERAL REVENUE FUND 119,605

1068 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 28,319

1069 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 22,931

1069A SPECIAL CATEGORIES
RETENTION INCENTIVE BONUSES
FROM GENERAL REVENUE FUND 4,696

TOTAL: PROGRAM: FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,846,219

TOTAL POSITIONS 38
TOTAL ALL FUNDS 2,846,219

CAPITAL COLLATERAL REGIONAL COUNSELS

PROGRAM: NORTHERN REGIONAL COUNSEL

CAPITAL JUSTICE REPRESENTATION - NORTHERN REGIONAL COUNSEL

1070 SALARIES AND BENEFITS POSITIONS 29
FROM GENERAL REVENUE FUND 1,456,026

1071 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 31,218

1072 EXPENSES
FROM GENERAL REVENUE FUND 1,011,311
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 31,222

SECTION 4
SPECIFIC
APPROPRIATION

1073 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 43,347

1074 SPECIAL CATEGORIES
OVERTIME
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 30,672

1075 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,654

1076 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW
LIBRARY
FROM GENERAL REVENUE FUND 6,500

TOTAL: CAPITAL JUSTICE REPRESENTATION - NORTHERN REGIONAL COUNSEL
FROM GENERAL REVENUE FUND 2,560,056
FROM TRUST FUNDS 61,894

TOTAL POSITIONS 29
TOTAL ALL FUNDS 2,621,950

PROGRAM: MIDDLE REGIONAL COUNSEL

CAPITAL JUSTICE REPRESENTATION - MIDDLE REGIONAL COUNSEL

1077 SALARIES AND BENEFITS POSITIONS 39
FROM GENERAL REVENUE FUND 2,034,366

1078 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 47,307

1079 EXPENSES
FROM GENERAL REVENUE FUND 1,040,097
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 32,159

1080 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,321

1081 SPECIAL CATEGORIES
OVERTIME
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 31,327

1082 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 818

1083 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW
LIBRARY
FROM GENERAL REVENUE FUND 10,000

1084 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,500

TOTAL: CAPITAL JUSTICE REPRESENTATION - MIDDLE REGIONAL COUNSEL
FROM GENERAL REVENUE FUND 3,136,409
FROM TRUST FUNDS 63,486

TOTAL POSITIONS 39
TOTAL ALL FUNDS 3,199,895

SECTION 4
SPECIFIC
APPROPRIATION
PROGRAM: SOUTHERN REGIONAL COUNSEL

CAPITAL JUSTICE REPRESENTATION - SOUTHERN REGIONAL COUNSEL

1085	SALARIES AND BENEFITS POSITIONS	30	
	FROM GENERAL REVENUE FUND	1,600,142	
1086	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	41,544	
1087	EXPENSES		
	FROM GENERAL REVENUE FUND	1,239,503	
	FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND		28,241
1088	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,038	
1089	SPECIAL CATEGORIES		
	OVERTIME		
	FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND		27,510
1090	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	705	
1091	SPECIAL CATEGORIES		
	CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY		
	FROM GENERAL REVENUE FUND	6,500	
1092	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	1,500	
TOTAL:	CAPITAL JUSTICE REPRESENTATION - SOUTHERN REGIONAL COUNSEL		
	FROM GENERAL REVENUE FUND	2,891,932	
	FROM TRUST FUNDS		55,751
	TOTAL POSITIONS	30	
	TOTAL ALL FUNDS		2,947,683

JUVENILE JUSTICE, DEPARTMENT OF

Priority use of funds in Specific Appropriations 1093 through 1149A shall be to continue programs which scored "satisfactory" or above on the most recent Quality Assurance report. In implementing any reductions, the Department shall target programs operating below statewide performance outcomes as measured by non-recidivism rates, quality assurance scores and costs and may reallocate funds across budget entities as appropriate to accomplish such targeting.

PROGRAM: JUVENILE DETENTION PROGRAM

From the funds in Specific Appropriations 1093 through 1101, the Juvenile Detention Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to maintain, develop and implement a comprehensive range of detention services to protect the community, hold youths accountable, and ensure the appearance of youths for court proceedings:

Performance Measures - Outcomes	FY 2000-2001 Standards
Number of escapes from secure detention facilities	0
Percent of successful completions of home detention without committing a new law or contract violation, failure to appear, an abscond or contempt of court	73%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

SECTION 4
SPECIFIC
APPROPRIATION

DETENTION CENTERS

1093	SALARIES AND BENEFITS POSITIONS	2,194	
	FROM GENERAL REVENUE FUND	67,839,526	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		115,580
1094	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	677,146	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		106,204
1095	EXPENSES		
	FROM GENERAL REVENUE FUND	8,463,286	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,308,614
1096	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	84,438	
1097	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	1,933,124	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,696,765
1097A	LUMP SUM		
	DEPARTMENT OF JUVENILE JUSTICE CRITICAL NEEDS		
	FROM GENERAL REVENUE FUND	4,891,968	
1097B	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	75,819	
1098	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	3,928,195	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,087,326

From the funds in Specific Appropriation 1098, $1,192,024 from General Revenue is provided for the following Legislative Initiatives to Reduce Juvenile Crime as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7:

Mental Health Overlay Services at Orange Regional Detention Center	183,024
Secrets of Success	759,000
The Village Inn for Girls	250,000

1098A	FIXED CAPITAL OUTLAY		
	MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,746,721

From the funds in Specific Appropriation 1098A, $450,000 is provided for the state's share of renovation costs to allow the use of the old Lake Shore Middle School as a multi-agency Community Resource Center as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7. These funds are contingent upon the availability of sufficient local resources to cover the remaining costs of the project.

TOTAL:	DETENTION CENTERS		
	FROM GENERAL REVENUE FUND	87,893,502	
	FROM TRUST FUNDS		8,061,210
	TOTAL POSITIONS	2,194	
	TOTAL ALL FUNDS		95,954,712

SECTION 4
SPECIFIC
APPROPRIATION
HOME DETENTION

1099	SALARIES AND BENEFITS POSITIONS	180	
	FROM GENERAL REVENUE FUND	5,670,928	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,050
1100	EXPENSES		
	FROM GENERAL REVENUE FUND	125,336	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		77,675
1101	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	3,724,268	
TOTAL: HOME DETENTION			
	FROM GENERAL REVENUE FUND	9,520,532	
	FROM TRUST FUNDS		87,725
	TOTAL POSITIONS	180	
	TOTAL ALL FUNDS		9,608,257

PROGRAM: PROBATION AND COMMUNITY CORRECTIONS PROGRAM

AFTERCARE SERVICES - CONDITIONAL RELEASE

1102	SALARIES AND BENEFITS POSITIONS	26	
	FROM GENERAL REVENUE FUND	878,281	
1103	EXPENSES		
	FROM GENERAL REVENUE FUND	154,429	
1104	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	26,979,246	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,500,000
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		992

From the funds in Specific Appropriation 1104, $1,550,000 from General Revenue is provided for the following Legislative Initiatives to Reduce Juvenile Crime as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7:

Eckerd Youth Alternatives, Inc. - Early Intervention and Aftercare..... 1,350,000
Bay Point Schools..... 200,000

TOTAL: AFTERCARE SERVICES - CONDITIONAL RELEASE		
FROM GENERAL REVENUE FUND	28,011,956	
FROM TRUST FUNDS		2,500,992
TOTAL POSITIONS	26	
TOTAL ALL FUNDS		30,512,948

JUVENILE PROBATION

1105	SALARIES AND BENEFITS POSITIONS	1,726	
	FROM GENERAL REVENUE FUND	51,988,420	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		7,365,020
1106	EXPENSES		
	FROM GENERAL REVENUE FUND	12,546,516	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		33,000
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		554,459
1107	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	355,408	

SECTION 4
SPECIFIC
APPROPRIATION

1107A	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	18,000	
1107B	LUMP SUM		
	SPECIALIZED INTENSIVE SUPERVISION POSITIONS	61	
	FROM GENERAL REVENUE FUND	3,000,000	
1107C	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	495,460	
1108	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	11,578,541	

From the funds in Specific Appropriation 1108, $960,000 from General Revenue is provided for the following Legislative Initiatives to Reduce Juvenile Crime as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7:

Juvenile Arrest and Monitor Program..... 750,000
Sarasota Juvenile Assessment Center..... 210,000

1108A	FIXED CAPITAL OUTLAY		
	CONSEQUENCE UNIT BEDS		
	FROM GENERAL REVENUE FUND	1,113,900	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,312,100
TOTAL: JUVENILE PROBATION			
	FROM GENERAL REVENUE FUND	81,096,245	
	FROM TRUST FUNDS		14,264,579
	TOTAL POSITIONS	1,787	
	TOTAL ALL FUNDS		95,360,824

NON-RESIDENTIAL DELINQUENCY REHABILITATION

1109	SALARIES AND BENEFITS POSITIONS	15	
	FROM GENERAL REVENUE FUND	468,848	
1110	EXPENSES		
	FROM GENERAL REVENUE FUND	36,342	
1111	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	25,291,388	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,011,323
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		81,003

From the funds in Specific Appropriation 1111, the Department may contract for the provision of non-residential sex offender treatment services.

From the funds in Specific Appropriation 1111, $2,220,679 from General Revenue is provided for the following Legislative Initiatives to Reduce Juvenile Crime as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7:

Associated Marine Institutes (AMI) - Improved Educational and Transitional Services..... 1,093,260
Multi-Systemic Therapy..... 100,000
New Horizons Youth Academy Day Treatment Center..... 475,000
The Day School at Agape..... 500,000
Restorative Justice With High Risk Delinquent Youth..... 52,419

From the funds in Specific Appropriation 1111, $582,799 is provided to continue the contract with Metropolitan Dade County Human Services for the Dade County Juvenile Alternative Services Program (JASP).

TOTAL: NON-RESIDENTIAL DELINQUENCY REHABILITATION		
FROM GENERAL REVENUE FUND	25,796,578	
FROM TRUST FUNDS		1,092,326

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TOTAL POSITIONS	15	
TOTAL ALL FUNDS		26,888,904

PROGRAM: OFFICE OF THE SECRETARY/ASSISTANT SECRETARY FOR ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1112 SALARIES AND BENEFITS POSITIONS	615	
FROM GENERAL REVENUE FUND	28,702,181	
FROM GRANTS AND DONATIONS TRUST FUND . . .		320,564
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		49,630
1113 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	692,344	
FROM ADMINISTRATIVE TRUST FUND		72,341
FROM JUVENILE JUSTICE TRAINING TRUST FUND		11,712
1114 EXPENSES		
FROM GENERAL REVENUE FUND	5,233,993	
FROM ADMINISTRATIVE TRUST FUND		210,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		441,571
FROM JUVENILE JUSTICE TRAINING TRUST FUND		685,913
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		10,249

The funds in Specific Appropriation 1114 reflect a $1,063,330 administrative reduction. Pursuant to the provisions of Chapter 216, Florida Statutes, the department may reallocate this reduction across budget entities as appropriate.

1115 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	43,660	
1116 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	450,000	
1117 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	17,411	
1118 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,291,717	
FROM JUVENILE JUSTICE TRAINING TRUST FUND		2,190,645
1119 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	5,242,433	
FROM GRANTS AND DONATIONS TRUST FUND . . .		10,112
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	41,673,739	
FROM TRUST FUNDS		4,002,737
TOTAL POSITIONS	615	
TOTAL ALL FUNDS		45,676,476

INFORMATION TECHNOLOGY

1120 SALARIES AND BENEFITS POSITIONS	89	
FROM GENERAL REVENUE FUND	4,113,098	
1121 EXPENSES		
FROM GENERAL REVENUE FUND	3,207,213	
FROM ADMINISTRATIVE TRUST FUND		49,793
FROM GRANTS AND DONATIONS TRUST FUND . . .		29,111

SECTION 4
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From the funds in Specific Appropriation 1121, $160,000 from the General Revenue Fund may be used for Juvenile Justice Information System Special Monitoring as a critical information resource management project under s. 282.322, Florida Statutes. These funds may be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

1121A OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	701,870	
TOTAL: INFORMATION TECHNOLOGY		
FROM GENERAL REVENUE FUND	8,022,181	
FROM TRUST FUNDS		78,904
TOTAL POSITIONS	89	
TOTAL ALL FUNDS		8,101,085

PROGRAM: RESIDENTIAL CORRECTIONS PROGRAM

NON-SECURE RESIDENTIAL COMMITMENT

1122 SALARIES AND BENEFITS POSITIONS	415	
FROM GENERAL REVENUE FUND	13,496,968	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,600,777
1123 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	137,134	
1124 EXPENSES		
FROM GENERAL REVENUE FUND	2,464,999	
FROM GRANTS AND DONATIONS TRUST FUND . . .		307,147
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		451,327
1125 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	42,457	
1126 FOOD PRODUCTS		
FROM GENERAL REVENUE FUND	814,813	
FROM GRANTS AND DONATIONS TRUST FUND . . .		129,926
1127 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	137,773	
1128 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	108,974,953	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,570,014
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,487,094

Funds in Specific Appropriation 1128 are contingent upon the department requiring all eligible providers by contract to apply for and collect National School Lunch program reimbursements.

From the funds in Specific Appropriation 1128, the Department may contract for the provision of non-residential sex offender treatment services.

From the funds in Specific Appropriation 1128, $1,670,000 from General Revenue is provided for the following Legislative Initiatives to Reduce Juvenile Crime as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7:

Learning Through Listening.....	50,000
AMI - DJJ District 1 & 2 Host Homes.....	150,000
AMI - Panama Key Island - Pinellas Marine Institute.....	220,000
Miami Children's Hospital - DJJ Adolescent Health Services.....	350,000
Miami Children's Hospital Adolescent Health Services.....	600,000
Project CRAFT.....	100,000
Miami Rivers of Life/Renewing the Vision.....	200,000

SECTION 4
SPECIFIC
APPROPRIATION

1129 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 6,637,248

1129A FIXED CAPITAL OUTLAY
JUVENILE JUSTICE - SECURE TREATMENT FACILITIES STATEWIDE
FROM GENERAL REVENUE FUND 1,943,400
FROM GRANTS AND DONATIONS TRUST FUND . . . 14,512,600

1129B FIXED CAPITAL OUTLAY
COMMITMENT BEDS - STATEWIDE
FROM GENERAL REVENUE FUND 3,242,734
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,957,266

1129C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
LOCAL DELINQUENCY INTERVENTION FACILITIES
FROM GENERAL REVENUE FUND 2,892,109

Funds in Specific Appropriation 1129C are provided for the following Legislative Initiatives to Reduce Juvenile Crime as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7:

Impact House Multi-Purpose Building.....	750,000
Grove Counseling Center - GUYS Program Construction and Repair.....	497,109
Hillsborough Juvenile Justice Collaborative Project.....	100,000
Short Term Expedition Program.....	245,000
Gulf Coast Marine Institute.....	1,100,000
Florida Ocean Sciences Institute - Counseling Center.....	200,000

Funds in Specific Appropriation 1129C shall not be used for fixed capital outlay improvements to privately owned lands or facilities except upon execution of a lease to the Department of Juvenile Justice affording use of the land and facility for juvenile justice purposes for 50 years.

TOTAL: NON-SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND 140,784,588
FROM TRUST FUNDS 53,016,151

TOTAL POSITIONS 415
TOTAL ALL FUNDS 193,800,739

SECURE RESIDENTIAL COMMITMENT

1130 SALARIES AND BENEFITS POSITIONS 407
FROM GENERAL REVENUE FUND 8,829,896
FROM GRANTS AND DONATIONS TRUST FUND . . . 108,500
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,243,283

1131 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 473,216

1132 EXPENSES
FROM GENERAL REVENUE FUND 1,726,035

1133 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 33,861

1134 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 306,415
FROM GRANTS AND DONATIONS TRUST FUND . . . 104,644

1135 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-DOZIER TRAINING SCHOOL
FROM GENERAL REVENUE FUND 447,787
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 105,187

1136 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-OKEECHOBEE TRAINING SCHOOL
FROM GENERAL REVENUE FUND 5,786,439
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,088
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,546,273

1137 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 61,719,659
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,100,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 33,567,675

From the funds provided in Specific Appropriation 1137, funds are provided to continue the current contract for the operation of the sexual offender program at the South Florida State Hospital, and to continue the operation of residential and non-residential juvenile justice programs at the "Old" Orlando Sunland Training Center. The Department of Juvenile Justice shall provide for the continued existing use of the property by the Department of Children and Families and previously approved community activities.

From the funds in Specific Appropriation 1137, $511,000 from recurring General Revenue is provided for the Juvenile Sex Offender Program located on the grounds of the South Florida State Hospital in District 10.

From the funds in Specific Appropriation 1137, $142,900 from General Revenue is provided to the City of Pahokee as a payment in lieu of taxes.

From the funds in Specific Appropriation 1137, $22,273,161 from recurring General Revenue is provided to fund the operational costs associated with bringing additional commitment beds on-line during FY 2000-2001. The Department shall provide quarterly reports to the Senate Budget Committee and the House Fiscal Responsibility Council indicating the number of new commitment beds brought on-line and the associated amount of funding allocated from the $22,273,161 appropriated for operating costs.

1138 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 293,546

1138A FIXED CAPITAL OUTLAY
COMMITMENT BEDS - STATEWIDE
FROM GENERAL REVENUE FUND 954,546
FROM GRANTS AND DONATIONS TRUST FUND . . . 9,545,454

From the funds in Specific Appropriation 1138A, $318,182 in non-recurring General Revenue and $3,181,818 in trust funds are provided to expand the Defuniak Springs DJJ Facility.

From the funds in Specific Appropriation 1138A, $636,364 from non-recurring General Revenue and $6,363,636 from trust funds is provided to construct a 124 bed juvenile justice mental health commitment facility on the grounds of G. Pierce Wood Memorial Hospital.

1139 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE
FROM GENERAL REVENUE FUND 2,895,735

TOTAL: SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND 83,467,135
FROM TRUST FUNDS 52,353,104

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TOTAL POSITIONS	407	
TOTAL ALL FUNDS		135,820,239

PROGRAM: PREVENTION AND VICTIM SERVICES

DELINQUENCY PREVENTION AND DIVERSION

1140 SALARIES AND BENEFITS POSITIONS	43	
FROM GENERAL REVENUE FUND	1,178,246	
FROM GRANTS AND DONATIONS TRUST FUND . . .		784,052
1142 EXPENSES		
FROM GENERAL REVENUE FUND	61,668	
FROM GRANTS AND DONATIONS TRUST FUND . . .		380,948
1144A LUMP SUM		
ACCOUNTABLE JUVENILE JUSTICE PREVENTION PROGRAMS		
FROM GENERAL REVENUE FUND	1,736,196	
FROM GRANTS AND DONATIONS TRUST FUND . . .		12,761,319
FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND		502,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,639

Funds provided in Specific Appropriation 1144A shall not be allocated or released until the Department of Juvenile Justice develops a plan to ensure that the use of funds is in accordance with lawfully established priorities and conditions for the use of juvenile justice prevention funds and the plan is approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7.

From the funds in Specific Appropriation 1144A, up to $200,000 may be provided to the Nassau County Boys and Girls Club provided that the project meets the criteria established by Executive Order 2000-7 and the project is approved by the Juvenile Justice Review Panel.

1146A SPECIAL CATEGORIES		
LEGISLATIVE INITIATIVES TO REDUCE JUVENILE CRIME PURSUANT TO EXECUTIVE ORDER 2000-7		
FROM GENERAL REVENUE FUND	10,121,377	

Funds in Specific Appropriation 1146A are provided for the following Legislative Initiatives to Reduce Juvenile Crime as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7:

Greater Melbourne Police Athletic League Facility.....	250,000
Truancy Reduction Program - Hillsborough County.....	500,000
Miami-Dade Community Action Agency Youth Leadership 2000....	75,000
The Miami Love - Youth At Risk Program.....	100,000
The Phoenix Project.....	100,000
East Unit of the Boys & Girls Club of Pasco County.....	100,000
Neighborhood Intervention to Prevent Youth Crime.....	300,000
Prevention Through Academic and Recreational Excellence.....	200,000
Spring Hill Boys & Girls Youth Center.....	95,000
Quality Life Center of Southwest Florida.....	100,000
Mad Dads of Miami-Dade County.....	200,000
Young Life of Greater Miami - Preventive Juvenile Camps.....	200,000
Weed and Seed Youth Leadership Academy.....	200,000
Inner City Youth Center, Inc. - Afterschool Education and Recreation Program.....	216,200
Youth Co-Op, Inc.....	100,000
Saber's Assistance to Youth.....	100,000
Sarasota County Sexual Abuse Intervention Network.....	60,000
The Amer-I-Can Program.....	250,000
Cetary Project.....	100,000
City of Jacksonville - Truancy Interdiction Program.....	250,000
Boys & Girls Club of Citrus County.....	100,000
Kids In Domestic Situations.....	274,862
Eckerd Youth Alternatives, Inc. - Early Intervention Enhancement Program.....	450,000
Broward County Sheriff's Office - Gang Activity Prevention..	250,000

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Hillsborough Diversionary Demonstration Project.....	599,780
SER Jobs for Progress.....	100,000
Enhancements of Community Policing Through Community Schooling.....	190,980
Suspension With A Purpose.....	85,968
Volusia County PAL Project.....	205,000
Escambia After School Education & Training Program.....	75,000
Community Coalition.....	385,000
Out Of School Suspension Program.....	250,000
Combatting Truancy - A Community Alliance.....	200,000
Cape Coral Youth Crime Intervention Project.....	100,000
St. Lucie Elementary Truancy Pilot Project.....	68,232
Palm Beach County Truancy Intervention.....	500,000
Boys & Girls Club of St. Lucie County - Project Outreach....	50,000
St. Lucie County Sheriff's Office Youth Intervention and Diversion.....	150,000
Putnam County PAST Program.....	86,293
Pasco County Adolescent Intervention Center.....	725,000
Police Athletic League of Jacksonville - Youth Leadership Program.....	200,000
Here's Help.....	351,750
Boys & Girls Clubs of Key West.....	27,312
Adult Mankind.....	1,200,000

1146B SPECIAL CATEGORIES		
PACE CENTERS		
FROM GENERAL REVENUE FUND	9,768,627	
1149 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILDREN/FAMILIES IN NEED OF SERVICES		
FROM GENERAL REVENUE FUND	35,393,292	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		383,858
1149A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY		
LEGISLATIVE INITIATIVES TO REDUCE JUVENILE CRIME		
FROM GENERAL REVENUE FUND	5,300,000	

Funds in Specific Appropriation 1149A are provided for the following Legislative Initiatives to reduce juvenile crime as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7:

Gifford Youth Activities Center.....	750,000
Runaway/Youth Crisis Shelter in Pinellas County.....	250,000
PACE Relocation and Expansion.....	2,000,000
Florida National Guard Youth Challenge.....	2,300,000

Funds in Specific Appropriation 1149A shall not be used for fixed capital outlay improvements to privately owned lands or facilities except upon execution of a lease to the Department of Juvenile Justice affording use of the land and facility for juvenile justice purposes for 50 years.

TOTAL: DELINQUENCY PREVENTION AND DIVERSION		
FROM GENERAL REVENUE FUND	63,559,406	
FROM TRUST FUNDS		14,814,816
TOTAL POSITIONS	43	
TOTAL ALL FUNDS		78,374,222

LAW ENFORCEMENT, DEPARTMENT OF

PROGRAM: OFFICE OF EXECUTIVE DIRECTOR AND BUSINESS SUPPORT PROGRAM

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LAW ENFORCEMENT GRANTS

1149B	SALARIES AND BENEFITS POSITIONS	19	
	FROM GENERAL REVENUE FUND	43,335	
	FROM OPERATING TRUST FUND		718,280
1149C	OTHER PERSONAL SERVICES		
	FROM OPERATING TRUST FUND		504,499
1149D	EXPENSES		
	FROM OPERATING TRUST FUND		135,759
1149E	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM		
	FROM OPERATING TRUST FUND		19,118,106
1149F	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE AGENCIES		
	FROM OPERATING TRUST FUND		9,035,240
1149G	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES		
	FROM OPERATING TRUST FUND		2,683,102
1149H	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS		
	FROM OPERATING TRUST FUND		1,529,434
1149I	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND		250
1149J	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM		
	FROM OPERATING TRUST FUND		4,497,908
1149K	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PROJECT DARE		
	FROM OPERATING TRUST FUND		508,302
1149L	SPECIAL CATEGORIES		
	TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND		
	FROM OPERATING TRUST FUND		100,000
1149M	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND		2,715
1149N	SPECIAL CATEGORIES		
	GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - LOCAL UNITS OF GOVERNMENT		
	FROM OPERATING TRUST FUND		949,132
1149O	SPECIAL CATEGORIES		
	GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - STATE AGENCY		
	FROM OPERATING TRUST FUND		1,907,847
1149P	SPECIAL CATEGORIES		
	GRANTS AND AID - LOCAL LAW ENFORCEMENT BLOCK GRANT - LOCAL UNITS OF GOVERNMENT		
	FROM OPERATING TRUST FUND		526,770
TOTAL:	LAW ENFORCEMENT GRANTS		
	FROM GENERAL REVENUE FUND	43,335	
	FROM TRUST FUNDS		42,217,344

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TOTAL POSITIONS	19	
TOTAL ALL FUNDS		42,260,679

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1150	SALARIES AND BENEFITS POSITIONS	122	
	FROM GENERAL REVENUE FUND	5,834,507	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		208,838
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,063
	FROM OPERATING TRUST FUND		152,598
1151	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	38,190	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,000
	FROM OPERATING TRUST FUND		24,000
1152	EXPENSES		
	FROM GENERAL REVENUE FUND	1,160,357	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		43,241
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		247,755
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,500
	FROM OPERATING TRUST FUND		69,032
	FROM REVOLVING TRUST FUND		1,000,000
1153	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	27,020	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000
1155	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	10,052	
1156	SPECIAL CATEGORIES		
	OVERTIME		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		748
1157	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	21,705	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		1,994
	FROM OPERATING TRUST FUND		2,406
1158	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	19,667	
1159	SPECIAL CATEGORIES		
	VIOLENT CRIME INVESTIGATIVE EMERGENCIES		
	FROM GENERAL REVENUE FUND	500,000	
	FROM OPERATING TRUST FUND		500,000
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	7,611,498	
	FROM TRUST FUNDS		2,314,175
	TOTAL POSITIONS	122	
	TOTAL ALL FUNDS		9,925,673

CORRECTIONAL FACILITY EXPANSION

1160A	SALARIES AND BENEFITS POSITIONS	4	
	FROM OPERATING TRUST FUND		189,195
1160B	EXPENSES		
	FROM OPERATING TRUST FUND		55,972
1160C	SPECIAL CATEGORIES		
	GRANTS AND AID - VIOLENT OFFENDER		

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INCARCERATIONS AND TRUTH-IN- SENTENCING
INCENTIVE PROGRAM - STATE AGENCY
FROM OPERATING TRUST FUND 42,804,137

TOTAL: CORRECTIONAL FACILITY EXPANSION
FROM TRUST FUNDS 43,049,304

TOTAL POSITIONS 4
TOTAL ALL FUNDS 43,049,304

PROGRAM: CRIMINAL JUSTICE INVESTIGATIONS AND
FORENSIC SCIENCE

From the funds in Specific Appropriations 1161 through 1174, the Criminal Justice Investigations and Forensic Science Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to manage, coordinate and provide investigative, forensic, prevention and protection services and through partnerships with local, state, and federal criminal justice agencies to improve the state's capacity to prevent crime and detect, capture and prosecute criminal suspects:

Performance Measures - Outcomes	FY 2000-2001 Standards
Number/percentage of criminal investigations closed resulting in an arrest	826/67%
Number/percentage of closed criminal investigations resolved	1,038/87%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1161, 1161A, 1162, 1162B, 1165, 1165A, 1166, 1167A, 1171, 1171A, 1172 and 1173 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

CRIME LABORATORY SERVICES

1161 SALARIES AND BENEFITS POSITIONS 380
FROM GENERAL REVENUE FUND 17,521,774
FROM GRANTS AND DONATIONS TRUST FUND . . . 219,577

1161A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,335,784
FROM GRANTS AND DONATIONS TRUST FUND . . . 900,000

1162 EXPENSES
FROM GENERAL REVENUE FUND 3,697,054
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 70,848
FROM GRANTS AND DONATIONS TRUST FUND . . . 324,867
FROM OPERATING TRUST FUND 16,498

1162A AID TO LOCAL GOVERNMENTS
CRIMINAL INVESTIGATIONS
FROM OPERATING TRUST FUND 2,379,702

1162B OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,800,236
FROM GRANTS AND DONATIONS TRUST FUND . . . 385,270

1163A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 250,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 22,400

1163B SPECIAL CATEGORIES
PERFORMANCE ADJUSTMENTS
FROM GENERAL REVENUE FUND 418,646

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1163C SPECIAL CATEGORIES
OVERTIME
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,000

1164 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 181,622

1164A FIXED CAPITAL OUTLAY
MINOR REPAIRS AND RENOVATIONS AT REGIONAL
OPERATING FACILITIES
FROM GENERAL REVENUE FUND 338,000

TOTAL: CRIME LABORATORY SERVICES
FROM GENERAL REVENUE FUND 25,543,116
FROM TRUST FUNDS 4,369,162

TOTAL POSITIONS 380
TOTAL ALL FUNDS 29,912,278

INVESTIGATIVE SERVICES

From the funds in Specific Appropriations 1166, 1167A and 1168A, up to $1,000,000 of forfeiture funds received through or derived from IMPACT money laundering activities deposited in the Forfeiture and Investigative Trust Fund or the Department's Federal Forfeiture Trust Fund may be used to fund a statewide drug intelligence database and the purchase of necessary equipment to support the combat of money laundering and drug trafficking activities. The Executive Office of the Governor is authorized to increase the appropriation in this trust fund for the stated purposes based on the available cash balances subject to all applicable provisions of Chapter 216, Florida Statutes.

From the funds in Specific Appropriations 1165, 1165A, 1166, 1167A, 1168A and 1170A, $650,000 from the Grants and Donations Trust Fund and 8 FTE may be used to enhance the services provided by the Florida Department of Law Enforcement Computer Crimes Center.

From the funds in Specific Appropriations 1165, 1165A, 1166, 1167A, 1168A and 1170A, $1,400,000 from recurring General Revenue and 13 FTE are provided to create a Financial Crimes Analysis Center and Financial Transaction Database to support Florida's money laundering crime fighting initiative.

1165 SALARIES AND BENEFITS POSITIONS 657
FROM GENERAL REVENUE FUND 35,140,311
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,839,329
FROM OPERATING TRUST FUND 735,927

1165A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,056,777
FROM GRANTS AND DONATIONS TRUST FUND . . . 272,210
FROM OPERATING TRUST FUND 36,000

1166 EXPENSES
FROM GENERAL REVENUE FUND 10,044,993
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 1,179,366
FROM GRANTS AND DONATIONS TRUST FUND . . . 876,421
FROM OPERATING TRUST FUND 852,223

From the funds provided in Specific Appropriation 1166 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 per case, but not to exceed $150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.

1167 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SPECIAL PROJECT GRANTS
FROM GENERAL REVENUE FUND 279,672

From the funds in Specific Appropriation 1167, up to $75,000 may be provided to Citizen's Crime Watch of Dade County.

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1167A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,392,414
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 190,574
FROM GRANTS AND DONATIONS TRUST FUND . . . 180,000

From Specific Appropriation 1167A, $100,000 from the Grants and Donations Trust Fund shall be used for the Northeast Florida Regional Investigative Support Center, provided such funds are received from counties residing in the FDLE Jacksonville Region.

1168A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 512,348
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 580,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 35,800

1168B SPECIAL CATEGORIES
PERFORMANCE ADJUSTMENTS
FROM GENERAL REVENUE FUND 117,000

1169 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL PROJECTS
FROM GENERAL REVENUE FUND 800,000

From the funds in Specific Appropriation 1169, $650,000 is provided for the following programs:

A Child Is Missing..... 150,000
Range 2000 Firearm Simulator..... 100,000
Palm Beach County Auto Theft Task Force..... 350,000
Detector Dog Training and Certification Program..... 50,000

1169A SPECIAL CATEGORIES
OVERTIME
FROM GRANTS AND DONATIONS TRUST FUND . . . 200,000
FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND 868,486

1170 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 391,756
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 1,509
FROM OPERATING TRUST FUND 1,133

1170A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 493,238
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,120

TOTAL: INVESTIGATIVE SERVICES
FROM GENERAL REVENUE FUND 50,228,509
FROM TRUST FUNDS 7,852,098

TOTAL POSITIONS 657
TOTAL ALL FUNDS 58,080,607

MUTUAL AID AND PREVENTION SERVICES

1171 SALARIES AND BENEFITS POSITIONS 17
FROM GENERAL REVENUE FUND 977,989

1171A OTHER PERSONAL SERVICES
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 66,879

1172 EXPENSES
FROM GENERAL REVENUE FUND 139,448

1174 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 29,324

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TOTAL: MUTUAL AID AND PREVENTION SERVICES
FROM GENERAL REVENUE FUND 1,146,761
FROM TRUST FUNDS 66,879

TOTAL POSITIONS 17
TOTAL ALL FUNDS 1,213,640

PROGRAM: CRIMINAL JUSTICE INFORMATION

From the funds in Specific Appropriations 1175 through 1182, the Criminal Justice Information Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide criminal justice information needed to prevent crime, solve cases, recover property and identify and apprehend criminals; to provide screening to identify persons with criminal warrants, arrests, and convictions; and to provide statistical and analytical information about crime to policy-makers and the public:

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of time FCIC is running and accessible	99.5%
Percentage response to criminal history record check customers within defined time frame	92%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1175, 1175A, 1175B, 1175C, 1178, 1178A, 1179 and 1179A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes

NETWORK SERVICES

1175 SALARIES AND BENEFITS POSITIONS 77
FROM GENERAL REVENUE FUND 3,760,512

From the funds provided in Specific Appropriation 1175, $400,000 is provided to offset a reduction in the criminal history check fee collected from potential buyers of firearms pursuant to section 790.065, Florida Statutes. These funds shall initially be placed in reserve and released upon the implementation of an amendment to the administrative rule that reduces the amount of fee collected by the Department.

1175A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,550,000
FROM OPERATING TRUST FUND 1,170,000

1175B EXPENSES
FROM GENERAL REVENUE FUND 4,457,802
FROM OPERATING TRUST FUND 7,326,562

1175C OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 135,000
FROM OPERATING TRUST FUND 5,362,992

1176A SPECIAL CATEGORIES
OVERTIME
FROM OPERATING TRUST FUND 46,200

1177 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,328
FROM OPERATING TRUST FUND 2,464

1177A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 3,600

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TOTAL: NETWORK SERVICES
FROM GENERAL REVENUE FUND 9,914,242
FROM TRUST FUNDS 13,908,218

TOTAL POSITIONS 77
TOTAL ALL FUNDS 23,822,460

PREVENTION AND CRIME INFORMATION SERVICES

Funds in Specific Appropriations 1178 through 1182 from the Operating Trust Fund are derived from fees for criminal history checks. Such fees charged to the vendors associated with the Departments of Children and Families, Juvenile Justice and Elder Affairs shall not exceed $8.

1178 SALARIES AND BENEFITS POSITIONS 314
FROM GENERAL REVENUE FUND 1,821,935
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 80,672
FROM GRANTS AND DONATIONS TRUST FUND . . . 312,459
FROM OPERATING TRUST FUND 8,099,528

1178A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 50,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,130,459
FROM OPERATING TRUST FUND 320,611

1179 EXPENSES
FROM GENERAL REVENUE FUND 780,386
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 4,008
FROM GRANTS AND DONATIONS TRUST FUND . . . 478,659
FROM OPERATING TRUST FUND 777,440

1179A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 11,557
FROM GRANTS AND DONATIONS TRUST FUND . . . 438,958
FROM OPERATING TRUST FUND 294,022

1180A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 53,400
FROM OPERATING TRUST FUND 40,170

1180B SPECIAL CATEGORIES
OVERTIME
FROM OPERATING TRUST FUND 218,946

1181 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 36,148
FROM OPERATING TRUST FUND 47,671

1182 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 26,740

TOTAL: PREVENTION AND CRIME INFORMATION SERVICES
FROM GENERAL REVENUE FUND 2,753,426
FROM TRUST FUNDS 12,270,343

TOTAL POSITIONS 314
TOTAL ALL FUNDS 15,023,769

PROGRAM: CRIMINAL JUSTICE PROFESSIONALISM

From the funds in Specific Appropriations 1183 through 1190B, the Criminal Justice Professionalism Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to promote and facilitate the competency and professional conduct of criminal justice officers through a partnership with criminal justice agencies and provide entry-level and in-service officer training and maintain disciplinary procedures the output measures and outcome measures and associated performance standards are as follows:

Performance Measures - Outcomes	FY 2000-2001 Standards
Number/percentage of individuals who pass the basic professionalism certification examination for law enforcement officers, correctional officers, and correctional probation officers	5,140/75%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1183, 1183A, 1183B, 1185B, 1186, 1186A, 1187, 1187A and 1190B shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

LAW ENFORCEMENT STANDARDS COMPLIANCE

1183 SALARIES AND BENEFITS POSITIONS 71
FROM GENERAL REVENUE FUND 773,696
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 2,343,943

1183A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,000
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 337,465

1183B EXPENSES
FROM GENERAL REVENUE FUND 122,771
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 285,581

1185 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 18,006

1185A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 5,070

1185B SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 6,531,164

TOTAL: LAW ENFORCEMENT STANDARDS COMPLIANCE
FROM GENERAL REVENUE FUND 919,537
FROM TRUST FUNDS 9,516,159

TOTAL POSITIONS 71
TOTAL ALL FUNDS 10,435,696

LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES

1186 SALARIES AND BENEFITS POSITIONS 39
FROM GENERAL REVENUE FUND 495,121
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 1,262,123
FROM OPERATING TRUST FUND 51,727

1186A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,000

SECTION 4
SPECIFIC
APPROPRIATION

FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,027,618
FROM OPERATING TRUST FUND		33,000
1187 EXPENSES		
FROM GENERAL REVENUE FUND	75,608	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,727,273
FROM OPERATING TRUST FUND		52,226

From the funds in Specific Appropriation 1187, $6,600 from the Criminal Justice Standards and Training Trust Fund shall be paid to the City of Port Orange to restore an underpayment of salary incentive funds.

1187A OPERATING CAPITAL OUTLAY		
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		203,819
1189 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		137,649
1190 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		9,696
1190A SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	2,730	
1190B SPECIAL CATEGORIES		
GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING		
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		903,296
TOTAL: LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES		
FROM GENERAL REVENUE FUND	588,459	
FROM TRUST FUNDS		5,408,427
TOTAL POSITIONS	39	
TOTAL ALL FUNDS		5,996,886

PROGRAM: PUBLIC ASSISTANCE FRAUD

PUBLIC ASSISTANCE FRAUD INVESTIGATIONS

1190C SALARIES AND BENEFITS POSITIONS	128	
FROM GENERAL REVENUE FUND	3,064,412	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,984,961
1190D OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	16,406	
FROM GRANTS AND DONATIONS TRUST FUND . . .		544
1190E EXPENSES		
FROM GENERAL REVENUE FUND	662,209	
FROM GRANTS AND DONATIONS TRUST FUND . . .		475,996
1190F OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	104,227	
1190G DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	114,204	
FROM GRANTS AND DONATIONS TRUST FUND . . .		109,722

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TOTAL: PUBLIC ASSISTANCE FRAUD INVESTIGATIONS		
FROM GENERAL REVENUE FUND	3,961,458	
FROM TRUST FUNDS		3,571,223
TOTAL POSITIONS	128	
TOTAL ALL FUNDS		7,532,681

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

PROGRAM: OFFICE OF ATTORNEY GENERAL

From the funds in Specific Appropriations 1191 through 1231, the Office of the Attorney General will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide civil representation and legal services on behalf of the State of Florida, and to assist crime victims and law enforcement agencies through associated support services:

Performance Measures - Outcomes	FY 2000-2001 Standards
Average number of days for opinion response	29
Percent of mediated open government cases resolved in 3 weeks or less	75%
Percent of lemon law cases resolved in less than 1 year	99%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

CIVIL ENFORCEMENT

1191 SALARIES AND BENEFITS POSITIONS	370	
FROM GENERAL REVENUE FUND	4,016,225	
FROM CONSUMER FRAUDS TRUST FUND		918,448
FROM CRIMES COMPENSATION TRUST FUND . . .		18,264
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,415,056
FROM LEGAL SERVICES TRUST FUND		5,721,193
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		2,623,302
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		1,124,561
1192 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	42,220	
FROM GRANTS AND DONATIONS TRUST FUND . . .		126,658
FROM LEGAL SERVICES TRUST FUND		25,000
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		150,000
1193 EXPENSES		
FROM GENERAL REVENUE FUND	406,668	
FROM CONSUMER FRAUDS TRUST FUND		2,562
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,107,182
FROM LEGAL SERVICES TRUST FUND		1,011,282
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		65,541
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		430,923
FROM REVOLVING ESCROW TRUST FUND		8,913
1194 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	84,883	
FROM CONSUMER FRAUDS TRUST FUND		11,940
FROM GRANTS AND DONATIONS TRUST FUND . . .		317,458
FROM LEGAL SERVICES TRUST FUND		441,517
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		39,483
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		21,592
1194A LUMP SUM		
CHILD WELFARE LEGAL SERVICES		
POSITIONS	60	
FROM LEGAL SERVICES TRUST FUND		3,888,049

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1195	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	39,375	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		194,615
1196	SPECIAL CATEGORIES		
	ANTITRUST INVESTIGATIONS		
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		1,470,011
1197	SPECIAL CATEGORIES		
	CONSUMER FRAUD INVESTIGATIONS		
	FROM CONSUMER FRAUDS TRUST FUND		528,290
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		134,126
1198	SPECIAL CATEGORIES		
	ECONOMIC CRIME LITIGATION		
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		994,807
1199	SPECIAL CATEGORIES		
	RICO INVESTIGATIONS		
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		737,055
1200	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,352
1201	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		46,343
1202	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		7,448
1203	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	12,483	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,000
	FROM LEGAL SERVICES TRUST FUND		192,081
TOTAL:	CIVIL ENFORCEMENT		
	FROM GENERAL REVENUE FUND	4,601,854	
	FROM TRUST FUNDS		27,815,052
	TOTAL POSITIONS	430	
	TOTAL ALL FUNDS		32,416,906

CONSTITUTIONAL LEGAL SERVICES

1204	SALARIES AND BENEFITS POSITIONS	275	
	FROM GENERAL REVENUE FUND	874,347	
1206	EXPENSES		
	FROM GENERAL REVENUE FUND	156,482	
1207	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,510	
TOTAL:	CONSTITUTIONAL LEGAL SERVICES		
	FROM GENERAL REVENUE FUND	1,047,339	
	TOTAL POSITIONS	275	
	TOTAL ALL FUNDS		1,047,339

CRIMINAL AND CIVIL LITIGATION DEFENSE

1210	SALARIES AND BENEFITS POSITIONS	216	
	FROM GENERAL REVENUE FUND	13,738,688	
	FROM LEGAL SERVICES TRUST FUND		6,244,646

SECTION 4
SPECIFIC
APPROPRIATION

1210A	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	74,287	
	FROM LEGAL SERVICES TRUST FUND		2,922,711
1211	EXPENSES		
	FROM GENERAL REVENUE FUND	1,865,703	
	FROM ADMINISTRATIVE TRUST FUND		720
	FROM CRIMES COMPENSATION TRUST FUND . . .		563
	FROM LEGAL SERVICES TRUST FUND		1,809,032
1212	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,104	
	FROM LEGAL SERVICES TRUST FUND		19,489
1212A	SPECIAL CATEGORIES		
	LITIGATION EXPENSES		
	FROM GENERAL REVENUE FUND	46,500	
1212B	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM LEGAL SERVICES TRUST FUND		30,972
TOTAL:	CRIMINAL AND CIVIL LITIGATION DEFENSE		
	FROM GENERAL REVENUE FUND	15,740,282	
	FROM TRUST FUNDS		11,028,133
	TOTAL POSITIONS	216	
	TOTAL ALL FUNDS		26,768,415

VICTIM SERVICES

1213	SALARIES AND BENEFITS POSITIONS	74	
	FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		323,780
	FROM CRIMES COMPENSATION TRUST FUND . . .		3,949,723
	FROM CRIME STOPPERS TRUST FUND		37,880
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		259,812
1214	OTHER PERSONAL SERVICES		
	FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		45,100
	FROM CRIMES COMPENSATION TRUST FUND . . .		40,851
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		130,000
1215	EXPENSES		
	FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		170,153
	FROM CRIMES COMPENSATION TRUST FUND . . .		717,157
	FROM CRIME STOPPERS TRUST FUND		6,712
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		217,467
1216	OPERATING CAPITAL OUTLAY		
	FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		5,380
	FROM CRIMES COMPENSATION TRUST FUND . . .		68,721
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		3,930
1218	SPECIAL CATEGORIES		
	AWARDS TO CLAIMANTS		
	FROM CRIMES COMPENSATION TRUST FUND . . .		22,558,000

From the funds in Specific Appropriation 1218, the Attorney General is directed to give priority to the payment of claims for the forensic examinations for victims of sexual assault.

1219	SPECIAL CATEGORIES		
	FAMILY VIOLENCE - LEGAL ASSISTANCE		
	FROM CRIMES COMPENSATION TRUST FUND . . .		150,000

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APPROPRIATION

1219A	SPECIAL CATEGORIES GRANTS AND AIDS - MINORITY COMMUNITIES CRIME PREVENTION PROGRAMS FROM GENERAL REVENUE FUND	3,929,163	
1220	SPECIAL CATEGORIES GRANTS AND AIDS - MOTOR VEHICLE THEFT PREVENTION FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		2,142,669
1221	SPECIAL CATEGORIES GRANTS AND AIDS - CRIME STOPPERS FROM CRIME STOPPERS TRUST FUND		8,000,000
1222	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CRIMES COMPENSATION TRUST FUND . . .		152,213
1223	SPECIAL CATEGORIES GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES FROM CRIMES COMPENSATION TRUST FUND . . .		19,399,000
TOTAL:	VICTIM SERVICES FROM GENERAL REVENUE FUND	3,929,163	
	FROM TRUST FUNDS		58,378,548
	TOTAL POSITIONS	74	
	TOTAL ALL FUNDS		62,307,711

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1224	SALARIES AND BENEFITS POSITIONS	93	
	FROM GENERAL REVENUE FUND	2,724,318	
	FROM ADMINISTRATIVE TRUST FUND		1,184,104
1225	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	24,687	
	FROM ADMINISTRATIVE TRUST FUND		133,904
1226	EXPENSES FROM GENERAL REVENUE FUND	438,302	
	FROM ADMINISTRATIVE TRUST FUND		1,184,559
1227	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - DADE COUNTY HAITIAN REFUGEE CENTER FROM GENERAL REVENUE FUND	10,000	
1228	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	291,513	
	FROM ADMINISTRATIVE TRUST FUND		467,795
	FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		4,369
	FROM CRIMES COMPENSATION TRUST FUND . . .		47,914
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		3,014
	FROM GRANTS AND DONATIONS TRUST FUND . . .		59,753
	FROM LEGAL SERVICES TRUST FUND		156,593
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		39,423
	FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		17,516
1229	SPECIAL CATEGORIES ATTORNEY GENERAL'S LAW LIBRARY FROM GENERAL REVENUE FUND	306,728	
1230	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	124,881	
1231	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES		

SECTION 4
SPECIFIC
APPROPRIATION

	FROM GENERAL REVENUE FUND	146,965	
	FROM ADMINISTRATIVE TRUST FUND		157,876
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND	4,067,394	
	FROM TRUST FUNDS		3,456,820
	TOTAL POSITIONS	93	
	TOTAL ALL FUNDS		7,524,214

PROGRAM: OFFICE OF STATEWIDE PROSECUTION

From the funds in Specific Appropriations 1232 through 1234, the Statewide Prosecution Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to investigate and prosecute criminal offenses enumerated in section 16.56, Florida Statutes, when they have been part of an organized crime conspiracy affecting two or more judicial circuits, including assistance to federal state attorneys and local law enforcement offices in their efforts against organized crime:

Performance Measures - Outcomes	FY 2000-2001 Standards
Of the defendants who reached disposition, the number of those convicted	325
Conviction rate per defendants who reached final disposition	FY 2001-2002 LBR

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME

1232	SALARIES AND BENEFITS POSITIONS	67	
	FROM GENERAL REVENUE FUND	4,161,105	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		80,064
1232A	EXPENSES FROM GENERAL REVENUE FUND	29,002	
1232B	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	6,000	
1233	SPECIAL CATEGORIES STATEWIDE PROSECUTION FROM GENERAL REVENUE FUND	788,546	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		87,230
1234	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	22,177	
TOTAL:	PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME FROM GENERAL REVENUE FUND	5,006,830	
	FROM TRUST FUNDS		167,294
	TOTAL POSITIONS	67	
	TOTAL ALL FUNDS		5,174,124

PROGRAM: FLORIDA ELECTIONS COMMISSION

CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT

1235	SALARIES AND BENEFITS POSITIONS	16	
	FROM ELECTIONS COMMISSION TRUST FUND . . .		800,901
1236	OTHER PERSONAL SERVICES FROM ELECTIONS COMMISSION TRUST FUND . . .		80,148

SECTION 4
SPECIFIC
APPROPRIATION

1237 EXPENSES
FROM ELECTIONS COMMISSION TRUST FUND . . . 263,957

1237A OPERATING CAPITAL OUTLAY
FROM ELECTIONS COMMISSION TRUST FUND . . . 12,196

TOTAL: CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT
FROM TRUST FUNDS 1,157,202

TOTAL POSITIONS 16
TOTAL ALL FUNDS 1,157,202

PAROLE COMMISSION

PROGRAM: POST-INCARCERATION ENFORCEMENT AND
VICTIMS RIGHTS

1238 SALARIES AND BENEFITS POSITIONS 184
FROM GENERAL REVENUE FUND 8,059,606

1239 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 270,531

1240 EXPENSES
FROM GENERAL REVENUE FUND 1,572,760

1241 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 58,930

1242 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 86,358

1243 DATA PROCESSING SERVICES
LAW ENFORCEMENT DATA CENTER
FROM GENERAL REVENUE FUND 1,932

1244 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 317,924

TOTAL: PROGRAM: POST-INCARCERATION ENFORCEMENT AND
VICTIMS RIGHTS
FROM GENERAL REVENUE FUND 10,368,041

TOTAL POSITIONS 184
TOTAL ALL FUNDS 10,368,041

TOTAL OF SECTION 4 POSITIONS 44,939

FROM GENERAL REVENUE FUND 2655,554,452

FROM TRUST FUNDS 559,282,244

TOTAL ALL FUNDS 3214,836,696

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Fish and Wildlife Conservation Commission, and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE

PROGRAM: OFFICE OF THE COMMISSIONER AND
ADMINISTRATION

SECTION 5
SPECIFIC
APPROPRIATION
AGRICULTURAL LAW ENFORCEMENT

1245 SALARIES AND BENEFITS POSITIONS 41
FROM GENERAL REVENUE FUND 2,172,821
FROM CITRUS INSPECTION TRUST FUND 233,557
FROM GENERAL INSPECTION TRUST FUND 44,969

1246 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,000

1247 EXPENSES
FROM GENERAL REVENUE FUND 467,277
FROM GENERAL INSPECTION TRUST FUND 13,911

1248 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 66,000

1249 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,242

1250 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 32,932
FROM GENERAL INSPECTION TRUST FUND 881

TOTAL: AGRICULTURAL LAW ENFORCEMENT
FROM GENERAL REVENUE FUND 2,784,272
FROM TRUST FUNDS 293,318

TOTAL POSITIONS 41
TOTAL ALL FUNDS 3,077,590

AGRICULTURAL WATER POLICY COORDINATION

1251 SALARIES AND BENEFITS POSITIONS 18
FROM GENERAL REVENUE FUND 969,089

1252 EXPENSES
FROM GENERAL REVENUE FUND 85,692

1252A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SOIL AND WATER COST
SHARING PROGRAM
FROM GENERAL REVENUE FUND 300,000

1253 SPECIAL CATEGORIES
ANIMAL WASTE MANAGEMENT
FROM GENERAL INSPECTION TRUST FUND 200,000

TOTAL: AGRICULTURAL WATER POLICY COORDINATION
FROM GENERAL REVENUE FUND 1,354,781
FROM TRUST FUNDS 200,000

TOTAL POSITIONS 18
TOTAL ALL FUNDS 1,554,781

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1254 SALARIES AND BENEFITS POSITIONS 244
FROM GENERAL REVENUE FUND 8,357,448
FROM ADMINISTRATIVE TRUST FUND 3,317,037

1255 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 73,463
FROM ADMINISTRATIVE TRUST FUND 925,240

1256 EXPENSES
FROM GENERAL REVENUE FUND 993,356
FROM ADMINISTRATIVE TRUST FUND 1,479,613
FROM GENERAL INSPECTION TRUST FUND 55,000

SECTION 5
SPECIFIC
APPROPRIATION

1257 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	19,278	
FROM ADMINISTRATIVE TRUST FUND		6,000
1258 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM ADMINISTRATIVE TRUST FUND		55,079
1259 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	31,249	
FROM ADMINISTRATIVE TRUST FUND		31,826
1260 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	141,651	
FROM ADMINISTRATIVE TRUST FUND		5,481
1261 SPECIAL CATEGORIES		
NORTH AMERICAN FREE TRADE AGREEMENT IMPACT		
FROM GENERAL INSPECTION TRUST FUND		400,000
1262 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM ADMINISTRATIVE TRUST FUND		9,900
1262A FIXED CAPITAL OUTLAY		
EXTERIOR PAINTING, WAREHOUSE BUILDING, LABORATORY COMPLEX - DMS MGD		
FROM ADMINISTRATIVE TRUST FUND		20,895
1262B FIXED CAPITAL OUTLAY		
INTERIOR PAINTING - MAYO BUILDING - DMS MGD		
FROM ADMINISTRATIVE TRUST FUND		69,187
1262C FIXED CAPITAL OUTLAY		
PRESERVATION/RESTORATION OF HISTORICAL SITE AND NEW DESIGN FOR REGIONAL OPERATIONS CENTER - BARTOW		
FROM GENERAL INSPECTION TRUST FUND		750,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	9,616,445	
FROM TRUST FUNDS		7,125,258
TOTAL POSITIONS	244	
TOTAL ALL FUNDS		16,741,703

PROGRAM: FOREST AND RESOURCE PROTECTION

LAND MANAGEMENT

1263 SALARIES AND BENEFITS POSITIONS	451	
FROM GENERAL REVENUE FUND	9,811,062	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		399,602
FROM INCIDENTAL TRUST FUND		1,978,883
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		4,444,291
1264 OTHER PERSONAL SERVICES		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		329,535
FROM INCIDENTAL TRUST FUND		351,641
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		170,000
1265 EXPENSES		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,482,746
FROM INCIDENTAL TRUST FUND		2,887,490
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		4,542,999

SECTION 5
SPECIFIC
APPROPRIATION

1266 AID TO LOCAL GOVERNMENTS		
AMERICA THE BEAUTIFUL PROGRAM		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,747,538
1267 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - PLANT A TREE PROGRAM		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		200,000
1268 AID TO LOCAL GOVERNMENTS		
STATE FOREST RECEIPT DISTRIBUTION		
FROM INCIDENTAL TRUST FUND		700,050
1269 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	53,433	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		331,525
FROM INCIDENTAL TRUST FUND		1,519,000
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		616,000
1269A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INCIDENTAL TRUST FUND		50,000
1270 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	71,702	
FROM INCIDENTAL TRUST FUND		8,816
1270A SPECIAL CATEGORIES		
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		2,544,152
1271 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM INCIDENTAL TRUST FUND		571
1271A FIXED CAPITAL OUTLAY		
MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE		
FROM INCIDENTAL TRUST FUND		100,000
1271B FIXED CAPITAL OUTLAY		
GOETHE STATE FOREST		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		421,890
1271C FIXED CAPITAL OUTLAY		
RELOCATE COCOA WORK CENTER		
FROM INCIDENTAL TRUST FUND		150,000
1271D FIXED CAPITAL OUTLAY		
TATES HELL STATE FOREST FACILITY		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		460,000
1271E FIXED CAPITAL OUTLAY		
REPLACE FORESTRY STATION - CROSS CITY WORK CENTER - DIXIE CO		
FROM INCIDENTAL TRUST FUND		375,000
1271F FIXED CAPITAL OUTLAY		
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE		
FROM FLORIDA FOREVER PROGRAM TRUST FUND .		4,500,000
1271G FIXED CAPITAL OUTLAY		
FORESTRY LAND ACQUISITION - STATEWIDE		
FROM INCIDENTAL TRUST FUND		110,000

SECTION 5
SPECIFIC
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TOTAL: LAND MANAGEMENT
FROM GENERAL REVENUE FUND 9,936,197
FROM TRUST FUNDS 30,421,729

TOTAL POSITIONS 451
TOTAL ALL FUNDS 40,357,926

WILDFIRE PREVENTION AND MANAGEMENT

1272 SALARIES AND BENEFITS POSITIONS 773
FROM GENERAL REVENUE FUND 28,286,651
FROM CONTRACTS AND GRANTS TRUST FUND . . . 753,463
FROM INCIDENTAL TRUST FUND 101,093

1273 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 308,742
FROM INCIDENTAL TRUST FUND 120,000

1274 EXPENSES
FROM GENERAL REVENUE FUND 7,861,534
FROM CONTRACTS AND GRANTS TRUST FUND . . . 450,000
FROM INCIDENTAL TRUST FUND 1,098,227

1275 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION
FROM CONTRACTS AND GRANTS TRUST FUND . . . 72,589

1276 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 501,733

1276A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 2,100,000
FROM INCIDENTAL TRUST FUND 555,000

1277 SPECIAL CATEGORIES
ON-CALL FEES
FROM GENERAL REVENUE FUND 333,296
FROM INCIDENTAL TRUST FUND 10,000

1278 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 645,320
FROM INCIDENTAL TRUST FUND 79,342

1279 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM INCIDENTAL TRUST FUND 1,061

From the funds in Specific Appropriations 1263 through 1279, the Forest and Resource Protection Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Number of acres of forest lands protected from wildfires	25,100,000
2. Number of wildfires detected and suppressed	3,800

Additional approved measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1263, 1264, 1265, 1269, 1272, 1273, 1274, and 1276 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

SECTION 5
SPECIFIC
APPROPRIATION

TOTAL: WILDFIRE PREVENTION AND MANAGEMENT
FROM GENERAL REVENUE FUND 40,037,276
FROM TRUST FUNDS 3,240,775

TOTAL POSITIONS 773
TOTAL ALL FUNDS 43,278,051

PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER

INFORMATION TECHNOLOGY

1280 SALARIES AND BENEFITS POSITIONS 46
FROM GENERAL REVENUE FUND 1,127,315
FROM GENERAL INSPECTION TRUST FUND 1,267,298

1281 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 150,000
FROM GENERAL INSPECTION TRUST FUND 150,000

1282 EXPENSES
FROM GENERAL REVENUE FUND 1,652,634
FROM GENERAL INSPECTION TRUST FUND 2,839,737

1283 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 151,270
FROM GENERAL INSPECTION TRUST FUND 693,488

1283A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL INSPECTION TRUST FUND 42,000

1284 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL INSPECTION TRUST FUND 8,257

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 3,081,219
FROM TRUST FUNDS 5,000,780

TOTAL POSITIONS 46
TOTAL ALL FUNDS 8,081,999

PROGRAM: FOOD SAFETY AND QUALITY

DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT

1285 SALARIES AND BENEFITS POSITIONS 34
FROM GENERAL REVENUE FUND 1,460,548

1286 EXPENSES
FROM GENERAL REVENUE FUND 231,715

1287 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 25,000

1288 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,097

TOTAL: DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT
FROM GENERAL REVENUE FUND 1,723,360

TOTAL POSITIONS 34
TOTAL ALL FUNDS 1,723,360

FOOD SAFETY INSPECTION AND ENFORCEMENT

1289 SALARIES AND BENEFITS POSITIONS 258
FROM GENERAL REVENUE FUND 2,156,549
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,675,482
FROM GENERAL INSPECTION TRUST FUND 7,215,956

SECTION 5
SPECIFIC
APPROPRIATION

1290 OTHER PERSONAL SERVICES
FROM CONTRACTS AND GRANTS TRUST FUND . . . 175,188

1291 EXPENSES
FROM GENERAL REVENUE FUND 638,755
FROM CONTRACTS AND GRANTS TRUST FUND . . . 481,934
FROM GENERAL INSPECTION TRUST FUND 901,606

1292 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 30,888
FROM CONTRACTS AND GRANTS TRUST FUND . . . 173,500
FROM GENERAL INSPECTION TRUST FUND 155,930

1293 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL INSPECTION TRUST FUND 70,700

1294 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 142,229
FROM CONTRACTS AND GRANTS TRUST FUND . . . 39,462
FROM GENERAL INSPECTION TRUST FUND 75,565

1295 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL INSPECTION TRUST FUND 9,206

From the funds in Specific Appropriations 1285 through 1295, the Food Safety and Quality Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Percent of dairy establishments meeting food safety and sanitation requirements	80.77%
2. Percent of milk and dairy products analyzed that meet standards	90.7%
3. Percent of food establishments meeting food safety and sanitation requirements	91.2%
4. Percent of produce or food samples analyzed that meet pesticide residue standards	97.7%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1285, 1286, 1287, 1289, 1290, 1291 and 1292 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: FOOD SAFETY INSPECTION AND ENFORCEMENT
FROM GENERAL REVENUE FUND 2,968,421
FROM TRUST FUNDS 10,974,529

TOTAL POSITIONS 258
TOTAL ALL FUNDS 13,942,950

PROGRAM: CONSUMER PROTECTION

AGRICULTURAL ENVIRONMENTAL SERVICES

1296 SALARIES AND BENEFITS POSITIONS 205
FROM GENERAL REVENUE FUND 2,726,519
FROM CONTRACTS AND GRANTS TRUST FUND . . . 176,034
FROM GENERAL INSPECTION TRUST FUND 4,479,673
FROM PEST CONTROL TRUST FUND 1,437,085

1297 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,500
FROM CONTRACTS AND GRANTS TRUST FUND . . . 20,000
FROM PEST CONTROL TRUST FUND 21,530

1298 EXPENSES
FROM GENERAL REVENUE FUND 889,627
FROM CONTRACTS AND GRANTS TRUST FUND . . . 421,998
FROM GENERAL INSPECTION TRUST FUND 585,952
FROM PEST CONTROL TRUST FUND 376,408

1299 AID TO LOCAL GOVERNMENTS
MOSQUITO CONTROL PROGRAM
FROM GENERAL REVENUE FUND 100,000
FROM GENERAL INSPECTION TRUST FUND 2,278,598

From the funds provided in Specific Appropriation 1299, $250,000 from the General Inspection Trust Fund shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the IFAS/Florida Medical Entomology Laboratory and the FAMU/Mulrennan Research Laboratory. The research shall be guided by a seven member research advisory committee, appointed by the Commissioner of Agriculture which shall include three representatives of local mosquito control programs, and one representative each from the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Department of Health and the U.S. Department of Agriculture (USDA).

From the funds in Specific Appropriation 1299, $100,000 from the General Revenue Fund is provided for the control of nuisance chironomidae (blind mosquitoes) in Lake Monroe in Sanford, Florida.

1300 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,070
FROM CONTRACTS AND GRANTS TRUST FUND . . . 75,000

1301 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CONTRACTS AND GRANTS TRUST FUND . . . 115,000
FROM GENERAL INSPECTION TRUST FUND 48,000
FROM PEST CONTROL TRUST FUND 36,000

1302 SPECIAL CATEGORIES
NITRATE RESEARCH AND REMEDIATION
FROM GENERAL INSPECTION TRUST FUND 930,000

1303 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 58,584

TOTAL: AGRICULTURAL ENVIRONMENTAL SERVICES
FROM GENERAL REVENUE FUND 3,786,300
FROM TRUST FUNDS 11,001,278

TOTAL POSITIONS 205
TOTAL ALL FUNDS 14,787,578

CONSUMER PROTECTION

1304 SALARIES AND BENEFITS POSITIONS 120
FROM GENERAL REVENUE FUND 584,165
FROM GENERAL INSPECTION TRUST FUND 3,749,970

1305 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 112,216
FROM GENERAL INSPECTION TRUST FUND 38,513

From the General Revenue funds provided in Specific Appropriation 1305, $100,000 is provided for Assistive Technology Warranty Act staffing.

1306 EXPENSES
FROM GENERAL REVENUE FUND 138,112
FROM CONTRACTS AND GRANTS TRUST FUND . . . 8,771
FROM GENERAL INSPECTION TRUST FUND 976,544

SECTION 5
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APPROPRIATION

1306A OPERATING CAPITAL OUTLAY
FROM GENERAL INSPECTION TRUST FUND 64,000

1307 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,228

TOTAL: CONSUMER PROTECTION
FROM GENERAL REVENUE FUND 855,721
FROM TRUST FUNDS 4,837,798

TOTAL POSITIONS 120
TOTAL ALL FUNDS 5,693,519

STANDARDS AND PETROLEUM QUALITY INSPECTION

1308 SALARIES AND BENEFITS POSITIONS 191
FROM GENERAL REVENUE FUND 2,009,878
FROM GENERAL INSPECTION TRUST FUND 4,838,291

1309 OTHER PERSONAL SERVICES
FROM GENERAL INSPECTION TRUST FUND 59,572

1310 EXPENSES
FROM GENERAL REVENUE FUND 343,362
FROM GENERAL INSPECTION TRUST FUND 1,783,049

1311 OPERATING CAPITAL OUTLAY
FROM GENERAL INSPECTION TRUST FUND 407,200

1312 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 36,600
FROM GENERAL INSPECTION TRUST FUND 258,400

1313 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,575
FROM GENERAL INSPECTION TRUST FUND 47,255

1313A FIXED CAPITAL OUTLAY
REPLACE TILES/AIR HANDLERS - PORT
EVERGLADES LAB
FROM GENERAL INSPECTION TRUST FUND 30,000

1313B FIXED CAPITAL OUTLAY
REPLACE AIR CONDITIONING SYSTEM - WEIGHTS
AND MEASURES LAB - LEON COUNTY
FROM GENERAL INSPECTION TRUST FUND 30,000

From the funds in Specific Appropriations 1296 through 1313B, the Consumer Protection Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Percent regulated entities found operating in compliance with the consumer protection laws.....	91%
2. Percent of petroleum products meeting quality standards	99.2%
3. Percent of licensed pesticide applicators inspected that are in compliance	76%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1296, 1297, 1298, 1300, 1304, 1305, 1306, 1306A, 1308, 1309, 1310 and 1311 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

SECTION 5
SPECIFIC
APPROPRIATION

TOTAL: STANDARDS AND PETROLEUM QUALITY INSPECTION
FROM GENERAL REVENUE FUND 2,398,415
FROM TRUST FUNDS 7,453,767

TOTAL POSITIONS 191
TOTAL ALL FUNDS 9,852,182

PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT

FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT

1314 SALARIES AND BENEFITS POSITIONS 317
FROM CITRUS INSPECTION TRUST FUND 9,397,776
FROM GENERAL INSPECTION TRUST FUND 2,312,154

1315 OTHER PERSONAL SERVICES
FROM CITRUS INSPECTION TRUST FUND 500,000
FROM GENERAL INSPECTION TRUST FUND 500,000

1316 EXPENSES
FROM CITRUS INSPECTION TRUST FUND 1,496,380
FROM GENERAL INSPECTION TRUST FUND 469,226

1316A OPERATING CAPITAL OUTLAY
FROM CITRUS INSPECTION TRUST FUND 148,000

1317 SPECIAL CATEGORIES
AUTOMATED TESTING EQUIPMENT
FROM CITRUS INSPECTION TRUST FUND 254,756

1318 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS INSPECTION TRUST FUND 351,895
FROM GENERAL INSPECTION TRUST FUND 40,739

1318A FIXED CAPITAL OUTLAY
REPLACE AIR CONDITIONING SYSTEM - FLORIDA
CITRUS BUILDING - WINTER HAVEN
FROM CITRUS INSPECTION TRUST FUND 100,000

TOTAL: FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT
FROM TRUST FUNDS 15,570,926

TOTAL POSITIONS 317
TOTAL ALL FUNDS 15,570,926

AGRICULTURAL PRODUCTS MARKETING

1319 SALARIES AND BENEFITS POSITIONS 202
FROM GENERAL REVENUE FUND 3,111,001
FROM CITRUS INSPECTION TRUST FUND 1,043,372
FROM CONTRACTS AND GRANTS TRUST FUND . . . 282,998
FROM GENERAL INSPECTION TRUST FUND 843,485
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 1,926,153
FROM SALTWATER PRODUCTS PROMOTION TRUST
FUND 632,994
FROM FLORIDA AGRICULTURAL PROMOTION
CAMPAIGN TRUST FUND 33,251

1320 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,000
FROM CITRUS INSPECTION TRUST FUND 233,597
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 27,500

1321 EXPENSES
FROM GENERAL REVENUE FUND 908,455
FROM CITRUS INSPECTION TRUST FUND 349,441
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,433,008
FROM GENERAL INSPECTION TRUST FUND 624,686
FROM MARKET TRADE SHOW TRUST FUND 142,625

SECTION 5 SPECIFIC APPROPRIATION		
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		770,988
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		6,750
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		301,261
FROM VITICULTURE TRUST FUND		7,800
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		70,625
1321A AID TO LOCAL GOVERNMENTS CALADIUM RESEARCH PROGRAM FROM GENERAL REVENUE FUND	100,000	
1321B AID TO LOCAL GOVERNMENTS CITRUS PROMOTION - CITY OF PALM BAY FROM GENERAL REVENUE FUND	50,000	
1322 OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	70,000	
FROM MARKET TRADE SHOW TRUST FUND		12,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		50,500
1323 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM CITRUS INSPECTION TRUST FUND		45,234
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		49,870
1324 SPECIAL CATEGORIES GRANTS AND AIDS - VITICULTURE PROGRAM FROM VITICULTURE TRUST FUND		200,000
1324A SPECIAL CATEGORIES FLORIDA AGRICULTURE PROMOTION CAMPAIGN FROM GENERAL REVENUE FUND	700,000	
1324B SPECIAL CATEGORIES SUPPORT FOR FOOD BANK FROM GENERAL REVENUE FUND	400,000	

Funds provided in Specific Appropriation 1324B are to be allocated as follows:

South Florida Food Recovery, Inc.....	200,000
Support for Statewide Food Banks.....	200,000

1324C SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	30,000	

Funds provided in Specific Appropriation 1324C are to be allocated as follows:

Palmetto's 13th Annual Tomato Festival.....	30,000

1325 SPECIAL CATEGORIES GRANTS AND AIDS - MARKETING ORDERS FROM CITRUS INSPECTION TRUST FUND		1,500,000
FROM GENERAL INSPECTION TRUST FUND		475,000
1326 SPECIAL CATEGORIES FOOD RECOVERY PROGRAM FROM GENERAL REVENUE FUND	400,000	

Funds in Specific Appropriation 1326 are provided for the Farm Share, Inc. food recovery program.

1327 SPECIAL CATEGORIES GRANTS AND AIDS - PROMOTIONAL AWARDS FROM GENERAL INSPECTION TRUST FUND		300,000
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		43,250

SECTION 5 SPECIFIC APPROPRIATION		
1328 SPECIAL CATEGORIES GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS FROM CONTRACTS AND GRANTS TRUST FUND . . .		843,563
1329 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	15,452	
FROM CITRUS INSPECTION TRUST FUND		4,342
FROM CONTRACTS AND GRANTS TRUST FUND . . .		3,889
FROM GENERAL INSPECTION TRUST FUND		7,111
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		15,988
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		4,418
1329A SPECIAL CATEGORIES TRANSFER TO UNIVERSITY OF FLORIDA/ INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES - BEEF AND FORAGE UNIT - MARIANNA FROM GENERAL REVENUE FUND	50,000	
1329B SPECIAL CATEGORIES TROPICAL FRUIT FROM GENERAL REVENUE FUND	300,000	
1329C SPECIAL CATEGORIES AGRIBUSINESS EMERGENCY LOAN PROGRAM FROM GENERAL REVENUE FUND	3,000,000	
1329D FIXED CAPITAL OUTLAY CODE AND LIFE SAFETY - STATE FARMERS' MARKETS - STATEWIDE - DMS MGD FROM GENERAL REVENUE FUND	187,500	
1329E FIXED CAPITAL OUTLAY MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE - DMS MGD FROM GENERAL REVENUE FUND	375,155	
1329F FIXED CAPITAL OUTLAY ADDITIONS/REPLACEMENTS/RENOVATIONS - WAUCHULA STATE FARMERS' MARKET - DMS MGD FROM GENERAL REVENUE FUND	300,000	
1329G FIXED CAPITAL OUTLAY ADDITIONS AND REPLACEMENT, POMPANO STATE FARMERS' MARKET - DMS MGD FROM GENERAL REVENUE FUND	2,000,000	
1329H FIXED CAPITAL OUTLAY ADDITIONS AND RENOVATIONS PLANT CITY STATE FARMERS' MARKET - DMS MGD FROM GENERAL REVENUE FUND	350,000	
1329I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY REPAIRS AND RESURFACING OF INNER ROADS AND PATHWAYS AT THE FLORIDA STATE FAIR FROM GENERAL INSPECTION TRUST FUND		1,000,000
1329J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY EXPANSION OF STRAWBERRY RESEARCH CENTER - DOVER, FLORIDA FROM GENERAL REVENUE FUND	500,000	
1329K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY TROPICAL GARDEN EDUCATION CENTER FROM GENERAL REVENUE FUND	200,000	

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1329L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
AGRICULTURAL PROMOTION AND EDUCATION FACILITIES
FROM GENERAL REVENUE FUND 8,770,750

Funds in Specific Appropriation 1329L are provided for the following Agricultural Promotion and Education Facilities:

Arcadia Livestock Market	200,000
Baker County Agriculture Center Renovations	100,000
Baker County Fairgrounds Renovations	300,000
Bradford County Fairgrounds Improvements	75,000
Brevard County Fair Phase I	100,000
Charlotte-County Fair Facility	300,000
Chipola Community College Public Information Display Center	20,000
Desoto Ag-Civic Center	200,000
Escambia County Equestrian Facilities	200,000
Escambia/Barrineau Park Agriculture Heritage Museum	75,000
Florida Agriculture Center & Horse Park Master Plan	200,000
Gadsden-Agricultural Multi-Purpose Center	300,000
Gadsden-Soil Survey Update	542,000
Glades County Agri-Center	200,000
Hamilton County Arena	100,000
Hendry County Fairgrounds Improvements	200,000
Hernando County Fairgrounds	200,000
Holmes County Fairgrounds	250,000
Indian River County Agricultural Arena	391,000
Jefferson-County Agricultural Pavilion	200,000
Kissimmee Valley Agri-Complex	300,000
Madison Agricultural Center - Renovation, Repairs & Construction	103,000
North Florida Research and Education Center /Marianna-completion of equipment purchase	100,000
North Walton County Community Agriculture Center	100,000
Northeast Florida Fairground Expansion/Renovation	200,000
Odessa Rodeo & Festival bleacher replacement	126,000
Okaloosa Fairgrounds Purchase and Improvements	550,000
Okeechobee County Agri-Center	200,000
Pasco Food Bank Expansion Initiative	170,000
Pensacola Interstate Fair Facilities	450,000
Polk County Ag Center	600,000
Portland Community Agriculture Center (Walton Co.)	150,000
Santa Rosa/Chumuckla Agriculture Center	53,750
Santa Rosa/East Milton Arena Cover	200,000
Sarasota-County Fair Facility Agricultural Pavilion	200,000
South Florida Fair Agri-plex Addition	450,000
Storage Building for Livestock Equipment(Volusia Co.)	40,000
Suwannee County Fairground Riding Arena	200,000
Suwannee Valley Youth Swine Pavilion	25,000
Wakulla-Cooperative Extension Service Facility	300,000
Washington County Ag Center	100,000

TOTAL: AGRICULTURAL PRODUCTS MARKETING
FROM GENERAL REVENUE FUND 21,833,313
FROM TRUST FUNDS 13,285,699

TOTAL POSITIONS 202
TOTAL ALL FUNDS 35,119,012

AQUACULTURE

1330 SALARIES AND BENEFITS POSITIONS 52
FROM GENERAL REVENUE FUND 1,942,253
FROM GENERAL INSPECTION TRUST FUND 261,558

1330A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 30,000
FROM GENERAL INSPECTION TRUST FUND 28,000

1330B EXPENSES
FROM GENERAL REVENUE FUND 533,585
FROM GENERAL INSPECTION TRUST FUND 230,800

SECTION 5
SPECIFIC
APPROPRIATION

1330C OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,000
FROM GENERAL INSPECTION TRUST FUND 67,200

1331A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 124,000

1332 SPECIAL CATEGORIES
OYSTER PLANTING
FROM GENERAL REVENUE FUND 350,000
FROM GENERAL INSPECTION TRUST FUND 104,400

1333 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 34,180
FROM GENERAL INSPECTION TRUST FUND 4,747

1333A SPECIAL CATEGORIES
AQUACULTURE DEVELOPMENT
FROM GENERAL REVENUE FUND 1,594,360

Funds in Specific Appropriation 1333A from the General Revenue Fund are provided for the following:

Departmental marketing and technical assistance funds	150,000
Mote Marine Lab Sturgeon Aquaculture Projects	500,000
Gainesville Aquaculture Support	158,600
Cedar Key Shellfish Support	99,500
Tropical Aquaculture Lab	121,260
Indian River Research & Education Center - University of Florida	250,000
Scallop Hatchery - University of South Florida	85,000
Levy County 4-H Project FEAT (Fishing Education & Aquaculture Training)	30,000
Pompano Beach/Collier City Aquaculture & Hydroponics Complex	200,000

Funding for the Tropical Aquaculture Lab, the Indian River Research and Education Center, and the Scallop Hatchery is provided from recurring General Revenue.

1333B SPECIAL CATEGORIES
AQUACULTURE PROGRAM GRANTS
FROM GENERAL REVENUE FUND 212,550

Funds provided in Specific Appropriation 1333B are to be allocated as follows:

Aquatic Food Production Program (University of Florida)	100,000
Enhancing Rural Economic Development Through Demonstration of High Value Aquaculture Species (University of Florida)	112,550

1334 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 25,000

TOTAL: AQUACULTURE
FROM GENERAL REVENUE FUND 4,855,928
FROM TRUST FUNDS 696,705

TOTAL POSITIONS 52
TOTAL ALL FUNDS 5,552,633

AGRICULTURAL INSPECTION STATIONS

1335 SALARIES AND BENEFITS POSITIONS 190
FROM GENERAL REVENUE FUND 8,610,217
FROM GENERAL INSPECTION TRUST FUND 26,900

SECTION 5
SPECIFIC
APPROPRIATION

1336 EXPENSES		
FROM GENERAL REVENUE FUND	551,823	
FROM CITRUS INSPECTION TRUST FUND		26,691
FROM GENERAL INSPECTION TRUST FUND		43,272
1337 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	30,653	
1338 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	99,000	
1339 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	167,625	
1340 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	82,015	
1340A FIXED CAPITAL OUTLAY		
RENOVATE AGRICULTURAL INSPECTIONS STATIONS - STATEWIDE		
FROM GENERAL REVENUE FUND	195,000	
TOTAL: AGRICULTURAL INSPECTION STATIONS		
FROM GENERAL REVENUE FUND	9,736,333	
FROM TRUST FUNDS		96,863
TOTAL POSITIONS	190	
TOTAL ALL FUNDS		9,833,196

ANIMAL PEST AND DISEASE CONTROL

1341 SALARIES AND BENEFITS POSITIONS	159	
FROM GENERAL REVENUE FUND	5,839,587	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		546,146
FROM GENERAL INSPECTION TRUST FUND		154,847
1342 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	216,866	
1343 EXPENSES		
FROM GENERAL REVENUE FUND	811,708	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		339,462
FROM GENERAL INSPECTION TRUST FUND		286,033
1344 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	607,595	
1345 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	73,521	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		26
1345A FIXED CAPITAL OUTLAY		
REPAIRS, RENOVATIONS, REPLACEMENT - DIAGNOSTIC LABORATORIES		
FROM GENERAL REVENUE FUND	200,000	
TOTAL: ANIMAL PEST AND DISEASE CONTROL		
FROM GENERAL REVENUE FUND	7,749,277	
FROM TRUST FUNDS		1,326,514
TOTAL POSITIONS	159	
TOTAL ALL FUNDS		9,075,791

PLANT PEST AND DISEASE CONTROL

1346 SALARIES AND BENEFITS POSITIONS	348	
FROM GENERAL REVENUE FUND	10,139,664	
FROM CITRUS INSPECTION TRUST FUND		600,247
FROM CONTRACTS AND GRANTS TRUST FUND . . .		469,563
FROM PLANT INDUSTRY TRUST FUND		2,161,768
1347 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	67,017	
FROM CITRUS INSPECTION TRUST FUND		7,800
FROM CONTRACTS AND GRANTS TRUST FUND . . .		99,230
FROM PLANT INDUSTRY TRUST FUND		759,550
1348 EXPENSES		
FROM GENERAL REVENUE FUND	1,111,458	
FROM CITRUS INSPECTION TRUST FUND		93,263
FROM CONTRACTS AND GRANTS TRUST FUND . . .		15,000
FROM PLANT INDUSTRY TRUST FUND		1,142,737
1349 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	18,700	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		5,000
FROM PLANT INDUSTRY TRUST FUND		138,000
1350 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	90,000	
FROM PLANT INDUSTRY TRUST FUND		150,000
1350A SPECIAL CATEGORIES		
AGRICULTURAL EMERGENCIES (MEDFLY PROGRAM)		
FROM GENERAL REVENUE FUND	1,000,000	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,000,000
1351 SPECIAL CATEGORIES		
GRANTS AND AIDS - BOLL WEEVIL ERADICATION		
FROM PLANT INDUSTRY TRUST FUND		560,000
1352 SPECIAL CATEGORIES		
APIARIAN INDEMNITIES		
FROM GENERAL REVENUE FUND	36,000	
1352A SPECIAL CATEGORIES		
ENDANGERED PLANT SPECIES		
FROM PLANT INDUSTRY TRUST FUND		500,000
1353 SPECIAL CATEGORIES		
PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM		
FROM PLANT INDUSTRY TRUST FUND		300,000
1354 SPECIAL CATEGORIES		
CARIBBEAN FRUIT FLY MANAGEMENT		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		125,000
1354A SPECIAL CATEGORIES		
CITRUS CANKER ERADICATION		
FROM GENERAL REVENUE FUND	23,500,000	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		109,800,000
AGRICULTRUAL EMERGENCY ERADICATION TRUST FUND		6,200,000

Funds from the Contracts and Grants Trust Fund in Specific Appropriation 1354A are contingent upon receipt of federal funds designated for this purpose.

From the funds in Specific Appropriation 1354A, the department is authorized to develop long-term monitoring strategies for citrus canker.

Funds provided in Specific Appropriation 1354A may be used for residential tree replacement in any Florida county where citrus trees have been destroyed as part of the department's citrus canker eradication efforts.

1355 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	281,176	
FROM PLANT INDUSTRY TRUST FUND		5,949

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1355A SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA/ INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES FOR INVASIVE EXOTICS QUARANTINE FACILITY
FROM GENERAL REVENUE FUND 750,000

1355B SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA - INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES/BIOLOGICAL CONTROL OF PEST MOLE CRICKETS
FROM PLANT INDUSTRY TRUST FUND 55,000

1355C FIXED CAPITAL OUTLAY
LAND ACQUISITION - WINTER HAVEN - POLK COUNTY
FROM CONTRACTS AND GRANTS TRUST FUND . . . 90,000

From the funds in Specific Appropriations 1314 through 1355C, the Agricultural Economic Development Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Florida agricultural products as a percent of the national market	3.7%
2. Percent of livestock and poultry infected with specific transmissible diseases for which monitoring, controlling and eradicating activities are established	.00043%
3. Percent of commercial citrus acres free of citrus canker	98.5%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1314, 1315, 1316, 1316A, 1319, 1320, 1321, 1322, 1330, 1330A, 1330B, 1330C, 1335, 1336, 1337, 1341, 1342, 1343, 1344, 1346, 1347, 1348, and 1349 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: PLANT PEST AND DISEASE CONTROL
FROM GENERAL REVENUE FUND 36,994,015
FROM TRUST FUNDS 124,278,107

TOTAL POSITIONS 348
TOTAL ALL FUNDS 161,272,122

COMMUNITY AFFAIRS, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY

LAND ADMINISTRATION

1356 SALARIES AND BENEFITS POSITIONS 19
FROM GENERAL REVENUE FUND 188,609
FROM FLORIDA COMMUNITIES TRUST FUND . . . 561,140

1357 OTHER PERSONAL SERVICES
FROM FLORIDA COMMUNITIES TRUST FUND . . . 150,000

1358 EXPENSES
FROM GENERAL REVENUE FUND 45,579
FROM FLORIDA COMMUNITIES TRUST FUND . . . 157,049

1359 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,000
FROM FLORIDA COMMUNITIES TRUST FUND . . . 263

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1360 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA COMMUNITIES TRUST FUND . . . 665

1360A FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM FLORIDA FOREVER PROGRAM TRUST FUND . 72,000,000

TOTAL: LAND ADMINISTRATION
FROM GENERAL REVENUE FUND 250,188
FROM TRUST FUNDS 72,869,117

TOTAL POSITIONS 19
TOTAL ALL FUNDS 73,119,305

FLORIDA COASTAL MANAGEMENT

1361 SALARIES AND BENEFITS POSITIONS 14
FROM GENERAL REVENUE FUND 347,798
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 369,986

1362 OTHER PERSONAL SERVICES
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 340,000

1363 EXPENSES
FROM GENERAL REVENUE FUND 5,479
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 313,322

1364 OPERATING CAPITAL OUTLAY
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 1,399

1365 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 366

1366 SPECIAL CATEGORIES
GRANTS AND AIDS - COASTAL MANAGEMENT REQUIREMENTS
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 1,453,004

TOTAL: FLORIDA COASTAL MANAGEMENT
FROM GENERAL REVENUE FUND 353,277
FROM TRUST FUNDS 2,478,077

TOTAL POSITIONS 14
TOTAL ALL FUNDS 2,831,354

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1367 SALARIES AND BENEFITS POSITIONS 100
FROM GENERAL REVENUE FUND 2,218,743
FROM ADMINISTRATIVE TRUST FUND 2,322,252
FROM ENERGY CONSUMPTION TRUST FUND 34,291
FROM GRANTS AND DONATIONS TRUST FUND . . . 188,347
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 34,291

1368 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 457,344

1369 EXPENSES
FROM GENERAL REVENUE FUND 254,664
FROM ADMINISTRATIVE TRUST FUND 1,149,885
FROM ENERGY CONSUMPTION TRUST FUND 3,980
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,422
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 5,453

1370 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 93,608

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1371 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 438,489

1372 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,198
FROM ADMINISTRATIVE TRUST FUND 7,856
FROM ENERGY CONSUMPTION TRUST FUND 122
FROM GRANTS AND DONATIONS TRUST FUND . . . 243
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 69

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,925,094
FROM TRUST FUNDS 4,325,163

TOTAL POSITIONS 100
TOTAL ALL FUNDS 7,250,257

PROGRAM: COMMUNITY PLANNING

COMMUNITY PLANNING

1373 SALARIES AND BENEFITS POSITIONS 76
FROM GENERAL REVENUE FUND 3,556,101

1374 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,650
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,741

1375 EXPENSES
FROM GENERAL REVENUE FUND 622,410
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,416

1375A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AREAS OF CRITICAL STATE CONCERN REQUIREMENTS
FROM OPERATING TRUST FUND 1,400,000

Funds provided in Specific Appropriation 1375A shall be used within the Florida Keys Area of Critical State Concern to continue implementing Administration Commission Rule 28-20.100, Florida Administrative Code, with priority given to rule requirements relating to water quality improvements.

1375B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS
FROM OPERATING TRUST FUND 360,000

Funds are provided in Specific Appropriation 1375B from the Operating Trust Fund to newly incorporated cities for the development of comprehensive plans, pursuant to the state mandated Growth Management and Land Development Regulation Act of 1985, Chapter 163, Part II, Florida Statutes.

1376 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 500

1377 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING COUNCILS
FROM GENERAL REVENUE FUND 2,236,250

Funds in Specific Appropriation 1377 are provided to Regional Planning Councils, 70 percent of which is to be divided equally to each council and 30 percent shall be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments in addressing problems of greater-than-local significance.

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1378 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 250
FROM GRANTS AND DONATIONS TRUST FUND . . . 25,444

1378A SPECIAL CATEGORIES
GRANTS AND AIDS - EVALUATION AND APPRAISAL REPORTS AND PLANNING ASSISTANCE
FROM OPERATING TRUST FUND 465,000

TOTAL: COMMUNITY PLANNING
FROM GENERAL REVENUE FUND 6,433,661
FROM TRUST FUNDS 2,311,101

TOTAL POSITIONS 76
TOTAL ALL FUNDS 8,744,762

PROGRAM: EMERGENCY MANAGEMENT

PRE-DISASTER MITIGATION

1379 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 60,351
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 49,617
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,426
FROM OPERATING TRUST FUND 3,100
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 31,153
FROM U.S. CONTRIBUTIONS TRUST FUND 322,049

1380 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,332

1381 EXPENSES
FROM GENERAL REVENUE FUND 313
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 23,212
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,624
FROM OPERATING TRUST FUND 4,715
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 467
FROM U.S. CONTRIBUTIONS TRUST FUND 64,002

1382 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM U.S. CONTRIBUTIONS TRUST FUND 4,600,000

1383 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 1,034
FROM GRANTS AND DONATIONS TRUST FUND . . . 799
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 1,525

1383A SPECIAL CATEGORIES
GRANTS AND AIDS - PREDISASTER MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 208,333
FROM U.S. CONTRIBUTIONS TRUST FUND 1,250,000

TOTAL: PRE-DISASTER MITIGATION
FROM GENERAL REVENUE FUND 60,664
FROM TRUST FUNDS 6,579,388

TOTAL POSITIONS 10
TOTAL ALL FUNDS 6,640,052

EMERGENCY PLANNING

1384 SALARIES AND BENEFITS POSITIONS 43
FROM GENERAL REVENUE FUND 390,774

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FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		342,656
FROM GRANTS AND DONATIONS TRUST FUND . . .		143,728
FROM OPERATING TRUST FUND		55,792
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		223,070
FROM U.S. CONTRIBUTIONS TRUST FUND		130,573
1385 OTHER PERSONAL SERVICES		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		190,331
FROM GRANTS AND DONATIONS TRUST FUND . . .		450,000
FROM OPERATING TRUST FUND		27,584
FROM U.S. CONTRIBUTIONS TRUST FUND		515,000
1386 EXPENSES		
FROM GENERAL REVENUE FUND	11,259	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		61,044
FROM GRANTS AND DONATIONS TRUST FUND . . .		41,311
FROM OPERATING TRUST FUND		12,278
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		96,959
FROM U.S. CONTRIBUTIONS TRUST FUND		90,222
1387 AID TO LOCAL GOVERNMENTS DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION		
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		2,189,944
1388 AID TO LOCAL GOVERNMENTS LOCAL SUPPORT MATERIALS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		100,000
1389 OPERATING CAPITAL OUTLAY		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		211
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		252
1390 SPECIAL CATEGORIES GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		55,000
1391 SPECIAL CATEGORIES GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		8,340,072
FROM U.S. CONTRIBUTIONS TRUST FUND		83,438
1392 SPECIAL CATEGORIES GRANTS AND AIDS - EMERGENCY MANAGEMENT RELIEF ASSISTANCE		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		3,475,030
1393 SPECIAL CATEGORIES GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		3,475,030
1394 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	9,872	
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		9,872

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1395 SPECIAL CATEGORIES GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	590,026
1395A SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT NEEDS	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	1,000,000
FROM GRANTS AND DONATIONS TRUST FUND . . .	3,000,000
FROM U.S. CONTRIBUTIONS TRUST FUND	9,500,000

Funds provided in Specific Appropriation 1395A shall be utilized for providing disaster shelter space retrofitting. Recipients of funds provided in Specific Appropriation 1395A shall provide a 25 percent local match.

Funds provided from the Grants and Donations Trust Fund reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7)(c), Florida Statutes.

1395B SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT AND MITIGATION INITIATIVES	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	2,366,174
FROM GRANTS AND DONATIONS TRUST FUND . . .	2,200,000

From funds in Specific Appropriation 1395B, $4,566,174 is provided for the projects reviewed under the Local Emergency Management and Mitigation Initiative. Each project was evaluated for consistency with criteria established by the Governor and Legislature. Recipients of funds provided in Specific Appropriation 1395B shall provide a 25 percent local match. The following projects meet the criteria and are approved for the following amounts:

From the Emergency Management Preparedness and Assistance Trust Fund:

Wildwood Meeting Hall & Emg Mgmt Shelter.....	250,000
Baker Area Public Safety Building - Okaloosa.....	250,000
EMS Shelter - Washington.....	100,000
Hastings Special Needs Evacuation Shelter.....	250,000
Bay Co. Woodland Firefighting Equip.....	250,000
Fiber Optics Margate Emergency Man Blds.....	250,000
#2 Fire Station for Lynn Haven.....	250,000
S. Daytona C.E.R.T. Volunteer Asst.....	31,150
Emergency Management Radio Station Equip. - Volusia.....	30,000
Piggotte Community Ctr Window Project - Volusia.....	6,340
Youth Activity Ctr Window Project - Volusia.....	3,684
Replacement of Fire Station #1 - Volusia.....	250,000
Hinson Crossroads Firehouse.....	100,000
City of Key West EOC/Equipment.....	130,000
Islamorada, Village of Islands/EOC.....	75,000
City of Key West EOC/Training.....	50,000
City of Bowling Green-Brush Truck/Vehicles.....	90,000

From the Grants and Donations Trust Fund:

Shelter Retrofit - Pinellas.....	250,000
YMCA Shelter Addition - Volusia.....	250,000
St. Leo University Hurricane Shelter.....	250,000
Okaloosa Island Public Safety Center.....	250,000
Avon Park Hurricane Shelter/Public Works.....	250,000
Avon Park Hurricane Shelter/Multi-purpose Center.....	250,000
Glades County Multi-Use Shelter.....	200,000
Highlands County Hurricane Shelter Retrofit.....	250,000
Underground Utilities Conversion - Orange.....	250,000

Funds for emergency shelter or critical facility projects listed in Specific Appropriation 1395B are contingent on certification by the Department of Community Affairs that the emergency shelter or critical facility complies with, or will comply with, the structural

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considerations of ARC 4496, Guidelines for Hurricane Evacuation Shelter Selection. The Department is directed to assist recipients in determining whether the structural considerations are, or can be, met prior to execution of a project contract. By September 1, 2000, the Department shall determine whether any recipient cannot pursue or complete any project, or portion thereof, due to structural, match or other considerations and may initiate a budget amendment pursuant to the legislative notice and review requirements set forth in s. 216.177, Florida Statutes, to apply any remaining funds to projects which reduce the state's deficit of public hurricane evacuation space.

Funds provided from the Grants and Donations Trust Fund in Specific Appropriation 1395B reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555 (7)(c), Florida Statutes.

TOTAL: EMERGENCY PLANNING		
FROM GENERAL REVENUE FUND	411,905	
FROM TRUST FUNDS		38,765,597
TOTAL POSITIONS	43	
TOTAL ALL FUNDS		39,177,502

EMERGENCY RECOVERY

1396 SALARIES AND BENEFITS POSITIONS	25	
FROM GENERAL REVENUE FUND	192,008	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		287,115
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,426
FROM OPERATING TRUST FUND		3,100
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		165,566
FROM U.S. CONTRIBUTIONS TRUST FUND		500,263
1397 OTHER PERSONAL SERVICES		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		4,331
1398 EXPENSES		
FROM GENERAL REVENUE FUND	78,903	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		164,331
FROM GRANTS AND DONATIONS TRUST FUND . . .		137,945
FROM OPERATING TRUST FUND		5,160
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		65,119
FROM U.S. CONTRIBUTIONS TRUST FUND		273,557
1399 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS		
FROM U.S. CONTRIBUTIONS TRUST FUND		1,000,000
1400 OPERATING CAPITAL OUTLAY		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		209
FROM GRANTS AND DONATIONS TRUST FUND . . .		799
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		1,525
1400A SPECIAL CATEGORIES		
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE FLOYD FEMA DECLARATION #3143 - STATE OPERATIONS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		292,812
FROM U.S. CONTRIBUTIONS TRUST FUND		133,004

For appropriations from the Grants and Donations Trust Fund in Specific Appropriations 1400A through 1400D, the Department shall utilize the existing cash in the Grants and Donations Trust Fund that was specifically appropriated for previous disasters until additional cash resources are needed to pay obligations of the fund.

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1400B SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE FLOYD FEMA DECLARATION #3143 - PASS THROUGH	
FROM GRANTS AND DONATIONS TRUST FUND . . .	5,717,220
FROM U.S. CONTRIBUTIONS TRUST FUND	29,595,436

Funds in Specific Appropriations 1400B and 1400D from the Grants and Donations Trust Fund are provided to meet the state portion of the match requirements for federally declared disasters. The Department shall, prior to release of funds, ensure that the affected local government has provided a 12.5 percent local match. Because the location, type of disaster and severity of the event can materially affect the magnitude of costs, a local government's share may be initially provided by the state with future payment being provided by the appropriate local government or deducted from the local government's state revenue sharing allocation. Additionally, the Executive Office of the Governor may waive the 12.5 percent local match, subject to Legislative notice and review under s. 216.177, Florida Statutes, if it is determined that such a match cannot be provided or that doing so would effect a documented hardship on the local entity.

1400C SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE IRENE FEMA DECLARATION #3150 - STATE OPERATIONS	
FROM GRANTS AND DONATIONS TRUST FUND . . .	642,810
FROM U.S. CONTRIBUTIONS TRUST FUND	258,515
1400D SPECIAL CATEGORIES	
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE IRENE FEMA DECLARATION #3150 - PASS THROUGH	
FROM GRANTS AND DONATIONS TRUST FUND . . .	12,313,791
FROM U.S. CONTRIBUTIONS TRUST FUND	72,093,509
1401 SPECIAL CATEGORIES	
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE	
FROM GRANTS AND DONATIONS TRUST FUND . . .	118,147
FROM U.S. CONTRIBUTIONS TRUST FUND	385,425
1402 SPECIAL CATEGORIES	
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS	
FROM GRANTS AND DONATIONS TRUST FUND . . .	3,231,296
FROM U.S. CONTRIBUTIONS TRUST FUND	20,973,808
1403 SPECIAL CATEGORIES	
GRANTS AND AIDS - HURRICANE ANDREW RELIEF - ADMINISTRATIVE ACTIVITIES	
FROM U.S. CONTRIBUTIONS TRUST FUND	778,444
1404 SPECIAL CATEGORIES	
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - HURRICANE ANDREW	
FROM U.S. CONTRIBUTIONS TRUST FUND	27,976,956
1405 SPECIAL CATEGORIES	
GRANTS AND AIDS - HURRICANE ERIN	
FROM GRANTS AND DONATIONS TRUST FUND . . .	1,639,765
FROM U.S. CONTRIBUTIONS TRUST FUND	3,817,104
1405A SPECIAL CATEGORIES	
PRELIMINARY DAMAGE ASSESSMENT AND OUTREACH	
FROM GRANTS AND DONATIONS TRUST FUND . . .	236,057
1406 SPECIAL CATEGORIES	
GRANTS AND AIDS - HURRICANE OPAL	
FROM GRANTS AND DONATIONS TRUST FUND . . .	9,900,000
FROM U.S. CONTRIBUTIONS TRUST FUND	17,389,127

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1406A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1996-97 - TROPICAL STORM JOSEPHINE - STATE OPERATIONS
FROM U.S. CONTRIBUTIONS TRUST FUND 10,061

1406B SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1996-97 - TROPICAL STORM JOSEPHINE - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 200,000
FROM U.S. CONTRIBUTIONS TRUST FUND 550,000

1406C SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - EL NINO WEATHER EVENTS - FEMA DECLARATION #1195 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,012,183
FROM U.S. CONTRIBUTIONS TRUST FUND 155,078

1406D SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - EL NINO WEATHER EVENTS - FEMA DECLARATION #1195 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,500,000
FROM U.S. CONTRIBUTIONS TRUST FUND 21,000,000

1406E SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - EL NINO WEATHER EVENTS - FEMA DECLARATION #1204 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 292,584
FROM U.S. CONTRIBUTIONS TRUST FUND 37,157

1406F SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - EL NINO WEATHER EVENTS - FEMA DECLARATION #1204 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 700,000
FROM U.S. CONTRIBUTIONS TRUST FUND 650,000

1406G SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 - FLORIDA WILDFIRES FEMA DECLARATION #1223/ FIRE SUPPRESSION GRANTS #2201 - ST OP
FROM GRANTS AND DONATIONS TRUST FUND . . . 713,648
FROM U.S. CONTRIBUTIONS TRUST FUND 83,604

1406H SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 199798 - FLORIDA WILDFIRES FEMA DECLARATION #1223/ FIRE SUPPRESSION GRANTS #2201-PASS THRU
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,025,846
FROM U.S. CONTRIBUTIONS TRUST FUND 4,275,272

1406I SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE EARL - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,755
FROM U.S. CONTRIBUTIONS TRUST FUND 4,802

1406J SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE EARL - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 37,165
FROM U.S. CONTRIBUTIONS TRUST FUND 202,745

1406K SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE GEORGES - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,440,027
FROM U.S. CONTRIBUTIONS TRUST FUND 607,370

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1406L SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE GEORGES - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 23,417,047
FROM U.S. CONTRIBUTIONS TRUST FUND 33,702,402

1406M SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - T.S. MITCH FEMA DECLARATION #1259 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 84,384
FROM U.S. CONTRIBUTIONS TRUST FUND 45,284

1406N SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - T.S. MITCH FEMA DECLARATION #1259 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 952,555
FROM U.S. CONTRIBUTIONS TRUST FUND 2,675,353

1406O SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - FLA WILDFIRES FEMA DECLARATION #3139/FIRE SUPPRESSION GRANTS -ST OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 319,581
FROM U.S. CONTRIBUTIONS TRUST FUND 16,688

For appropriations from the Grants and Donations Trust Fund in Specific Appropriations 1406O and 1406P, the Department shall utilize the existing cash in the Grants and Donations Trust Fund that was specifically appropriated for previous disasters.

1406P SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1998-99 - FLA WILDFIRES FEMA DECLARATION #3139/FIRE SUPPRESSION GRANTS - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,218,705
FROM U.S. CONTRIBUTIONS TRUST FUND 9,576,250

TOTAL: EMERGENCY RECOVERY
FROM GENERAL REVENUE FUND 270,911
FROM TRUST FUNDS 331,614,218

TOTAL POSITIONS 25
TOTAL ALL FUNDS 331,885,129

EMERGENCY RESPONSE

1407 SALARIES AND BENEFITS POSITIONS 19
FROM GENERAL REVENUE FUND 438,559
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 247,758
FROM GRANTS AND DONATIONS TRUST FUND . . . 115,567
FROM OPERATING TRUST FUND 67,504
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 253,141
FROM U.S. CONTRIBUTIONS TRUST FUND 158,456

1408 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,331

1409 EXPENSES
FROM GENERAL REVENUE FUND 99,845
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 69,454
FROM GRANTS AND DONATIONS TRUST FUND . . . 48,131
FROM OPERATING TRUST FUND 13,958
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 118,404
FROM U.S. CONTRIBUTIONS TRUST FUND 110,131

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1410 OPERATING CAPITAL OUTLAY		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		209
FROM GRANTS AND DONATIONS TRUST FUND . . .		799
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		1,525
1410A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		65,000
1411 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	12,066	
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		12,066
TOTAL: EMERGENCY RESPONSE		
FROM GENERAL REVENUE FUND	550,470	
FROM TRUST FUNDS		1,286,434
TOTAL POSITIONS	19	
TOTAL ALL FUNDS		1,836,904

HAZARDOUS MATERIALS COMPLIANCE PLANNING

1412 SALARIES AND BENEFITS POSITIONS	21	
FROM GENERAL REVENUE FUND	83,423	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		39,454
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,609
FROM OPERATING TRUST FUND		802,309
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		99,494
FROM U.S. CONTRIBUTIONS TRUST FUND		4,951
1413 OTHER PERSONAL SERVICES		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		29,749
FROM OPERATING TRUST FUND		1,307,416
1414 EXPENSES		
FROM GENERAL REVENUE FUND	23,573	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		62,947
FROM GRANTS AND DONATIONS TRUST FUND . . .		15,645
FROM OPERATING TRUST FUND		312,115
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		9,158
FROM U.S. CONTRIBUTIONS TRUST FUND		650
1415 AID TO LOCAL GOVERNMENTS		
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION		
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		200,000
1416 OPERATING CAPITAL OUTLAY		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		209
FROM GRANTS AND DONATIONS TRUST FUND . . .		799
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		1,525
TOTAL: HAZARDOUS MATERIALS COMPLIANCE PLANNING		
FROM GENERAL REVENUE FUND	106,996	
FROM TRUST FUNDS		2,890,030
TOTAL POSITIONS	21	
TOTAL ALL FUNDS		2,997,026

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PROGRAM: HOUSING AND COMMUNITY DEVELOPMENT

AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT

1417 SALARIES AND BENEFITS POSITIONS	30	
FROM GENERAL REVENUE FUND	570,040	
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND		439,965
FROM STATE HOUSING TRUST FUND		49,086
FROM GRANTS AND DONATIONS TRUST FUND . . .		171,830
FROM OPERATING TRUST FUND		101,350
1418 OTHER PERSONAL SERVICES		
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND		490,357
FROM GRANTS AND DONATIONS TRUST FUND . . .		504,602
FROM OPERATING TRUST FUND		3,960
1419 EXPENSES		
FROM GENERAL REVENUE FUND	91,005	
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND		261,792
FROM STATE HOUSING TRUST FUND		31,648
FROM GRANTS AND DONATIONS TRUST FUND . . .		104,273
FROM OPERATING TRUST FUND		35,099
1420 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS		
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND		33,998,837

Funds provided in Specific Appropriation 1420 shall be divided and distributed among the statutorily established program categories as follows: Housing 20 percent; Economic Development 30 percent; Neighborhood Revitalization 40 percent; and Commercial Revitalization 10 percent, after the allowance of 2 percent plus $100,000 of total funds available for administration and 1 percent allocation for training or technical assistance to local governments. Applications for programs or projects which provide employment opportunities to clients of Workforce Development Initiatives shall be given additional consideration in the distribution of these funds within the limits of the federal law and state statute which govern the CDBG Program. Funds not distributed due to an insufficient number of eligible applications during the application cycle in any of the program categories shall be transferred to the program category receiving the greatest dollar value of request for grants.

1421 OPERATING CAPITAL OUTLAY		
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND		250
1421A SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY DEVELOPMENT SERVICES PROJECTS		
FROM GENERAL REVENUE FUND	4,831,500	

Funds in Specific Appropriation 1421A are provided for the following programs and projects:

Family Learning Center	1,250,000
Rollison Development Center	175,000
City of Winter Garden Historic Downtown Area Renovation	250,000
Melvin Anglin Square	200,000
Old Fellsmere School	300,000
Keep Putnam Beautiful ACBG	25,000
City of St. Augustine - Public Transportation Initiative	800,000
Brandon Main Street Project	150,000
Inner City Revitalization Program	50,000
Manatee County Civic Center	80,000
YMCA/Little League Pedestrian Crossover	39,000
Community Center Improvements - Winter Park	200,000
Public Safety Facility - Winter Park	475,000

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Farm Worker Housing - Hardee..... 87,500
Miami Springs Downtown Revitalization..... 750,000

1423 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,786
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 1,859
FROM STATE HOUSING TRUST FUND 62
FROM GRANTS AND DONATIONS TRUST FUND . . . 734
FROM OPERATING TRUST FUND 1,596

1424 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS HOUSING AND COMMUNITY DEVELOPMENT GRANTS AND DONATIONS TRUST FUND
FROM STATE HOUSING TRUST FUND 672,799

1425 SPECIAL CATEGORIES
TRANSFER TO OFFICE OF THE SECRETARY
FROM STATE HOUSING TRUST FUND 60,161

1425A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR
FROM ENERGY CONSUMPTION TRUST FUND 2,457,767

1425B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSFER TO ENERGY CONSUMPTION TRUST FUND
FROM STATE HOUSING TRUST FUND 2,000,000

TOTAL: AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT
FROM GENERAL REVENUE FUND 5,498,331
FROM TRUST FUNDS 41,388,027

TOTAL POSITIONS 30
TOTAL ALL FUNDS 46,886,358

BUILDING CODE COMPLIANCE AND HAZARD MITIGATION

1426 SALARIES AND BENEFITS POSITIONS 24
FROM GENERAL REVENUE FUND 42,792
FROM ENERGY CONSUMPTION TRUST FUND 183,783
FROM OPERATING TRUST FUND 983,576

1427 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 81,974
FROM OPERATING TRUST FUND 1,986,190

1428 EXPENSES
FROM ENERGY CONSUMPTION TRUST FUND 20,252
FROM GRANTS AND DONATIONS TRUST FUND . . . 137,029
FROM OPERATING TRUST FUND 459,199

1429 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 3,837

1430 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH
FROM OPERATING TRUST FUND 588,828

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1430, this transfer shall be reduced proportionately.

1431 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 4,773

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1431A SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE LOSS MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,872,652

Funds provided in the Grants and Donations Trust Fund in Specific Appropriations 1427, 1428, and 1431A reflect the transfer of $7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7)(c), Florida Statutes. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in s. 215.559, Florida Statutes.

TOTAL: BUILDING CODE COMPLIANCE AND HAZARD MITIGATION
FROM GENERAL REVENUE FUND 42,792
FROM TRUST FUNDS 11,322,093

TOTAL POSITIONS 24
TOTAL ALL FUNDS 11,364,885

PUBLIC SERVICE AND ENERGY INITIATIVES

1432 SALARIES AND BENEFITS POSITIONS 27
FROM GENERAL REVENUE FUND 82,764
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 304,013
FROM ENERGY CONSUMPTION TRUST FUND 689,486
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 207,858

From funds provided in Specific Appropriation 1432, the Department, in conjunction with the Executive Office of the Governor, shall review all prior year transfers of Petroleum Violation Escrow (PVE) funds to other state and local agencies. Following such review, the Executive Office of the Governor may submit a budget amendment, or budget amendments, for Legislative notice and review under s. 216.177, Florida Statutes, to return unexpended or unencumbered funds from other state and local agencies to the Energy Consumption Trust Fund.

1433 OTHER PERSONAL SERVICES
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 50,000
FROM ENERGY CONSUMPTION TRUST FUND 128,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 42,443

1434 EXPENSES
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 161,900
FROM ENERGY CONSUMPTION TRUST FUND 431,549
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 145,928

1435 OPERATING CAPITAL OUTLAY
FROM ENERGY CONSUMPTION TRUST FUND 250

1436 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 14,176,783

1437 SPECIAL CATEGORIES
GRANTS AND AIDS - FARMWORKER EMERGENCY GRANT
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 100,000

1438 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 14,486,047

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1439 SPECIAL CATEGORIES
GRANTS AND AIDS - WEATHERIZATION GRANTS
FROM ENERGY CONSUMPTION TRUST FUND 1,009,957
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 2,760,591

1440 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,857
FROM ENERGY CONSUMPTION TRUST FUND 3,261
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 796

1441 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 725,000

1441A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ENERGY EFFICIENCY PROJECTS
FROM ENERGY CONSUMPTION TRUST FUND 6,100,000

From funds in Specific Appropriation 1441A, $2,880,000 is provided for the projects reviewed under the Energy Efficiency Initiative. Each project was evaluated for consistency with criteria established by the Governor and Legislature. The following projects meet the criteria and are approved for the following amounts:

Investment Initiative for Energy Technology.....	720,000
Rural Investment Program Energy Programs.....	720,000
SunBuilt Program.....	360,000
Electrochromic Commercialization Program.....	720,000
Small Business Energy Efficient Disaster Mitigation Program.	360,000

From funds provided in Specific Appropriation 1441A, $2,160,000 shall be utilized for the Florida Weatherization Program for low income Floridians.

From funds in Specific Appropriation 1441A, $1,060,000 is provided for the Department's Energy Efficiency Contract Program. These funds are contingent upon the Department recapturing unexpended funds from existing contracts scheduled to end by July 1, 2000, which are completed prior to that date or which cannot be completed consistent with contract terms and conditions, and allocating any unexpended or unencumbered funds from these contracts to new contracts awarded in Fiscal Year 2000-2001. The Department shall submit the projects recommended for funding through the Energy Efficiency Contract Program for Legislative notice and review under s. 216.177, Florida Statutes, prior to any release of funds.

TOTAL: PUBLIC SERVICE AND ENERGY INITIATIVES
FROM GENERAL REVENUE FUND 807,764
FROM TRUST FUNDS 40,900,719

TOTAL POSITIONS 27
TOTAL ALL FUNDS 41,708,483

PROGRAM: FLORIDA HOUSING FINANCE CORPORATION

AFFORDABLE HOUSING FINANCING

1458 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS
FROM STATE HOUSING TRUST FUND 47,970,000

Funds provided in Specific Appropriation 1458 include Fiscal Year 2000-2001 debt service on all Florida Affordable Housing Guarantee Program Bonds. If the debt service varies due to a change in the revenue sources or other circumstances, there is hereby appropriated from the State Housing Trust Fund an amount sufficient to pay such debt service as required by the Florida Affordable Housing Guarantee Program.

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The Housing Finance Corporation shall provide to the Executive Office of the Governor, Speaker of the House and President of the Senate by addendum or inclusion in its Annual Report, performance measures and targets as identified in its Business Plan.

1459 SPECIAL CATEGORIES
HOUSING FINANCE CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS - ADMINISTRATION
FROM STATE HOUSING TRUST FUND 1,501,276

1460 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 123,100,000

Counties and eligible municipalities receiving local housing distributions pursuant to s. 420.9073, Florida Statutes, and funded with Specific Appropriation 1460, shall give preference in bidding contracts to those vendors who provide employment opportunities to clients of Workforce Development Initiatives.

1461 SPECIAL CATEGORIES
HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM - MONITORING
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 200,000

1462 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES (DCF) - HOMELESS PROGRAMS
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 900,000

TOTAL: AFFORDABLE HOUSING FINANCING
FROM TRUST FUNDS 173,671,276

TOTAL ALL FUNDS 173,671,276

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1463 SALARIES AND BENEFITS POSITIONS 334
FROM GENERAL REVENUE FUND 3,980,706
FROM ADMINISTRATIVE TRUST FUND 12,080,305
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 56,504
FROM INLAND PROTECTION TRUST FUND 165,875
FROM GRANTS AND DONATIONS TRUST FUND . . . 148,189

1464 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 79,500
FROM ADMINISTRATIVE TRUST FUND 415,659
FROM GRANTS AND DONATIONS TRUST FUND . . . 59,241

1465 EXPENSES
FROM GENERAL REVENUE FUND 1,638,911
FROM ADMINISTRATIVE TRUST FUND 2,854,653
FROM INLAND PROTECTION TRUST FUND 53,096
FROM GRANTS AND DONATIONS TRUST FUND . . . 227,652

1466 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 258,743

1467 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 49,859
FROM MINERALS TRUST FUND 262,745

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1468 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	74,490	
FROM ADMINISTRATIVE TRUST FUND		554,211
1468A SPECIAL CATEGORIES		
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM		
FROM ADMINISTRATIVE TRUST FUND		81,419
1469 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	110,443	
FROM ADMINISTRATIVE TRUST FUND		39,876
1470 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	9,910	
1471 SPECIAL CATEGORIES		
UNDERGROUND STORAGE TANK CLEANUP		
FROM INLAND PROTECTION TRUST FUND		107,407
1472 SPECIAL CATEGORIES		
PETROLEUM CLEANUP AUDITS		
FROM INLAND PROTECTION TRUST FUND		500,000
1473 SPECIAL CATEGORIES		
STATE FAIR		
FROM ADMINISTRATIVE TRUST FUND		42,000
1474 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	125,869	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	6,019,829	
FROM TRUST FUNDS		17,957,434
TOTAL POSITIONS	334	
TOTAL ALL FUNDS		23,977,263

PROGRAM: STATE LANDS

INVASIVE PLANT CONTROL

1475 SALARIES AND BENEFITS POSITIONS	31	
FROM INVASIVE PLANT CONTROL TRUST FUND . .		1,389,437
1475A OTHER PERSONAL SERVICES		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		667,080
1475B EXPENSES		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		1,177,948
1476 AID TO LOCAL GOVERNMENTS		
AQUATIC PLANT CONTROL MATCHING GRANTS		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		14,127,376
FROM GRANTS AND DONATIONS TRUST FUND . . .		800,000

From the funds in Specific Appropriation 1476, $6,500,000 from the Invasive Plant Control Trust Fund is based on the transfer of funds from the Solid Waste Management Trust Fund, contingent on legislation becoming law that amends section 212.20, Florida Statutes, to allow appropriation of funds for this purpose.

From the funds in Specific Appropriation 1476, up to $2,000,000 shall be used by the department for mechanical weed control.

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1477 OPERATING CAPITAL OUTLAY		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		35,710
1479 SPECIAL CATEGORIES		
CONTROL OF INVASIVE EXOTICS		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		4,000,000
1480 SPECIAL CATEGORIES		
TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR ADMINISTRATIVE OVERHEAD		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		880,000
1481 SPECIAL CATEGORIES		
TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM		
FROM INVASIVE PLANT CONTROL TRUST FUND . .		25,000
TOTAL: INVASIVE PLANT CONTROL		
FROM TRUST FUNDS		23,102,551
TOTAL POSITIONS	31	
TOTAL ALL FUNDS		23,102,551

LAND ADMINISTRATION

1482 SALARIES AND BENEFITS POSITIONS	67	
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		945,587
FROM GRANTS AND DONATIONS TRUST FUND . . .		235,325
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		1,712,192
FROM LAND ACQUISITION TRUST FUND		196,270
FROM WATER MANAGEMENT LANDS TRUST FUND . .		48,593
1483 OTHER PERSONAL SERVICES		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		120,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		35,976
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		1,124,921
FROM LAND ACQUISITION TRUST FUND		4,000
1484 EXPENSES		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		292,286
FROM GRANTS AND DONATIONS TRUST FUND . . .		116,262
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		632,389
FROM LAND ACQUISITION TRUST FUND		19,611
FROM WATER MANAGEMENT LANDS TRUST FUND . .		6,960
1485 OPERATING CAPITAL OUTLAY		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		51,649
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		56,734
1487 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		83,832
1488 SPECIAL CATEGORIES		
PAYMENT IN LIEU OF TAXES		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		2,490,000
1488A SPECIAL CATEGORIES		
FLORIDA FOREVER		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		150,000
1489 SPECIAL CATEGORIES		
GREEN SWAMP		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		100,000

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1490 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 932,700
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 196,558

1490A FIXED CAPITAL OUTLAY
DEBT SERVICE FLORIDA FOREVER BONDS - NEW SERIES
FROM LAND ACQUISITION TRUST FUND 5,000,000

Funds in Specific Appropriation 1490A are for debt service requirements for the first series of Florida Forever bonds.

1490B FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 25,000,000
FROM FLORIDA FOREVER TRUST FUND 105,000,000

Funds in Specific Appropriation 1490B from the Conservation and Recreation Lands Trust Fund are provided for the Preservation Project and Cedar Swamp.

1490C FIXED CAPITAL OUTLAY
EVERGLADES LAND ACQUISITION
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,000,000

1490D FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 277,736,221

Funds provided in Specific Appropriation 1490D are for Fiscal Year 2000-2001 debt service on outstanding "Preservation 2000" bonds sold prior to July 1, 2000. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

1490E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS-LAND ACQUISITION
FROM FLORIDA FOREVER TRUST FUND 80,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . . 50,871,114

Funds provided in Specific Appropriation 1490E from the Water Management Lands Trust Fund shall be allocated in accordance with the provisions of s. 373.59(8), Florida Statutes. First priority for the use of these funds shall be to meet outstanding debt service obligations, to meet statutory requirements for payments in lieu of taxes, and to provide management of water management lands as authorized in s. 373.59(9), Florida Statutes. Management may include the control and removal of non-indigenous exotic vegetation.

After meeting the requirements in the above paragraph, the governing board of a water management district may request, and the Secretary of the Department shall release upon such request, funds provided in Specific Appropriation 1490E from the Water Management Lands Trust Fund for the purpose of carrying out the provisions of s. 373.451 - 373.4595, Florida Statutes, and for priority projects identified by the governing board which also meet the threshold criteria as determined by the Florida Water Advisory Panel as specified in Executive Order 99-288.

1490F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY

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SPECIFIC
APPROPRIATION

MIDDLE COVE PARK
FROM GRANTS AND DONATIONS TRUST FUND . . . 430,786

1490G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
QUEENS ISLAND ACQUISITION
FROM GRANTS AND DONATIONS TRUST FUND . . . 940,000

1490H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
LAND ACQUISITION - PERFORMING ARTS CENTER - MIAMI-DADE COUNTY
FROM LAND ACQUISITION TRUST FUND 1,000,000

1490I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
CAPITOL DOWNTOWN PARKING FACILITY - LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 1,000,000

Funds in Specific Appropriation 1490I are for the purchase of land by the Tallahassee Downtown Improvement Authority for the construction of a mixed-use/parking facility to help serve the parking and housing needs of state government employees, constituents and visitors to the Capitol Center Complex, and intended to include parking, a courthouse annex and housing.

TOTAL: LAND ADMINISTRATION
FROM TRUST FUNDS 586,529,966

TOTAL POSITIONS 67
TOTAL ALL FUNDS 586,529,966

LAND MANAGEMENT

1491 SALARIES AND BENEFITS POSITIONS 89
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 528,259
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 3,540,597

1492 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,064,842
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,206,024
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 76,519

1493 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 867,434
FROM FORFEITED PROPERTY TRUST FUND 50,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 433,481
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 2,772,097

From the funds in Specific Appropriation 1493, $2,237,368 from the Internal Improvement Trust Fund is provided for payment of the DeVincenzo vs Department of Environmental Protection settlement.

1493A OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 115,148
FROM GRANTS AND DONATIONS TRUST FUND . . . 150,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 116,484

1494A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 329,067

1495 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE

SECTION 5
SPECIFIC
APPROPRIATION

PLANT INDUSTRY TRUST FUND
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 250,000

1496 SPECIAL CATEGORIES
NATIONAL OCEAN SURVEY
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 56,000

1497 SPECIAL CATEGORIES
RICO ACT- DISTRIBUTION OF PROCEEDS FROM
PROPERTY SALES
FROM FORFEITED PROPERTY TRUST FUND 716,932

1498 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 92,006

1499 SPECIAL CATEGORIES
TOPOGRAPHIC MAPPING
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 200,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 200,000

1500 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION
AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 6,322,081

1501 SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL
TRUST FUND
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 10,487,527

1502 SPECIAL CATEGORIES
TRANSFER TO FISH AND WILDLIFE CONSERVATION
COMMISSION FOR MANAGEMENT OF CARL LANDS
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 8,914,751

1503 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS
AND DONATIONS TRUST FUND
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 3,534,267

1504 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICT PROPERTY TAXES
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 50,000

1505 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 67,300
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 503,442

From the funds in Specific Appropriations 1475 through 1505, the State Lands Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Percent increase in the number of occurrences of endangered/ threatened/special concern species on publicly managed conservation areas	3.6%
2. Percent of Florida's public waters where control of hydrilla, water hyacinth, and water lettuce has been achieved and sustained	95%

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Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1475, 1475A, 1475B, 1477, 1482, 1483, 1484, 1485, 1491, 1492, 1493 and 1493A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS 42,644,258

TOTAL POSITIONS 89
TOTAL ALL FUNDS 42,644,258

PROGRAM: DISTRICT OFFICES

WATER RESOURCE PROTECTION AND RESTORATION

1507 SALARIES AND BENEFITS POSITIONS 460
FROM GENERAL REVENUE FUND 12,024,996
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 172,305
FROM GRANTS AND DONATIONS TRUST FUND . . . 396,224
FROM LAND ACQUISITION TRUST FUND 1,039,880
FROM PERMIT FEE TRUST FUND 4,192,791
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,616,920

1508 OTHER PERSONAL SERVICES
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 135,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 59,303

1509 EXPENSES
FROM GENERAL REVENUE FUND 194,644
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 532,611
FROM GRANTS AND DONATIONS TRUST FUND . . . 36,096
FROM LAND ACQUISITION TRUST FUND 221,045
FROM PERMIT FEE TRUST FUND 309,976
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,029,983

1510 AID TO LOCAL GOVERNMENTS
TRANSFER TO ST. LUCIE COUNTY
FROM GRANTS AND DONATIONS TRUST FUND . . . 600,000

1511 SPECIAL CATEGORIES
WATER QUALITY MANAGEMENT/PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 469,431

1512 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 18,608
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,041
FROM PERMIT FEE TRUST FUND 9,635
FROM WATER QUALITY ASSURANCE TRUST FUND . 20,690

1512A FIXED CAPITAL OUTLAY
BAY RESTORATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 700,000

1512B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
POLLUTION RESTORATION PROJECTS/GRANT & AID
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 1,490,871

TOTAL: WATER RESOURCE PROTECTION AND RESTORATION
FROM GENERAL REVENUE FUND 12,219,640
FROM TRUST FUNDS 14,053,410

TOTAL POSITIONS 460
TOTAL ALL FUNDS 26,273,050

SECTION 5
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APPROPRIATION

AIR ASSESSMENT

1513	SALARIES AND BENEFITS POSITIONS	20	
	FROM AIR POLLUTION CONTROL TRUST FUND . .		709,341
	FROM GRANTS AND DONATIONS TRUST FUND . . .		146,975
1514	OTHER PERSONAL SERVICES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		28,445
1515	EXPENSES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		106,791
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,272
1516	OPERATING CAPITAL OUTLAY		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		12,763
1517	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		2,381
1518	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		42,924
TOTAL:	AIR ASSESSMENT		
	FROM TRUST FUNDS		1,089,892
	TOTAL POSITIONS	20	
	TOTAL ALL FUNDS		1,089,892

AIR POLLUTION PREVENTION

1519	SALARIES AND BENEFITS POSITIONS	81	
	FROM AIR POLLUTION CONTROL TRUST FUND . .		3,769,720
1520	OTHER PERSONAL SERVICES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		174,156
	FROM GRANTS AND DONATIONS TRUST FUND . . .		70,950
1521	EXPENSES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		521,392
1522	OPERATING CAPITAL OUTLAY		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		118,313
1523	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		15,795
1524	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		278,658
TOTAL:	AIR POLLUTION PREVENTION		
	FROM TRUST FUNDS		4,948,984
	TOTAL POSITIONS	81	
	TOTAL ALL FUNDS		4,948,984

WASTE CONTROL

1525	SALARIES AND BENEFITS POSITIONS	158	
	FROM GENERAL REVENUE FUND	473,332	
	FROM INLAND PROTECTION TRUST FUND		2,015,832
	FROM GRANTS AND DONATIONS TRUST FUND . . .		972,813
	FROM PERMIT FEE TRUST FUND		360,406
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		1,276,675
	FROM WATER QUALITY ASSURANCE TRUST FUND .		2,090,764

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1526	OTHER PERSONAL SERVICES		
	FROM INLAND PROTECTION TRUST FUND		110,000
1527	EXPENSES		
	FROM GENERAL REVENUE FUND	37,830	
	FROM INLAND PROTECTION TRUST FUND		267,416
	FROM GRANTS AND DONATIONS TRUST FUND . . .		107,582
	FROM PERMIT FEE TRUST FUND		39,178
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		151,762
	FROM WATER QUALITY ASSURANCE TRUST FUND .		246,024
1528	OPERATING CAPITAL OUTLAY		
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		81,225
1529	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INLAND PROTECTION TRUST FUND		183,000
1530	SPECIAL CATEGORIES		
	HAZARDOUS WASTE CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST FUND .		120,594
1531	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INLAND PROTECTION TRUST FUND		5,240
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,666
1532	SPECIAL CATEGORIES		
	RESEARCH, DEVELOPMENT AND TECHNICAL		
	ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM		
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		14,000
1532A	SPECIAL CATEGORIES		
	DISTRESS FLARE DISPOSAL PROGRAM		
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		100,000
1533	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM INLAND PROTECTION TRUST FUND		189,807
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		146,516
TOTAL:	WASTE CONTROL		
	FROM GENERAL REVENUE FUND	511,162	
	FROM TRUST FUNDS		8,484,500
	TOTAL POSITIONS	158	
	TOTAL ALL FUNDS		8,995,662

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1534	SALARIES AND BENEFITS POSITIONS	101	
	FROM GENERAL REVENUE FUND	4,078,218	
	FROM ADMINISTRATIVE TRUST FUND		315,252
	FROM AIR POLLUTION CONTROL TRUST FUND . .		221,532
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		242,444
1535	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		127,564
	FROM WATER QUALITY ASSURANCE TRUST FUND .		50,000
1536	EXPENSES		
	FROM GENERAL REVENUE FUND	1,548,272	
	FROM ADMINISTRATIVE TRUST FUND		582,783
	FROM AIR POLLUTION CONTROL TRUST FUND . .		37,535
	FROM LAND ACQUISITION TRUST FUND		26,877
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		39,655
	FROM WATER QUALITY ASSURANCE TRUST FUND .		100,000
1537	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		18,405
	FROM WATER QUALITY ASSURANCE TRUST FUND .		100,000

SECTION 5 SPECIFIC APPROPRIATION		
1538 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	34,257	
1539 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	78,324	
FROM ADMINISTRATIVE TRUST FUND		41,522
1540 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	377,570	
FROM INLAND PROTECTION TRUST FUND		9,945
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	6,116,641	
FROM TRUST FUNDS		1,913,514
TOTAL POSITIONS	101	
TOTAL ALL FUNDS		8,030,155
WASTE CLEANUP		
1541 SALARIES AND BENEFITS POSITIONS	4	
FROM WATER QUALITY ASSURANCE TRUST FUND .		231,653
1542 SPECIAL CATEGORIES		
HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND .		70,000
TOTAL: WASTE CLEANUP		
FROM TRUST FUNDS		301,653
TOTAL POSITIONS	4	
TOTAL ALL FUNDS		301,653
PROGRAM: RESOURCE ASSESSMENT AND MANAGEMENT		
FLORIDA GEOLOGICAL SURVEY		
1543 SALARIES AND BENEFITS POSITIONS	38	
FROM MINERALS TRUST FUND		1,804,775
1544 OTHER PERSONAL SERVICES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		479,207
FROM MINERALS TRUST FUND		14,326
1545 EXPENSES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		800,135
FROM MINERALS TRUST FUND		309,110
1546 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		60,000
1547 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM MINERALS TRUST FUND		9,192
1548 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM MINERALS TRUST FUND		65,456
1548A FIXED CAPITAL OUTLAY		
GEOSCIENCE RESEARCH CENTER		
FROM GENERAL REVENUE FUND	100,000	

The funds in Specific Appropriation 1548A shall be used, in consultation with the Florida State University, to conduct the preliminary planning necessary to develop refined funding requirements and development options for the Florida Geoscience Center.

SECTION 5 SPECIFIC APPROPRIATION		
TOTAL: FLORIDA GEOLOGICAL SURVEY		
FROM GENERAL REVENUE FUND	100,000	
FROM TRUST FUNDS		3,542,201
TOTAL POSITIONS	38	
TOTAL ALL FUNDS		3,642,201
LABORATORY SERVICES		
1549 SALARIES AND BENEFITS POSITIONS	82	
FROM GENERAL REVENUE FUND	394,275	
FROM ENVIRONMENTAL LABORATORY TRUST FUND .		3,238,472
1550 OTHER PERSONAL SERVICES		
FROM ENVIRONMENTAL LABORATORY TRUST FUND .		1,311,340
1551 EXPENSES		
FROM GENERAL REVENUE FUND	75,399	
FROM ENVIRONMENTAL LABORATORY TRUST FUND .		1,637,709
1552 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	4,000	
FROM ENVIRONMENTAL LABORATORY TRUST FUND .		350,000
1553 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		43,393
FROM GRANTS AND DONATIONS TRUST FUND . . .		31,625
1554 SPECIAL CATEGORIES		
GROUND WATER QUALITY MONITORING NETWORK		
FROM WATER QUALITY ASSURANCE TRUST FUND .		125,000
1555 SPECIAL CATEGORIES		
WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT		
FROM ENVIRONMENTAL LABORATORY TRUST FUND .		901,526
1556 SPECIAL CATEGORIES		
EVERGLADES LAB SUPPORT		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		494,180
1557 SPECIAL CATEGORIES		
HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND .		357,000
1558 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	13,048	
FROM ENVIRONMENTAL LABORATORY TRUST FUND .		19,378
TOTAL: LABORATORY SERVICES		
FROM GENERAL REVENUE FUND	486,722	
FROM TRUST FUNDS		8,509,623
TOTAL POSITIONS	82	
TOTAL ALL FUNDS		8,996,345
MERCURY MONITORING AND RESEARCH		
1559 SALARIES AND BENEFITS POSITIONS	2	
FROM ENVIRONMENTAL LABORATORY TRUST FUND .		151,197
1560 EXPENSES		
FROM ENVIRONMENTAL LABORATORY TRUST FUND .		35,000
TOTAL: MERCURY MONITORING AND RESEARCH		
FROM TRUST FUNDS		186,197

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	TOTAL POSITIONS	2	
	TOTAL ALL FUNDS		186,197

INFORMATION TECHNOLOGY

1561	SALARIES AND BENEFITS POSITIONS	68	
	FROM WORKING CAPITAL TRUST FUND		3,005,445
1562	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		400,000
1563	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		3,296,638
1564	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		845,000
1565	SPECIAL CATEGORIES		
	NATURAL AREAS INVENTORY		
	FROM WORKING CAPITAL TRUST FUND		445,895
1566	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM WORKING CAPITAL TRUST FUND		18,133
1566A	SPECIAL CATEGORIES		
	PERMIT DOCUMENT MANAGEMENT SYSTEM		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		433,334
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		433,333
	FROM WATER QUALITY ASSURANCE TRUST FUND .		433,333
1567	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM WORKING CAPITAL TRUST FUND		790,147
TOTAL:	INFORMATION TECHNOLOGY		
	FROM TRUST FUNDS		10,101,258
	TOTAL POSITIONS	68	
	TOTAL ALL FUNDS		10,101,258

PROGRAM: WATER RESOURCE MANAGEMENT

BEACH MANAGEMENT

1568	SALARIES AND BENEFITS POSITIONS	74	
	FROM GENERAL REVENUE FUND	2,824,167	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		253,247
	FROM PERMIT FEE TRUST FUND		215,337
1569	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	639,373	
1570	EXPENSES		
	FROM GENERAL REVENUE FUND	529,817	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		73,086
	FROM PERMIT FEE TRUST FUND		306,438
1571	OPERATING CAPITAL OUTLAY		
	FROM PERMIT FEE TRUST FUND		103,508
1572	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	26,359	
1573	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	26,146	

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1573A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY		
	BEACH PROJECTS - STATEWIDE		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		30,338,223

Funds in Specific Appropriation 1573A are provided for the following projects identified on the priority list included in the Department of Environmental Protection's Amended 2000-2001 Legislative Budget Request.

Projects receiving federal and local matching funds:

Statewide Inlet/Beach Management	1,200,000
Estero Island/Lover's Key Beach Restoration	4,770,539
Captiva Island Beach Nourishment	81,901
Dade County Beach Nourishment	282,000
Hutchinson Island Beach Nourishment	1,508,990
Venice Beach Nourishment	118,951
Ponce de Leon Inlet Management Plan Implementation	474,000
St. Lucie Inlet Management Plan Implementation	1,963,225
Lido Key Beach Nourishment	90,900
Gasparilla Island Beach Restoration	3,408,681

Projects receiving only local matching funds:

New Projects - Feasibility/Design	1,684,987
Key Biscayne Beach Nourishment	70,000
Ambersand/Wabasso Beach Restoration	4,638,215
Honeymoon Island Beach Restoration	750,000
Juno Beach Restoration	1,286,305
Collier County Beach Nourishment	321,930
Midtown/Phipps Beach Restoration Project	5,685,728
South Lake Worth Inlet Management Plan Implementation	571,432
Bonita Beach Nourishment Project	108,157
Marco Island Beach Nourishment	69,862
New Smyrna Beach Dune Restoration	1,252,420

1573B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY		
	ANNES BEACH ENHANCEMENTS - MONROE COUNTY		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		80,000
1573C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY		
	PENSACOLA BEACH FISHING PIER - HURRICANE OPAL DAMAGE		
	FROM LAND ACQUISITION TRUST FUND		500,000
1573D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY		
	VOLUSIA COUNTY BEACH IMPROVEMENTS - NORTH ORMOND		
	FROM LAND ACQUISITION TRUST FUND		300,000
TOTAL:	BEACH MANAGEMENT		
	FROM GENERAL REVENUE FUND	4,045,862	
	FROM TRUST FUNDS		32,169,839
	TOTAL POSITIONS	74	
	TOTAL ALL FUNDS		36,215,701

WATER RESOURCE PROTECTION AND RESTORATION

1574	SALARIES AND BENEFITS POSITIONS	274	
	FROM GENERAL REVENUE FUND	2,249,495	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		245,973
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,461,391

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FROM LAND ACQUISITION TRUST FUND		517,419
FROM MINERALS TRUST FUND		1,828,329
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		704,398
FROM PERMIT FEE TRUST FUND		705,614
FROM WATER QUALITY ASSURANCE TRUST FUND .		2,353,798
1575 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	21,000	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		520,000
FROM LAND ACQUISITION TRUST FUND		40,000
FROM MINERALS TRUST FUND		145,479
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		12,985
FROM WATER QUALITY ASSURANCE TRUST FUND .		407,956
1576 EXPENSES		
FROM GENERAL REVENUE FUND	231,051	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		65,251
FROM GRANTS AND DONATIONS TRUST FUND . . .		238,386
FROM LAND ACQUISITION TRUST FUND		37,937
FROM MINERALS TRUST FUND		411,068
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		85,908
FROM PERMIT FEE TRUST FUND		596,298
FROM WATER QUALITY ASSURANCE TRUST FUND .		380,805
1577 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		453,000
1578 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE		
FROM PERMIT FEE TRUST FUND		250,000
1579 OPERATING CAPITAL OUTLAY		
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		53,500
1580 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		400,000
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		103,436
1581 SPECIAL CATEGORIES		
GROUND WATER QUALITY MONITORING NETWORK		
FROM WATER QUALITY ASSURANCE TRUST FUND .		1,299,027
1582 SPECIAL CATEGORIES		
WATER QUALITY MANAGEMENT/PLANNING GRANTS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		8,029,925
1582A SPECIAL CATEGORIES		
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM		
FROM PERMIT FEE TRUST FUND		1,909,784
1583 SPECIAL CATEGORIES		
HAZARDOUS WASTE CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND .		2,550,000
1584 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	61,619	
FROM GRANTS AND DONATIONS TRUST FUND . . .		25,251
FROM PERMIT FEE TRUST FUND		25,251
FROM WATER QUALITY ASSURANCE TRUST FUND .		14,153

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1585 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF HEALTH FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT		
FROM INLAND PROTECTION TRUST FUND		1,285,197
1586 SPECIAL CATEGORIES		
U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT		
FROM GRANTS AND DONATIONS TRUST FUND . . .		78,500
FROM WATER QUALITY ASSURANCE TRUST FUND .		214,897
1587 SPECIAL CATEGORIES		
UNDERGROUND STORAGE TANK CLEANUP		
FROM INLAND PROTECTION TRUST FUND		700,000
1588 SPECIAL CATEGORIES		
WATER WELL CLEANUP		
FROM WATER QUALITY ASSURANCE TRUST FUND .		1,889,202
1589 SPECIAL CATEGORIES		
TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - LAKEWATCH		
FROM WATER QUALITY ASSURANCE TRUST FUND .		450,000
1590 SPECIAL CATEGORIES		
WETLANDS PROTECTION		
FROM GRANTS AND DONATIONS TRUST FUND . . .		534,582
1591 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	55,092	
FROM GRANTS AND DONATIONS TRUST FUND . . .		126,816
FROM PERMIT FEE TRUST FUND		622,084
FROM WATER QUALITY ASSURANCE TRUST FUND .		808,155
1591A FIXED CAPITAL OUTLAY		
NON-MANDATORY LAND RECLAMATION PROJECTS		
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		10,000,000
1591B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY		
GRANTS AND AID - NON-POINT SOURCE (NPS) MANAGEMENT PLANNING GRANTS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		7,500,000
1591C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY		
DRINKING WATER FACILITY CONSTRUCTION - STATE REVOLVING LOAN		
FROM GENERAL REVENUE FUND	5,000,000	
FROM DRINKING WATER REVOLVING LOAN TRUST FUND		31,000,000
1591D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY		
WASTEWATER TREATMENT FACILITY CONSTRUCTION		
FROM GENERAL REVENUE FUND	9,000,000	
FROM WASTEWATER TREATMENT AND STORMWATER MANAGEMENT REVOLVING LOAN TRUST FUND . .		126,000,000

From the funds in Specific Appropriation 1591D from the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund, up to $10,000,000 may be used to implement the appropriation included in Senate Bill 1646, or similar legislation, if such legislation becomes law, so that the appropriated level for the fund from all legislation that becomes law does not exceed $126,000,000.

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1591E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
HUDSON CHANNEL DREDGING
FROM GENERAL REVENUE FUND 1,080,000

1591F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
DAVIE CANEL REFORESTATION
FROM GENERAL REVENUE FUND 135,000

1591G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
STATEWIDE RESTORATION PROJECTS
FROM GENERAL REVENUE FUND 105,053,762
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 14,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . . 25,150,000

Funds in Specific Appropriation 1591G from the Ecosystem Management and Restoration Trust Fund are based on the transfer of funds from the Solid Waste Management Trust Fund, contingent upon legislation becoming law that amends s. 212.20, Florida Statutes, to allow appropriation of funds for this purpose.

Funds in Specific Appropriation 1591G are provided for the following surface water and wastewater projects that meet threshold criteria as determined by the Florida Water Advisory Panel as specified in Executive Order 99-288.

Surface Water Projects funded from the General Revenue Fund:

Ashley Lane Flooding Problems	56,300
Biscayne Bay Restoration (5 projects)	500,000
City of Aventura Stormwater Drainage	103,908
City of Palm Bay #1 - Port Malabar CC Unit 4/Flood/Water Improvements	99,500
City of Palmetto-Stormwater System E-3 Improvements	309,000
City of Sweetwater Stormwater Project	500,000
Clay County Stormwater Runoff	200,184
Crescent Lake Restoration Project - Escambia County	100,000
Euclid Avenue and Clough Avenue Stormwater Management System	31,500
Gator Slough Watershed Management and Environmental Enhancement	500,000
Grant Hunter Flood Attenuation and Water Quality Pond	200,000
Indian River Farms Water Control District	4,330,000
Islamorada Stormwater Improvement	200,000
John's Pass Village Reconstruction Enhancement Project - Phase I	250,000
Kingfisher Canal	30,000
Lake Okeechobee Restoration	30,000,000
Lake Worth Lagoon Restoration Project	3,000,000
Lake Worth Lagoon Stormwater Improvements at Riviera Beach	300,000
Little Wekiva River Arch Pipe Remediation	700,000
Lower St. Johns River Water Resource Restoration Initiative	10,500,000
Martin Lake Restoration Project	240,000
McIntosh Park Wetland Restoration/East Side Canal Water Quality	125,000
Monroe County Stormwater Master Plan	200,000
Opa-Locka Surface Water System Improvements	281,250
Piping Canal RC-4	353,000
Sebastian River Basin - Stormwater	1,000,000
Sebastian River Muck Removal	3,100,000
South Miami-Dade County Watershed Planning Project	100,000
St. Lucie River Restoration	10,000,000
The Indian River Lagoon Initiative	37,000
Town Pond Rehabilitation Project	400,000
Treadway Drive Surface Water Restoration Project	31,620
Turnbull Creek Tributary "E" Stormwater Management System	157,500
West Miami Surface Water System Improvements, Division I	500,000

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Surface Water Projects funded from the Ecosystem Management and Restoration Trust Fund:

Apollo Beach Stormwater	450,000
Biscayne Bay Cleanup	300,000
Blue Lagoon Lake Clean Up	100,000
City of Green Cove Springs Stormwater	600,000
City of Rockledge/Cocoa, Proposed Northeast Retention Area	100,000
Florida Lake Watch - Project Coast	400,000
Four Corners Stormwater Project	200,000
Harbor Palms Stormwater Retrofit & Flood Protection	250,000
Harris Chain of Lakes	2,000,000
Highland Village Surface Water Restoration	400,000
Huguenot Lake Stormwater Improvements	200,000
Lake Hancock/Upper Peace River Enhancement Project	750,000
Lake Trafford Restoration	400,000
Lake Worth Lagoon Stormwater Program at the City of West Palm Beach	1,500,000
Miami River Dredging Project	3,000,000
Miami-Dade County's Watershed Planning Project: Central Basins Stormwater Planning	100,000
North Fork of the New River Restoration - Phase IV	450,000
Stevenson Creek Water Quality Improvement Project	1,500,000
Stormwater Drainage - City of South Miami	400,000
Town of Wellington, Pilot Water Treatment for Urban/Ag Runoff	400,000
US 17/92 Stormwater Retrofit and Capacity Enhancement	350,000
Wares Creek Maintenance/Navigational Dredging	150,000

Surface Water Projects funded from the Water Management Lands Trust Fund:

Lake Jackson Restoration - Leon County	2,650,000
Lake Okeechobee Restoration	8,500,000
Lake Panasoffkee Restoration	5,000,000
Middle St. Johns River Basin Water Resource Restoration Initiative:	8,700,000
Little Wekiva River Watershed	
Little Wekiva River Pipe Remediation	
Lake Jesup Basin-Howell Creek Tributary	
Sweetwater Cove Tributary to the Wekiva River Sediment Control Project	
Wekiva River Basin-Park Avenue Pond Retrofit	
Wekiva River Protection Ecological Modeling Project	300,000

Wastewater Projects funded from the General Revenue Fund:

Airport Industrial Park Wastewater Collection and Conveyance System	50,000
Alachua Water Quality Preservation Project	300,000
Apalachicola Wastewater Improvements	50,000
Arroyo Parkway Utility Service	2,000,000
Astor-Astor Park Wastewater Treatment Facility	1,500,000
Atlantic Beach Core City Sanitary Sewer Improvements	350,000
Bradenton Reclaimed Water Reuse System Master Plan	700,000
Bunnell WWTP Upgrade & Reuse System	750,000
Callahan New Wastewater Treatment Facility and Infrastructure Improvements	750,000
Carrabelle Wastewater System Improvements and Service Expansion	250,000
Century WWTP Discharge Conversion to Beneficial Reuse	750,000
Charlotte Park Sewer Expansion	50,000
Chassahowitzka Regional Wastewater Collection System	1,000,000
Chipley Domestic Wastewater Treatment & Disposal System Repair/Upgrade	350,000
City of Bristol Sewer System	349,000
City of Brooksville Wastewater Project	500,000
City of Graceville Wastewater Collection System Repair and Upgrade	500,000
City of Green Cove Springs - Water Reclamation System	750,000
City of Moore Haven Sewer Extension	500,000
City of Perry Wastewater Improvements	50,000
City of Sanibel Phase I Sewer Expansion Project	500,000

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Dade City Water Reuse System	700,000
East Palatka Regional Wastewater System	750,000
Florida City Storm Recovery, Repair & Improvement Project	700,000
Glades County Wastewater Project	250,000
Guano, Tolomato, and Matanzas Rivers Restoration Program - Installation of Centralized Sanitary Sewer Collection Systems	150,000
Gulf Beaches Sewer	580,000
Hardee County Wastewater System	50,000
Hastings WWTP Improvements - Phase II	400,000
High Springs Municipal Wastewater Collection, Treatment & Disposal	750,000
Highland Village Wastewater System Improvements	1,250,000
Homosassa Wastewater Collection System - Phase II	750,000
Islamorada Wastewater Treatment System	900,000
Lacoochee Wastewater Facilities Improvement Program	100,000
Mainland Regional Wastewater Treatment Plant - Ft. Pierce	100,000
Merritt Island Septic Tank Elimination & Sanitary Sewer Installation Project - Phase II	250,000
Milton Wastewater Treatment Plant Improvements	700,000
Monticello Inflow/Infiltration Study & Rehabilitation	215,000
New Port Richey Reclaimed Water Transmission Main Extensions (Phase II)	545,000
North Miami Sewer System Lining	250,000
Okeechobee County Utility Authority	1,000,000
Opa-Locka Wastewater System Improvements	500,000
Ousley Estates Sewer Collection System/Okeechobee County Effluent Disposal System	400,000
Pahokee WWTP Improvements & City-wide Infiltration/Inflow Correction	500,000
Pembroke Park Wastewater Collection Pumping System Improvements	100,000
Phillipi Creek Septic Tank Replacement Project	500,000
Port St. Joe Wastewater Treatment Plant & Collection System	825,000
Rose Bay Area Collection System Improvements - Part II	2,604,000
Sewering of Lake Tarpon Acres - Phase I	400,000
South Walton County Sewer Improvements	1,500,000
South Waterfront Park Sanitary Sewer Collection System	2,000,000
St. Augustine Removal of WWTP #2 From a Barrier Island	350,000
St. Johns County Septic Tank Replacement	400,000
Stone Island Wastewater Collection & Transmission System	750,000
The City of Key West Sewer System Rehabilitation	1,500,000
Wakulla County Central Sewer Expansion	200,000
Wastewater (Sewer) Infrastructure - City of South Miami	1,000,000
West Palm Beach Wastewater	50,000
Winsberg Farm Wetland Restoration	500,000
Zolfo Spings Wastewater Improvements	150,000

Funds included in Specific Appropriation 1591G for Lake Okeechobee Restoration are provided to the South Florida Water Management District and Department of Agriculture and Consumer Services to advance the restoration initiative in accordance with CS/CS/HB 991 or similar legislation, or to implement the Lake Okeechobee Action Plan developed by the Lake Okeechobee Issue Team of the South Florida Ecosystem Restoration Working Group, in the event such legislation does not become law. These funds shall be transferred to the Lake Okeechobee Protection Trust Fund if HB 1189 or similar legislation creating this fund becomes law.

Of the funds in Specific Appropriation 1591G for Lake Okeechobee Restoration, $15 million from the General Revenue Fund shall be provided to the Department of Agriculture and Consumer Services for research, development, demonstration, and implementation of suitable best management practices or other measures for Lake Okeechobee water quality improvement pursuant to ss. 373.4595 and ss. 403.067, Florida Statutes. Implementation of best management practices and other measures may include the development of conservation or nutrient management plans, cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. From these funds, the Department is authorized to establish six positions to support these purposes.

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The remaining $23.5 million in Specific Appropriation 1591G for Lake Okeechobee Restoration shall be provided to the South Florida Water Management District for the Lake Okeechobee Source Control Grant Program, Restoration of Isolated Wetlands, Retrofit Water Control Structures and Land Acquisition for the Grassy Island Reservoir Assisted Stormwater Treatment Area.

No funds provided in Specific Appropriation 1591G to the St. Johns River Water Management District for the Lower St. Johns River Water Resource Restoration Initiative may be used for restoration of the Oklawaha River.

Funds in Specific Appropriation 1591G for use by the St. Johns River Water Management District are for the purpose of implementing the St. Johns River Basin Initiative, and the St. Johns River Water Management District must provide at least a 50 percent match of a total basin project cost for state funds received through this Specific Appropriation. Matching funds may include cost-shares, or funds from local, state, and federal sources, as well as in-kind contributions. Cost savings obtained through administrative efficiency, bid process, or as a result of funds obtained from local, or other state or federal sources, shall be applied to additional District priority projects within the St. Johns River Basin and approved by the Water Advisory Panel. In Fiscal Year 2000-2001, the District should make all reasonable efforts to begin work on all priority projects within the Basin not receiving state funding assistance.

Funds in Specific Appropriation 1591G which fund projects sponsored by water management districts shall be disbursed to the specified water management district consistent with the procedures provided in section 373.59(4) and (5), Florida Statutes, upon receipt of a resolution adopted by the district's governing board requesting such funds based on the project application approved by the Water Advisory Panel.

1591H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
EVERGLADES RESTORATION
FROM SAVE OUR EVERGLADES TRUST FUND . . . 105,000,000

Funds in Specific Appropriation 1591H are provided to implement HB 221, or similar legislation, contingent upon legislation becoming law which creates and provides revenues to the Save Our Everglades Trust Fund, or other separate trust fund created for this purpose. Such funds shall be expended for land acquisition purposes in accordance with section 373.026(8)(c), Florida Statutes. Prior to release of these funds, the department shall provide the proposed list of property acquisitions which have been approved by the South Florida Water Management District governing board to the Executive Office of the Governor, House Fiscal Responsibility Council and Senate Budget Committee, pursuant to section 216.177, Florida Statutes.

If legislation directing funds from the Florida Forever Program to Everglades Restoration does not become law, then $25,000,000 of the funds in Specific Appropriation 1591H shall be transferred to the Florida Forever Trust Fund appropriation in Specific Appropriation 1490E.

1591I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
SMALL COUNTY WASTEWATER TREATMENT GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,500,000

1591J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
NORTH MIAMI WATER PLANT EXPANSION
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 750,000

1591K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL

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OUTLAY
MIAMI RIVER COMMISSION
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 150,000

TOTAL: WATER RESOURCE PROTECTION AND RESTORATION
FROM GENERAL REVENUE FUND 122,887,019
FROM TRUST FUNDS 359,631,755

TOTAL POSITIONS 274
TOTAL ALL FUNDS 482,518,774

WATER SUPPLY

1592 SALARIES AND BENEFITS POSITIONS 14
FROM GENERAL REVENUE FUND 685,874
FROM GRANTS AND DONATIONS TRUST FUND . . . 61,991

1593 EXPENSES
FROM GENERAL REVENUE FUND 223,843
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,000

1594 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 1,099,922

1595 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 1,099,922

1596 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION
FROM GENERAL REVENUE FUND 547,000

From the funds in Specific Appropriations 1568 through 1596, the Water Resource Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
Percentage of public water systems with no significant public health-based drinking water quality problems	93.5%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1568, 1569, 1570, 1571, 1574, 1575, 1576, 1579, 1592 and 1593 shall have budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: WATER SUPPLY
FROM GENERAL REVENUE FUND 3,656,561
FROM TRUST FUNDS 81,991

TOTAL POSITIONS 14
TOTAL ALL FUNDS 3,738,552

PROGRAM: WASTE MANAGEMENT

WASTE CLEANUP

1597 SALARIES AND BENEFITS POSITIONS 105
FROM GENERAL REVENUE FUND 76,398
FROM INLAND PROTECTION TRUST FUND 3,428,938
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 49,310
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,132,861

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1598 EXPENSES
FROM GENERAL REVENUE FUND 5,351
FROM INLAND PROTECTION TRUST FUND 486,098
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 10,294
FROM WATER QUALITY ASSURANCE TRUST FUND . 148,083

1599 AID TO LOCAL GOVERNMENTS
PETROLEUM TANKS CLEANUP - ADVANCE WORKING CAPITAL
FROM INLAND PROTECTION TRUST FUND 5,000,000

1600 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 39,716
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,751
FROM WATER QUALITY ASSURANCE TRUST FUND . 14,710

1601 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,883

1602 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 6,368,014

1603 SPECIAL CATEGORIES
INLAND PROTECTION FINANCING CORPORATION
FROM INLAND PROTECTION TRUST FUND 65,000,000

1604 SPECIAL CATEGORIES
DRYCLEANING CONTAMINATION CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,398,232

1605 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 31,968
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,449

1606 SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND . 231,092

1607 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 17,276,149
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,381,866

From the funds in Specific Appropriation 1607, $500,000 is provided for the department to initiate an Environmental Management Systems training program for agency enforcement, water management district and county environmental employees.

From the funds in Specific Appropriation 1607, $300,000 from the Inland Protection Trust Fund is provided for Miami Shores Village Fuel Storage and Tank Cleanup.

1608 SPECIAL CATEGORIES
TRANSFER TO AUDITOR GENERAL - PETROLEUM CLEANUP AUDIT
FROM INLAND PROTECTION TRUST FUND 1,500,000

Funds in Specific Appropriation 1608 are provided to continue audits of all or part of applications for reimbursement for cleanup of petroleum contamination sites.

1608A SPECIAL CATEGORIES
BROWNFIELD REDEVELOPMENT PROGRAM - DADE COUNTY
FROM INLAND PROTECTION TRUST FUND 400,000

1608B SPECIAL CATEGORIES
REMEDIATION OF BROWNFIELD SITE - CITY OF CLEARWATER
FROM INLAND PROTECTION TRUST FUND 500,000

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1608C SPECIAL CATEGORIES
BROWNFIELD - EASTWARD HO URBAN
REDEVELOPMENT PROGRAM
FROM INLAND PROTECTION TRUST FUND 150,000

1609 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM INLAND PROTECTION TRUST FUND 204,605

1609A FIXED CAPITAL OUTLAY
CLEANUP OF STATE OWNED LANDS
FROM INLAND PROTECTION TRUST FUND 2,000,000

1609B FIXED CAPITAL OUTLAY
WASTE TIRE ABATEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 250,000

1609C FIXED CAPITAL OUTLAY
PETROLEUM TANKS CLEANUP - PREAPPROVALS
FROM INLAND PROTECTION TRUST FUND 150,750,000

From funds in Specific Appropriation 1609C, from the Inland Protection Trust Fund, $306,000 is provided to the City of Winter Park Police Department for the pre-approval cleanup and site remediation, due to the high score and potential health receptors at risk.

1609D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 23,000,000

From the funds in Specific Appropriation 1609D, $1,500,000 is provided to establish a program for counties to provide grants to purchase surfacing products made from Florida waste tires, for the purposes of improving playground safety in Florida parks and schools while also promoting waste tire recycling. The department shall distribute the grants to participating counties on the basis of population, except that each participating county shall receive at least $4,000. The surfacing products purchased must be made from whole waste tires collected in Florida and processed at facilities located in Florida, and meet applicable national surfacing and accessibility guidelines. Grant funds shall only be used to reimburse the direct costs of playground surfacing materials derived from recycled waste tires and not for other materials, installation of materials, or equipment. The grants shall be used to pass through funds to county agencies, other local governments, or school boards and, at the county's discretion, may be awarded to non-profit organizations. The grants should be awarded on a competitive basis, with a 50/50 matching requirement.

From the funds in Specific Appropriation 1609D, $400,000 is provided to establish a grant for a compost pilot project involving wastes from Department of Corrections prisons. The grant funds shall be used by the New River Solid Waste Association to reimburse direct costs for the design, construction, and operation of the pilot compost project.

1609E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
CONTAMINATED SITE CLEANUP-HILLSBOROUGH
COUNTY SCHOOL SYSTEM
FROM WATER QUALITY ASSURANCE TRUST FUND . 300,000

TOTAL: WASTE CLEANUP
FROM GENERAL REVENUE FUND 81,749
FROM TRUST FUNDS 292,069,019

TOTAL POSITIONS 105
TOTAL ALL FUNDS 292,150,768

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WASTE CONTROL

1610 SALARIES AND BENEFITS POSITIONS 161
FROM INLAND PROTECTION TRUST FUND 1,102,947
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,794,453
FROM PERMIT FEE TRUST FUND 41,106
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,119,207
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,387,003

1611 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 23,562
FROM INLAND PROTECTION TRUST FUND 23,780
FROM GRANTS AND DONATIONS TRUST FUND . . . 434,742
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,000

1612 EXPENSES
FROM INLAND PROTECTION TRUST FUND 165,198
FROM GRANTS AND DONATIONS TRUST FUND . . . 634,856
FROM PERMIT FEE TRUST FUND 6,712
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 359,002
FROM WATER QUALITY ASSURANCE TRUST FUND . 453,328

1614 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SOUTHERN WASTE
INFORMATION EXCHANGE CLEARING HOUSE
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 300,000

1614A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - OPERATION CLEAN SWEEP
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 300,000

1615 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE
COLLECTION
FROM WATER QUALITY ASSURANCE TRUST FUND . 600,000

1616 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 13,238
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 57,041
FROM WATER QUALITY ASSURANCE TRUST FUND . 44,082

1617 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM WATER QUALITY ASSURANCE TRUST FUND . 9,128

1618 SPECIAL CATEGORIES
STORAGE TANK COMPLIANCE VERIFICATION
FROM INLAND PROTECTION TRUST FUND 9,500,000

1619 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION
FOR ADOPT-A-HIGHWAY PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 400,000

1620 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH FOR
BIOMEDICAL WASTE REGULATION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 880,000

1621 SPECIAL CATEGORIES
DEMONSTRATION PROJECT FOR RECYCLING
MERCURY-CONTAINING DEVICES
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

1622 SPECIAL CATEGORIES
FEDERAL WASTE PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 483,500

1623 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

SECTION 5
SPECIFIC
APPROPRIATION

1624 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION/
RESEARCH AND DEMONSTRATION PROJECTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1625 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 200,000

1626 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES - MOSQUITO CONTROL
PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,278,598

1627 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 10,656
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 21,277
FROM WATER QUALITY ASSURANCE TRUST FUND . 39,420

1628 SPECIAL CATEGORIES
TRANSFER TO BOARD OF REGENTS - RESEARCH
AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

1629 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - RECYCLABLE MATERIALS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 596,537

1630 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE - SOLID
WASTE TAX COLLECTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 110,000

1631 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION SOLID
WASTE PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 139,135

1632 SPECIAL CATEGORIES
BASELINE LITTER SURVEY/CENTER FOR SOLID
AND HAZARDOUS WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

1633 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM INLAND PROTECTION TRUST FUND 295,368
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 577,735

1633A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
BIOREACTOR LANDFILL DEMONSTRATION PROJECT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

1633B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
FLORIDA ORGANICS RECYCLING CENTER OF
EXCELLENCE
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 3,500,000

1633C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
FLORIDA KEYS SPILL CORPORATIVE INC
FROM COASTAL PROTECTION TRUST FUND 250,000

SECTION 5
SPECIFIC
APPROPRIATION

1633D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
RECYCLE LEAD ACID PRODUCTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 400,000

From the funds in Specific Appropriations 1597 through 1633D, the Waste Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
Cumulative percent of contaminated program sites with cleanup completed	19%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1597, 1598, 1600, 1610, 1611, 1612 and 1616 have budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: WASTE CONTROL
FROM GENERAL REVENUE FUND 23,562
FROM TRUST FUNDS 34,140,049

TOTAL POSITIONS 161
TOTAL ALL FUNDS 34,163,611

PROGRAM: RECREATION AND PARKS

LAND MANAGEMENT

1634 SALARIES AND BENEFITS POSITIONS 21
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 25,350
FROM LAND ACQUISITION TRUST FUND 1,008,237

1635 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND 1,109,600

1636 EXPENSES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 4,417
FROM GRANTS AND DONATIONS TRUST FUND . . . 113,000
FROM LAND ACQUISITION TRUST FUND 468,573

1636A OPERATING CAPITAL OUTLAY
FROM LAND ACQUISITION TRUST FUND 25,000

1637A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 34,039

1638 SPECIAL CATEGORIES
MANAGEMENT OF WATER CONTROL STRUCTURES
FROM LAND ACQUISITION TRUST FUND 200,000

1639 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM LAND ACQUISITION TRUST FUND 33,441

1639A SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION
AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 350,000

SECTION 5
SPECIFIC
APPROPRIATION

1639B FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY
FROM FLORIDA FOREVER TRUST FUND 4,500,000

1639C FIXED CAPITAL OUTLAY
INVASIVE EXOTICS/GREENWAYS
FROM LAND ACQUISITION TRUST FUND 127,000

1639D FIXED CAPITAL OUTLAY
DEEP CREEK RECREATIONAL AREA
FROM LAND ACQUISITION TRUST FUND 915,095

1639E FIXED CAPITAL OUTLAY
MAJORIE HARRIS-CARR VISITOR CENTER AND TRAILHEAD
FROM LAND ACQUISITION TRUST FUND 550,020

1639F FIXED CAPITAL OUTLAY
TRAILS DEVELOPMENT - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,042,056

1639G FIXED CAPITAL OUTLAY
CANAL REVETMENT SYSTEM
FROM LAND ACQUISITION TRUST FUND 713,000

1639H FIXED CAPITAL OUTLAY
GREENWAYS DEVELOPMENT - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 250,000

1639I FIXED CAPITAL OUTLAY
GREENWAY RECREATIONAL IMPROVEMENTS - INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,300,000

1639J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
NATIONAL RECREATIONAL TRAIL GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,600,000

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS 14,368,828

TOTAL POSITIONS 21
TOTAL ALL FUNDS 14,368,828

RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS

1640 SALARIES AND BENEFITS POSITIONS 5
FROM STATE PARK TRUST FUND 190,378

1640A OTHER PERSONAL SERVICES
FROM STATE PARK TRUST FUND 50,000

1640B EXPENSES
FROM STATE PARK TRUST FUND 47,898

1641A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 11,800,045
FROM LAND ACQUISITION TRUST FUND 22,000,000

Funds in Specific Appropriation 1641A provide grants, in an amount not to exceed $150,000, for projects identified on the Application Priority List for the Florida Recreation Development Assistance Program, pursuant to s. 375.075, Florida Statutes.

SECTION 5
SPECIFIC
APPROPRIATION

1641B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
LOCAL PARKS
FROM LAND ACQUISITION TRUST FUND 2,170,000

Funds in Specific Appropriation 1641B are provided for the following public recreation grants:

Aquatic Center - City of Apopka	50,000
Avon Park Recreation Complex	50,000
Biscayne Park Family Project	50,000
Bray-Hendricks Park Improvement Project (lighting)	50,000
Choctawhatchee Bay Recreation Facility	50,000
City of Coral Springs Safety Surfacing of Slide and Glide Park	50,000
City of North Lauderdale Parking Lot Lighting for Rock Island Road Park	20,000
City of Tamarac McNab Park Universally Designed Playground	50,000
Club Esteem - Lipscomb Park Center	50,000
Cooper City Recreation Center	50,000
Coral Gables Parks Rejuvenation Project	50,000
Escambia County Equestrian Facilities	50,000
Evinrude Civic Learning Building	50,000
Fernandina Harbor Marine Welcome Center	50,000
Frank Brown Park - City of Panama City Beach	50,000
Franklin Square Recreation Center - Franklin County	50,000
Fred Lippman Multi-Purpose Center and Shuffleboard Complex	50,000
Friendship Trail Bridge Underpasses	50,000
Heritage Park	50,000
Hopkins Landing Park Improvements	50,000
Lonnie Miller Regional Training Facility	50,000
Miami Watersports Park & Recreation Center	50,000
Milton Recreation Center	50,000
National Cross Florida Trail	50,000
Oakland Nature Preserve	50,000
Oceanfront Park Preservation Project	50,000
Okaloosa Island Recreational Path	50,000
Parks and Recreation Master Plan - City of North Miami	50,000
Parks and Recreational Projects - City of Opa-Locka	50,000
Pineda Landing Park Recreational Improvements	50,000
Port Orange National Aquatic Center	50,000
Programming for Youth/Elderly - City of Coral Gables	50,000
Raised Boardwalk Nature Trail - Environmental Learning Center	50,000
Recreation Complex (Phase III) - City of Holly Hill	50,000
Rock Island Road Park Drainage	50,000
Rockledge Senior Center Park	50,000
Sebring Firemen, Inc. Stadium Improvements	50,000
Southwinds Recreational Park & Playground	50,000
Sunrise Tennis Club Park (Phase III)	50,000
Upper Pinellas Youth Sports Association	50,000
Volusia County Youth Sportplex	50,000
Wilton Manors Public Use Greenspace	50,000
Woodville Recreation Center - Leon County	50,000
Youth Activity Center - Boca Raton	50,000

1641C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
PERDIDO KEY TROLLEY SERVICE
FROM LAND ACQUISITION TRUST FUND 60,000

1641D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
YMCA/LITTLE LEAGUE PEDESTRIAN CROSSOVER
FROM LAND ACQUISITION TRUST FUND 500,000

1641E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
SKATEBOARD PARK AT POMPANO BEACH COMMUNITY PARK
FROM LAND ACQUISITION TRUST FUND 150,000

SECTION 5
SPECIFIC
APPROPRIATION

1641F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
MIAMI SPRINGS GREEN BELTWAY PATH
FROM LAND ACQUISITION TRUST FUND 500,000

1641G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
PARTNERSHIP IN LOCAL PARKS/STATE MATCH
FROM LAND ACQUISITION TRUST FUND 200,000

Funds in Specific Appropriation 1641G are provided for the department to establish a Partnership in Local Parks grant program to provide grants of up to $50,000 to local parks which contribute equal matching funds.

TOTAL: RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS
FROM TRUST FUNDS 37,668,321

TOTAL POSITIONS 5
TOTAL ALL FUNDS 37,668,321

STATE PARK OPERATIONS

1642 SALARIES AND BENEFITS POSITIONS 1,043
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,440,824
FROM GRANTS AND DONATIONS TRUST FUND . . . 34,958
FROM STATE PARK TRUST FUND 32,791,309

1643 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 56,200
FROM STATE PARK TRUST FUND 3,768,745

1644 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,294,779
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,960
FROM STATE PARK TRUST FUND 11,010,349

1645 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 207,150
FROM STATE PARK TRUST FUND 1,188,585

1646A LUMP SUM
MANATEE PROTECTION PLAN
FROM LAND ACQUISITION TRUST FUND 600,000

1647 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE PARK TRUST FUND 2,250,000

1648 SPECIAL CATEGORIES
DISTRIBUTION OF SURCHARGE FEES
FROM STATE PARK TRUST FUND 550,000

1649 SPECIAL CATEGORIES
DISBURSE DONATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 310,000
FROM STATE PARK TRUST FUND 250,000

1650 SPECIAL CATEGORIES
AMERICORPS PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 850,000

1651 SPECIAL CATEGORIES
OUTSOURCING/PRIVITIZATION
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,000,000

SECTION 5
SPECIFIC
APPROPRIATION

1652 SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM STATE PARK TRUST FUND 300,000

1653 SPECIAL CATEGORIES
PURCHASES FOR RESALE
FROM STATE PARK TRUST FUND 1,096,420

1654 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE PARK TRUST FUND 1,003,251

1655 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 850,000

1656 SPECIAL CATEGORIES
LAND USE PROCEEDS DISBURSEMENTS
FROM STATE PARK TRUST FUND 150,000

1657 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM STATE PARK TRUST FUND 1,500,000

1657A FIXED CAPITAL OUTLAY
HISTORIC STRUCTURE RENOVATIONS
FROM LAND ACQUISITION TRUST FUND 1,500,000

1657B FIXED CAPITAL OUTLAY
STATEWIDE CAMPGROUND REPAIRS/RENOVATIONS
FROM LAND ACQUISITION TRUST FUND 500,000

1657C FIXED CAPITAL OUTLAY
GRAYTON BEACH STATE REC AREA
FROM LAND ACQUISITION TRUST FUND 910,000

1657D FIXED CAPITAL OUTLAY
ICHETUCKNEE SPRINGS STATE PARK
FROM LAND ACQUISITION TRUST FUND 350,000

1657E FIXED CAPITAL OUTLAY
JOHN PENNEKAMP CORAL REEF STATE PARK
FROM LAND ACQUISITION TRUST FUND 120,000

1657F FIXED CAPITAL OUTLAY
KEY LARGO HAMMOCK STRUCTURE REMOVAL
FROM LAND ACQUISITION TRUST FUND 100,000

1657G FIXED CAPITAL OUTLAY
LIGNUMVITAE KEY STATE PARK
FROM LAND ACQUISITION TRUST FUND 300,000

1657H FIXED CAPITAL OUTLAY
JOHN D. MACARTHUR BEACH SP MUNYON ISLAND
FROM LAND ACQUISITION TRUST FUND 750,000

1657I FIXED CAPITAL OUTLAY
NORTH PENINSULA SRA
FROM LAND ACQUISITION TRUST FUND 230,000

1657J FIXED CAPITAL OUTLAY
RAVINE GARDENS CIVIC CENTER IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 1,000,000

1657K FIXED CAPITAL OUTLAY
ST. LUCIE INLET/SEABRANCH STATE PRESERVE
FROM LAND ACQUISITION TRUST FUND 700,000

1657L FIXED CAPITAL OUTLAY
YBOR CITY STATE MUSEUM
FROM LAND ACQUISITION TRUST FUND 200,000

SECTION 5
SPECIFIC
APPROPRIATION

1657M FIXED CAPITAL OUTLAY
BALD POINT
FROM LAND ACQUISITION TRUST FUND 250,000

1657N FIXED CAPITAL OUTLAY
STEPHEN FOSTER PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 225,000

1657O FIXED CAPITAL OUTLAY
PARK CABIN CONSTRUCTION
FROM LAND ACQUISITION TRUST FUND 9,500,000

1657P FIXED CAPITAL OUTLAY
PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 10,000,000

1657Q FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA FOREVER TRUST FUND 4,500,000

1657R FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 600,000

1657S FIXED CAPITAL OUTLAY
NAVARRE BEACH STATE PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 6,000,000

1657T FIXED CAPITAL OUTLAY
JOHN U. LLOYD STATE PARK - PICNIC PAVILIONS
FROM LAND ACQUISITION TRUST FUND 480,000

1657U FIXED CAPITAL OUTLAY
DEVELOPMENT OF STATE PARKS - STATEWIDE - BASIC AMENITIES
FROM LAND ACQUISITION TRUST FUND 400,000

1657V FIXED CAPITAL OUTLAY
PREVENTATIVE MAINTENANCE AND REPAIRS - STATE PARKS
FROM LAND ACQUISITION TRUST FUND 500,000

1657W FIXED CAPITAL OUTLAY
TOPSAIL HILL REPAIRS AND SECURITY MEASURES
FROM LAND ACQUISITION TRUST FUND 636,200

1657X FIXED CAPITAL OUTLAY
LAKE LOUISA STATE PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,450,000

1657Y FIXED CAPITAL OUTLAY
RENOVATE STATE PARK CABINS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 100,000

1657Z FIXED CAPITAL OUTLAY
TALBOT ISLAND STATE PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 500,000

1657AA FIXED CAPITAL OUTLAY
PASCO COUNTY - PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 596,000

1657AB FIXED CAPITAL OUTLAY
OLETA RIVER, PARK IMPROVEMENT - DMS MGD
FROM LAND ACQUISITION TRUST FUND 525,000

1657AC FIXED CAPITAL OUTLAY
PARK DEVELOPMENT - HOMOSASSA SPRINGS
FROM LAND ACQUISITION TRUST FUND 750,000

SECTION 5
SPECIFIC
APPROPRIATION

1657AD FIXED CAPITAL OUTLAY
SAVANNAS STATE RESERVE DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 250,000

1657AE FIXED CAPITAL OUTLAY
WEKIWA SPRINGS PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 300,000

1657AF FIXED CAPITAL OUTLAY
DUDLEY FARM RESTORATION AND DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 100,000

1657AG FIXED CAPITAL OUTLAY
PARTNERSHIP IN PARKS/STATE MATCH
FROM LAND ACQUISITION TRUST FUND 400,000

1657AH FIXED CAPITAL OUTLAY
FORT ZACHARY TAYLOR PARK DEVELOPMENT/FORT RESTORATION
FROM LAND ACQUISITION TRUST FUND 250,000

1657AI FIXED CAPITAL OUTLAY
REMOVE ACCESSIBILITY BARRIERS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,000,000

1657AJ FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000,000

1657AK FIXED CAPITAL OUTLAY
FACILITY REPAIR NEEDS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 4,000,000

1657AL FIXED CAPITAL OUTLAY
RENOVATIONS/REPLACEMENT - SEWAGE SYSTEM - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,717,000

1658 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 28,165,826

1658A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
FEDERAL LAND AND WATER CONSERVATION FUND GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,584,888

TOTAL: STATE PARK OPERATIONS
FROM TRUST FUNDS 149,949,444

TOTAL POSITIONS 1,043
TOTAL ALL FUNDS 149,949,444

COASTAL AND AQUATIC MANAGED AREAS

1659 SALARIES AND BENEFITS POSITIONS 98
FROM GENERAL REVENUE FUND 405,702
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,013,534
FROM GRANTS AND DONATIONS TRUST FUND . . . 812,854
FROM LAND ACQUISITION TRUST FUND 1,695,156

1659A OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 810,250
FROM LAND ACQUISITION TRUST FUND 250,000

1660 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 779,988
FROM LAND ACQUISITION TRUST FUND 413,176

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APPROPRIATION

1660A OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 306,491
FROM LAND ACQUISITION TRUST FUND 19,000

1661A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 24,000

1661B SPECIAL CATEGORIES
LITTLE PINE ISLAND MITIGATION BANK
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 160,000

1662 SPECIAL CATEGORIES
INTERIM MANAGEMENT OF PROPERTIES ACQUIRED UNDER THE CONSERVATION AND RECREATION LANDS (C.A.R.L.) PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 60,479

1663 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,798,111

1664 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 60,113
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 19,103
FROM GRANTS AND DONATIONS TRUST FUND . . . 16,089

1665 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,313,587

1666 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 246,310
FROM GRANTS AND DONATIONS TRUST FUND . . . 982
FROM LAND ACQUISITION TRUST FUND 4,010

1666A FIXED CAPITAL OUTLAY
ST. SEBASTIAN RIVER STATE BUFFER PRESERVE
FROM LAND ACQUISITION TRUST FUND 150,000

1666B FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,500,000

1666C FIXED CAPITAL OUTLAY
GUANA TOLOMATA MATANZAS NATIONAL ESTUARINE RESEARCH RESERVE
FROM LAND ACQUISITION TRUST FUND 95,000

Funds provided in Specific Appropriation 1666C shall be used for the purchase and renovations of a headquarters for the Guana Tolomato Matanzas National Estuarine Research Reserve. The department shall give priority to potential sites located near the University of Florida's Whitney Laboratories.

1666D FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,850,000

From the funds in Specific Appropriations 1634 through 1666D, the Recreation and Parks Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

SECTION 5
SPECIFIC
APPROPRIATION

Performance Measures - Outcomes	FY 2000-2001 Standards
Attendance at state parks.....	15,000,000

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1634, 1635, 1636, 1636A, 1640, 1640A, 1640B, 1642, 1643, 1644, 1645, 1659, 1659A, 1660 and 1660A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: COASTAL AND AQUATIC MANAGED AREAS
FROM GENERAL REVENUE FUND 712,125
FROM TRUST FUNDS 13,091,810

TOTAL POSITIONS 98
TOTAL ALL FUNDS 13,803,935

PROGRAM: AIR RESOURCES MANAGEMENT

AIR ASSESSMENT

1667 SALARIES AND BENEFITS POSITIONS 36
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,768,747

1668 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 2,893,548

1669 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,271,416

1670 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 429,891

1671 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM AIR POLLUTION CONTROL TRUST FUND . . 50,000

1672 SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 2,997,968

1673 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 7,113

1674 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM AIR POLLUTION CONTROL TRUST FUND . . 268,210

TOTAL: AIR ASSESSMENT
FROM TRUST FUNDS 9,686,893

TOTAL POSITIONS 36
TOTAL ALL FUNDS 9,686,893

AIR POLLUTION PREVENTION

1675 SALARIES AND BENEFITS POSITIONS 58
FROM AIR POLLUTION CONTROL TRUST FUND . . 2,870,098

1676 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,752,810

1677 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 690,556

SECTION 5
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APPROPRIATION

1678 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 98,583

1679 SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 2,997,968

1680 SPECIAL CATEGORIES
ASBESTOS REMOVAL PROGRAM FEES
FROM AIR POLLUTION CONTROL TRUST FUND . . 150,000

1681 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 11,541

1683 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM AIR POLLUTION CONTROL TRUST FUND . . 950,793

TOTAL: AIR POLLUTION PREVENTION
FROM TRUST FUNDS 11,522,349

TOTAL POSITIONS 58
TOTAL ALL FUNDS 11,522,349

UTILITIES SITING AND COORDINATION

1684 SALARIES AND BENEFITS POSITIONS 6
FROM GENERAL REVENUE FUND 327,719

1685 EXPENSES
FROM GENERAL REVENUE FUND 45,497

From the funds in Specific Appropriations 1667 through 1685, the Air Resources Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of time that monitored population breathes good or moderate quality air	98.5%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1667, 1668, 1669, 1670, 1675, 1676, 1677, 1678, 1684 and 1685 shall have budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: UTILITIES SITING AND COORDINATION
FROM GENERAL REVENUE FUND 373,216

TOTAL POSITIONS 6
TOTAL ALL FUNDS 373,216

PROGRAM: LAW ENFORCEMENT

ENVIRONMENTAL INVESTIGATION

1686 SALARIES AND BENEFITS POSITIONS 66
FROM GENERAL REVENUE FUND 2,870,761
FROM COASTAL PROTECTION TRUST FUND 487,883
FROM LAND ACQUISITION TRUST FUND 112,829

1686A OTHER PERSONAL SERVICES
FROM COASTAL PROTECTION TRUST FUND 210,000

SECTION 5
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1687 EXPENSES
FROM GENERAL REVENUE FUND 951,078
FROM COASTAL PROTECTION TRUST FUND 377,083

1687A OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND 279,571

1692 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 247,846
FROM COASTAL PROTECTION TRUST FUND 17,558

1693 SPECIAL CATEGORIES
OVERTIME - FLORIDA MARINE PATROL
FROM GENERAL REVENUE FUND 50,400
FROM COASTAL PROTECTION TRUST FUND 50,400

1694 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COASTAL PROTECTION TRUST FUND 52,500

1695 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 31,490
FROM COASTAL PROTECTION TRUST FUND 21,465

1695A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
CLEAN MARINA
FROM GRANTS AND DONATIONS TRUST FUND . . . 714,667

Funds provided in Specific Appropriation 1695A shall be allocated to the Clean Marina Program to be implemented by the Clean Boating Partnership Steering Committee.

1695B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
CLEAN VESSEL
FROM GRANTS AND DONATIONS TRUST FUND . . . 740,736

TOTAL: ENVIRONMENTAL INVESTIGATION
FROM GENERAL REVENUE FUND 4,151,575
FROM TRUST FUNDS 3,064,692

TOTAL POSITIONS 66
TOTAL ALL FUNDS 7,216,267

PATROL ON STATE LANDS

1696 SALARIES AND BENEFITS POSITIONS 89
FROM GENERAL REVENUE FUND 602,374
FROM LAND ACQUISITION TRUST FUND 3,561,448

1696A EXPENSES
FROM GENERAL REVENUE FUND 22,991
FROM LAND ACQUISITION TRUST FUND 153,104

1696B OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND 33,133

1699 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND 637,845

1700 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 37,258
FROM LAND ACQUISITION TRUST FUND 158,680

SECTION 5
SPECIFIC
APPROPRIATION

1701 SPECIAL CATEGORIES
OVERTIME - FLORIDA MARINE PATROL
FROM GENERAL REVENUE FUND 54,600
FROM COASTAL PROTECTION TRUST FUND 54,600

1702 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM LAND ACQUISITION TRUST FUND 64,167

1703 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 4,000
FROM LAND ACQUISITION TRUST FUND 84,612

1704 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM GENERAL REVENUE FUND 26,122
FROM COASTAL PROTECTION TRUST FUND 149,991

TOTAL: PATROL ON STATE LANDS
FROM GENERAL REVENUE FUND 747,345
FROM TRUST FUNDS 4,897,580

TOTAL POSITIONS 89
TOTAL ALL FUNDS 5,644,925

EMERGENCY RESPONSE

1705 SALARIES AND BENEFITS POSITIONS 28
FROM COASTAL PROTECTION TRUST FUND 723,338
FROM INLAND PROTECTION TRUST FUND 409,051
FROM WATER QUALITY ASSURANCE TRUST FUND . 321,406

1706 OTHER PERSONAL SERVICES
FROM COASTAL PROTECTION TRUST FUND 232,000

1706A EXPENSES
FROM COASTAL PROTECTION TRUST FUND 157,536
FROM INLAND PROTECTION TRUST FUND 60,350
FROM WATER QUALITY ASSURANCE TRUST FUND . 47,324

1706B OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND 10,424

1708A SPECIAL CATEGORIES
TRANSFER FLORIDA FISH & WILDLIFE
CONSERVATION COMMISSION DERELICT VESSEL
REMOVAL
FROM COASTAL PROTECTION TRUST FUND 2,000,000

1709 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,071,105

1709A SPECIAL CATEGORIES
ON-CALL FEES
FROM COASTAL PROTECTION TRUST FUND 140,000

1710 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND 1,450,000

1711 SPECIAL CATEGORIES
ABANDONED DRUM REMOVAL AND DISPOSAL
FROM COASTAL PROTECTION TRUST FUND 150,000

1712 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COASTAL PROTECTION TRUST FUND 44,425

1713 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 300,000

SECTION 5
SPECIFIC
APPROPRIATION

1714 SPECIAL CATEGORIES
TRANSFER TO MARINE RESOURCES CONSERVATION
TRUST FUND IN THE FISH AND WILDLIFE
CONSERVATION COMMISSION
FROM COASTAL PROTECTION TRUST FUND 4,628,553

1715 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM COASTAL PROTECTION TRUST FUND 2,094

From the funds in Specific Appropriations 1686 through 1715, the Law Enforcement Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
Criminal incidents per 100,000 state park visitors.....	30

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1686, 1686A, 1687, 1687A, 1696, 1696A, 1696B, 1705, 1706, 1706A and 1706B shall have budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: EMERGENCY RESPONSE
FROM TRUST FUNDS 11,747,606

TOTAL POSITIONS 28
TOTAL ALL FUNDS 11,747,606

FISH AND WILDLIFE CONSERVATION COMMISSION

PROGRAM: OFFICE OF THE EXECUTIVE DIRECTOR AND ADMINISTRATIVE SERVICES

STANDARDS AND LICENSURE

1716 SALARIES AND BENEFITS POSITIONS 10
FROM STATE GAME TRUST FUND 358,002

1717 OTHER PERSONAL SERVICES
FROM MARINE RESOURCES CONSERVATION TRUST
FUND 425,417
FROM STATE GAME TRUST FUND 85,000

1718 EXPENSES
FROM STATE GAME TRUST FUND 286,000

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 1,154,419

TOTAL POSITIONS 10
TOTAL ALL FUNDS 1,154,419

OUTDOOR EDUCATION AND INFORMATION

1719 SALARIES AND BENEFITS POSITIONS 61
FROM GENERAL REVENUE FUND 148,697
FROM FLORIDA PANTHER RESEARCH AND
MANAGEMENT TRUST FUND 134,697
FROM NON-GAME WILDLIFE TRUST FUND 360,339
FROM STATE GAME TRUST FUND 1,776,914

1720 OTHER PERSONAL SERVICES
FROM NON-GAME WILDLIFE TRUST FUND 61,636
FROM STATE GAME TRUST FUND 157,224

SECTION 5
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1721 EXPENSES		
FROM GENERAL REVENUE FUND	187,796	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		51,200
FROM NON-GAME WILDLIFE TRUST FUND		231,837
FROM STATE GAME TRUST FUND		945,530
1722 AID TO LOCAL GOVERNMENTS		
BOATING IMPROVEMENTS - CURRENT		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		4,571,169
1723 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	4,000	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		4,904
FROM NON-GAME WILDLIFE TRUST FUND		22,507
FROM STATE GAME TRUST FUND		88,970
1725 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM NON-GAME WILDLIFE TRUST FUND		48,258
FROM STATE GAME TRUST FUND		47,062
1726 SPECIAL CATEGORIES		
ENVIRONMENTAL EDUCATION GRANTS AND ACTIVITIES		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		610,750
FROM SAVE THE MANATEE TRUST FUND		437,000
1727 SPECIAL CATEGORIES		
ENVIRONMENTAL EDUCATION - DEPARTMENT OF EDUCATION		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		641,540
1728 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	2,088	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		549
FROM NON-GAME WILDLIFE TRUST FUND		3,500
FROM STATE GAME TRUST FUND		9,712
1728A FIXED CAPITAL OUTLAY		
CONSTRUCT SHOOTING RANGES - STATEWIDE		
FROM STATE GAME TRUST FUND		450,000
1728B FIXED CAPITAL OUTLAY		
EVERGLADES YOUTH CAMP		
FROM STATE GAME TRUST FUND		121,500
TOTAL: OUTDOOR EDUCATION AND INFORMATION		
FROM GENERAL REVENUE FUND	342,581	
FROM TRUST FUNDS		10,776,798
TOTAL POSITIONS	61	
TOTAL ALL FUNDS		11,119,379

MARINE AND WILDLIFE HABITAT CONSERVATION

1729 SALARIES AND BENEFITS POSITIONS	48	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		222,900
FROM LAND ACQUISITION TRUST FUND		90,548
FROM MARINE RESOURCES CONSERVATION TRUST FUND		139,960
FROM NON-GAME WILDLIFE TRUST FUND		945,600
FROM SAVE THE MANATEE TRUST FUND		725,651
FROM STATE GAME TRUST FUND		9,809
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		97,932

SECTION 5
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APPROPRIATION

1730 OTHER PERSONAL SERVICES		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,500
FROM LAND ACQUISITION TRUST FUND		83,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND		110,000
FROM NON-GAME WILDLIFE TRUST FUND		11,800
FROM SAVE THE MANATEE TRUST FUND		478,000
1731 EXPENSES		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,423
FROM LAND ACQUISITION TRUST FUND		84,812
FROM MARINE RESOURCES CONSERVATION TRUST FUND		40,692
FROM NON-GAME WILDLIFE TRUST FUND		335,285
FROM SAVE THE MANATEE TRUST FUND		328,213
FROM STATE GAME TRUST FUND		56,446
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		9,891
1732 AID TO LOCAL GOVERNMENTS		
MANATEE PROTECTION PLANNING GRANTS		
FROM SAVE THE MANATEE TRUST FUND		241,371
1732A OPERATING CAPITAL OUTLAY		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		10,000
FROM SAVE THE MANATEE TRUST FUND		13,800
1734 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM NON-GAME WILDLIFE TRUST FUND		22,659
1735 SPECIAL CATEGORIES		
ENHANCED WILDLIFE MANAGEMENT		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		28,468
1737 SPECIAL CATEGORIES		
MARINE RESEARCH GRANTS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		27,500
1738 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM LAND ACQUISITION TRUST FUND		736
FROM MARINE RESOURCES CONSERVATION TRUST FUND		903
FROM NON-GAME WILDLIFE TRUST FUND		4,912
FROM SAVE THE MANATEE TRUST FUND		16,627
FROM STATE GAME TRUST FUND		5,411
1738A FIXED CAPITAL OUTLAY		
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE		
FROM FLORIDA FOREVER PROGRAM TRUST FUND .		4,500,000
TOTAL: MARINE AND WILDLIFE HABITAT CONSERVATION		
FROM TRUST FUNDS		8,645,849
TOTAL POSITIONS	48	
TOTAL ALL FUNDS		8,645,849

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1739 SALARIES AND BENEFITS POSITIONS	132	
FROM GENERAL REVENUE FUND	1,554,264	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		18,521
FROM MARINE RESOURCES CONSERVATION TRUST FUND		405,115

SECTION 5
SPECIFIC
APPROPRIATION

FROM NON-GAME WILDLIFE TRUST FUND		137,874
FROM STATE GAME TRUST FUND		3,555,224
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		170,865
1740 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	20,000	
FROM STATE GAME TRUST FUND		201,195
1741 EXPENSES		
FROM GENERAL REVENUE FUND	121,176	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		685
FROM MARINE RESOURCES CONSERVATION TRUST FUND		175,050
FROM NON-GAME WILDLIFE TRUST FUND		16,803
FROM STATE GAME TRUST FUND		1,574,687
1742 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	20,000	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		400
1743A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM STATE GAME TRUST FUND		178,580
1744 SPECIAL CATEGORIES		
ENHANCED WILDLIFE MANAGEMENT		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		40,424
1745 SPECIAL CATEGORIES		
PAYMENT OF REWARDS		
FROM NON-GAME WILDLIFE TRUST FUND		5,000
1746 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	22,265	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		959
FROM STATE GAME TRUST FUND		29,241
1747 SPECIAL CATEGORIES		
TRANSFER TO STATE GAME TRUST FUND		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		188,454
FROM NON-GAME WILDLIFE TRUST FUND		348,227
1748 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM STATE GAME TRUST FUND		45,898
1749 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	295,791	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,393,335
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	2,033,496	
FROM TRUST FUNDS		8,486,537
TOTAL POSITIONS	132	
TOTAL ALL FUNDS		10,520,033

PROGRAM: LAW ENFORCEMENT

WILDLIFE, MARINE AND BOATING LAWS ENFORCEMENT

1750 SALARIES AND BENEFITS POSITIONS	860	
FROM GENERAL REVENUE FUND	34,597,094	

SECTION 5
SPECIFIC
APPROPRIATION

FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		312,291
FROM MARINE RESOURCES CONSERVATION TRUST FUND		5,433,410
FROM NON-GAME WILDLIFE TRUST FUND		72,909
FROM STATE GAME TRUST FUND		1,480,639
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		298,000
1750A OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	104,210	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		103,500
FROM STATE GAME TRUST FUND		164,500
1751 EXPENSES		
FROM GENERAL REVENUE FUND	1,354,726	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		834,200
FROM MARINE RESOURCES CONSERVATION TRUST FUND		705,298
FROM STATE GAME TRUST FUND		35,928
1752 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,116,311
1752A OPERATING CAPITAL OUTLAY		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		161,386
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		100,000
1758 LUMP SUM		
MARINE PATROL - TALLAHASSEE OFFICE POSITIONS	1	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		50,000
1759 SPECIAL CATEGORIES		
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
FROM GENERAL REVENUE FUND	1,534,552	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		45,510
FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,410,678
FROM STATE GAME TRUST FUND		572,621
1759A SPECIAL CATEGORIES		
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,267,903
1760 SPECIAL CATEGORIES		
BOATING RELATED ACTIVITIES		
FROM STATE GAME TRUST FUND		1,250,000
1761 SPECIAL CATEGORIES		
OPERATION AND MAINTENANCE OF PATROL VEHICLES		
FROM GENERAL REVENUE FUND	1,552,891	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		158,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,426,391
FROM STATE GAME TRUST FUND		750,970
1762 SPECIAL CATEGORIES		
OVERTIME - FLORIDA MARINE PATROL		

SECTION 5
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	315,000	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		315,000
1762A SPECIAL CATEGORIES OVERTIME		
FROM GENERAL REVENUE FUND	700,000	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,300,000
1763 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	235,964	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		5,365
FROM MARINE RESOURCES CONSERVATION TRUST FUND		381,627
FROM NON-GAME WILDLIFE TRUST FUND		1,013
FROM STATE GAME TRUST FUND		10,019
1764 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	380,483	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		7,800
FROM MARINE RESOURCES CONSERVATION TRUST FUND		116,945
FROM STATE GAME TRUST FUND		54,420
1764A SPECIAL CATEGORIES INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		518,766
1764B SPECIAL CATEGORIES DERELICT VESSEL REMOVAL PROGRAM		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		250,000
1765 SPECIAL CATEGORIES BOATING SAFETY EDUCATION PROGRAM		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		550,000

From the funds in Specific Appropriations 1750 through 1765, the Law Enforcement Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to protect fish and wildlife resources, enforce the laws of the state, preserve the peace, and protect lives and property:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Number of violations	29,130
2. Number of hunting accidents investigated.....	23
3. Total number of hours spent in preventive patrol and investigations (not including Marine Patrol).....	616,566

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1750, 1750A, 1751 and 1752A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: WILDLIFE, MARINE AND BOATING LAWS ENFORCEMENT		
FROM GENERAL REVENUE FUND	40,774,920	
FROM TRUST FUNDS		25,261,400

SECTION 5
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	861	
TOTAL ALL FUNDS		66,036,320

PROGRAM: WILDLIFE

WILDLIFE MANAGEMENT

1766 SALARIES AND BENEFITS POSITIONS	249	
FROM GENERAL REVENUE FUND	400,000	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		872,006
FROM NON-GAME WILDLIFE TRUST FUND		1,589,966
FROM STATE GAME TRUST FUND		3,951,693
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		3,651,802
1766A OTHER PERSONAL SERVICES		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		313,234
FROM NON-GAME WILDLIFE TRUST FUND		815,243
FROM STATE GAME TRUST FUND		406,644
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		49,710
1767 EXPENSES		
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		173,384
FROM NON-GAME WILDLIFE TRUST FUND		843,814
FROM STATE GAME TRUST FUND		984,707
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,154,518
1767A OPERATING CAPITAL OUTLAY		
FROM NON-GAME WILDLIFE TRUST FUND		4,000
FROM STATE GAME TRUST FUND		135,385
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		25,000
1771 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	196,395	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		122,094
FROM NON-GAME WILDLIFE TRUST FUND		222,734
FROM STATE GAME TRUST FUND		245,925
1771A SPECIAL CATEGORIES ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
FROM STATE GAME TRUST FUND		181,254
1772 SPECIAL CATEGORIES ENHANCED WILDLIFE MANAGEMENT		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,948,258
1772A SPECIAL CATEGORIES GRANTS AND AIDS - FEDERAL ENDANGERED SPECIES - SECTION 6		
FROM NON-GAME WILDLIFE TRUST FUND		130,680
1773 SPECIAL CATEGORIES LAND MANAGEMENT/SAVE OUR RIVERS		
FROM STATE GAME TRUST FUND		160,137
1774 SPECIAL CATEGORIES MANAGEMENT AREA LEASE PAYMENTS		
FROM STATE GAME TRUST FUND		585,404
1775 SPECIAL CATEGORIES DUCKS UNLIMITED MARSH PROJECT		
FROM STATE GAME TRUST FUND		106,272

SECTION 5
SPECIFIC
APPROPRIATION

1776 SPECIAL CATEGORIES
TRANSFER DEPARTMENT OF AGRICULTURE - ALLIGATOR MARKETING AND EDUCATION
FROM STATE GAME TRUST FUND 100,000

1777 SPECIAL CATEGORIES
PUBLIC DOVE FIELD DEVELOPMENT
FROM STATE GAME TRUST FUND 49,000

1778 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 3,029
FROM NON-GAME WILDLIFE TRUST FUND 12,793
FROM STATE GAME TRUST FUND 84,121

1779 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,612,430

1779A SPECIAL CATEGORIES
WILDLIFE MANAGEMENT AREA USER PAY
FROM STATE GAME TRUST FUND 579,221

1780 SPECIAL CATEGORIES
WILD TURKEY PROJECTS
FROM STATE GAME TRUST FUND 40,000

1781 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM STATE GAME TRUST FUND 22,583

1781A FIXED CAPITAL OUTLAY
CORBETT WILDLIFE MANAGEMENT AREA
FROM STATE GAME TRUST FUND 250,000

1781B FIXED CAPITAL OUTLAY
EQUIPMENT STORAGE FACILITY - APALACHICOLA RIVER WILDLIFE ENVIRONMENT AREA - DMS MGD
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 188,211

1781C FIXED CAPITAL OUTLAY
EQUIPMENT STORAGE FACILITY - THREE LAKES WILDLIFE MANAGEMENT AREA - DMS MGD
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 188,211

1781D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
LOWRY PARK ZOO
FROM NON-GAME WILDLIFE TRUST FUND 415,000

From the funds in Specific Appropriations 1766 through 1781D, the Wildlife Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to maintain or enhance Florida's diverse wildlife and to provide for responsible use of this resource:

Performance Measures - Outcomes	FY 2000-2001 Standards
The percent of wildlife species whose biological status is stable or improving.....	70%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1766 through 1767A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: WILDLIFE MANAGEMENT
FROM GENERAL REVENUE FUND 596,395
FROM TRUST FUNDS 22,218,463

TOTAL POSITIONS 249
TOTAL ALL FUNDS 22,814,858

PROGRAM: FRESHWATER FISHERIES

FRESHWATER FISHERIES MANAGEMENT

1782 SALARIES AND BENEFITS POSITIONS 167
FROM GENERAL REVENUE FUND 400,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 133,122
FROM STATE GAME TRUST FUND 6,696,979
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 100,767

1782A OTHER PERSONAL SERVICES
FROM STATE GAME TRUST FUND 180,000

1782B EXPENSES
FROM STATE GAME TRUST FUND 1,631,436
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 20,000

1782C OPERATING CAPITAL OUTLAY
FROM STATE GAME TRUST FUND 175,000
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 25,000

1784A LUMP SUM
FISHERIES RESOURCE MANAGEMENT
FROM STATE GAME TRUST FUND 250,000

1785 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 149,745
FROM STATE GAME TRUST FUND 574,923

1785A SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS
FROM STATE GAME TRUST FUND 167,704

1786 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 68,635

1787 SPECIAL CATEGORIES
LAKE RESTORATION
FROM STATE GAME TRUST FUND 1,533,454

1788 SPECIAL CATEGORIES
BOAT RAMP MAINTENANCE CATEGORY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 331,878
FROM STATE GAME TRUST FUND 175,000

1789 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE GAME TRUST FUND 82,935

1789A FIXED CAPITAL OUTLAY
RENOVATION - RICHLOAM FISH HATCHERY
FROM STATE GAME TRUST FUND 197,604

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From the funds in Specific Appropriations 1782 through 1789A, the Freshwater Fisheries Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to maintain, enhance and provide responsible use of Florida's aquatic fisheries:

Performance Measures - Outcomes	FY 2000-2001 Standards
Number of water bodies managed to improve fishing....	770,955

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1782 through 1782C shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: FRESHWATER FISHERIES MANAGEMENT
FROM GENERAL REVENUE FUND 549,745
FROM TRUST FUNDS 12,344,437

TOTAL POSITIONS 167
TOTAL ALL FUNDS 12,894,182

PROGRAM: MARINE FISHERIES

MARINE FISHERIES MANAGEMENT

1790 SALARIES AND BENEFITS POSITIONS 38
FROM GENERAL REVENUE FUND 108,259
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,485,450

1791 OTHER PERSONAL SERVICES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 56,562

1792 EXPENSES
FROM GENERAL REVENUE FUND 8,611
FROM MARINE RESOURCES CONSERVATION TRUST FUND 563,237

1793 OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 846

1794A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 40,282

1795 SPECIAL CATEGORIES
AQUATIC RESOURCES EDUCATION
FROM MARINE RESOURCES CONSERVATION TRUST FUND 400,000

1796 SPECIAL CATEGORIES
GULF STATES MARINE FISHERIES
FROM GENERAL REVENUE FUND 22,500

1797 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 219,319

1798 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,271
FROM MARINE RESOURCES CONSERVATION TRUST FUND 27,806

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1798A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND 600,000

1798B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
SMITHSONIAN MARINE STATION BOAT DOCKAGE FACILITY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 300,000

1798C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
NATIVE FLORIDA AQUARIUM AND TEACHING FACILITY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 250,000

From the funds in Specific Appropriations 1790 through 1798C, the Marine Fisheries Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to preserve, enhance and restore Florida's saltwater fisheries and essential marine and estuarine fisheries habitats.

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Artificial reefs monitored and/or created annually....	65
2. Percent of fisheries stocks that are increasing or stable.....	79%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1790 through 1793 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: MARINE FISHERIES MANAGEMENT
FROM GENERAL REVENUE FUND 143,641
FROM TRUST FUNDS 3,943,502

TOTAL POSITIONS 38
TOTAL ALL FUNDS 4,087,143

PROGRAM: FLORIDA MARINE RESEARCH INSTITUTE

MARINE STATUS AND TRENDS ASSESSMENTS, RESTORATION AND TECHNICAL SUPPORT

1799 SALARIES AND BENEFITS POSITIONS 213
FROM GENERAL REVENUE FUND 3,092,822
FROM MARINE RESOURCES CONSERVATION TRUST FUND 5,707,407
FROM SAVE THE MANATEE TRUST FUND 732,649

1799A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 3,377,475
FROM SAVE THE MANATEE TRUST FUND 360,000

1800 EXPENSES
FROM GENERAL REVENUE FUND 528,216
FROM MARINE RESOURCES CONSERVATION TRUST FUND 3,333,508
FROM SAVE THE MANATEE TRUST FUND 387,755

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1800A OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 460,000
FROM SAVE THE MANATEE TRUST FUND 13,000

1802 LUMP SUM
FLORIDA STURGEON PROGRAM
FROM GENERAL REVENUE FUND 100,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 300,000

1803 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 54,980
FROM MARINE RESOURCES CONSERVATION TRUST FUND 104,490
FROM SAVE THE MANATEE TRUST FUND 15,982

1803A SPECIAL CATEGORIES
REEF GROUNDING SETTLEMENT
FROM MARINE RESOURCES CONSERVATION TRUST FUND 278,000

1804 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 10,008,626

1805 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 49,846
FROM MARINE RESOURCES CONSERVATION TRUST FUND 91,176
FROM SAVE THE MANATEE TRUST FUND 18,525

1806 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,248

1806A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
MANATEE RECOVERY RESEARCH - MOTE MARINE LABORATORY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 325,000

1806B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
RED TIDE COOPERATIVE PROGRAM - MOTE MARINE LABORATORY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,000,000

From the funds in Specific Appropriations 1799 through 1806B, the Florida Marine Research Institute will meet the following standards as required by the Government Performance and Accountability Act of 1994, to preserve, enhance and restore the desired natural functions of Florida's marine and estuarine environments and the diversity of fish and wildlife populations.

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of research projects that provide management recommendation or support management actions.....	100%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1799 through 1800A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: MARINE STATUS AND TRENDS ASSESSMENTS, RESTORATION AND TECHNICAL SUPPORT
FROM GENERAL REVENUE FUND 3,850,864
FROM TRUST FUNDS 26,514,841

TOTAL POSITIONS 213
TOTAL ALL FUNDS 30,365,705

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1814B through 1814F, 1814H through 1814S, 1821A through 1821G, 1836G, 1836J through 1836L, and 1846B through 1846E, are provided from the named funds to the department to fund the 5-year work program developed pursuant to the provisions of ss. 339.135 and 339.153, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

TRANSPORTATION SYSTEMS DEVELOPMENT

PROGRAM: HIGHWAY AND BRIDGE CONSTRUCTION

1807 SALARIES AND BENEFITS POSITIONS 4,014
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 195,578,186

From funds in Specific Appropriations 1807 through 1815, the Highway and Bridge Construction Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to develop and implement the state highway system.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of state highway system pavement meeting department standards.....	78%
Percent of FDOT-maintained bridges meeting department standards.....	90%
Number of projects certified ready for construction.....	81

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1807 through 1814 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

Funds in Specific Appropriation 1807 reflect a reduction of 28 positions and $770,084 from the State Transportation Trust Fund. The Department may submit a plan to reallocate this reduction throughout the department pursuant to notice and approval procedures provided in s. 216.177, Florida Statutes.

1808 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,136,709

1809 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 17,842,507

1810 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 3,569,424

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1811 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,349,225

1812 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,070,838

1813 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,210,806

1814 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,868

1814A FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS,
ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,000

1814B FIXED CAPITAL OUTLAY
BOND GUARANTEE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1814C FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 22,097,826

1814D FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 13,357,741
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 27,666,448
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 3,993,991
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 248,413,655

From funds in Specific Appropriation 1814D, $25,000,000 from the State Transportation Trust Fund as contained in the Department's Tentative Work Program shall be advanced to the Tampa-Hillsborough County Expressway Authority for the construction of the projects authorized under s. 348.565, F.S.

1814E FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 407,954,343

1814F FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 5,146,188
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 19,334,541
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 1,390,000
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 134,866,699

1814G FIXED CAPITAL OUTLAY
RENOVATION - STATE MATERIALS OFFICE,
GAINESVILLE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,623,609

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1814H FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM CENTRAL FLORIDA BELTWAY TRUST FUND . 1,459,271
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 20,640,842
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 351,727,189
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 158,217,099

1814I FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 47,526,095

1814J FIXED CAPITAL OUTLAY
RESURFACING
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 10,087,379
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 492,168,616

1814K FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 1,025,082
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 25,312,001
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 225,968,796
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 105,200,858

1814L FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 5,782,000
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 36,208,174
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 228,635,280
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 4,200,000

1814M FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 2,285,000
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 63,157,888
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 21,254,086

1814N FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 13,646,001

1814O FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST
FUND 6,000,000

1814P FIXED CAPITAL OUTLAY
MATERIALS AND RESEARCH
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 12,446,951

1814Q FIXED CAPITAL OUTLAY
TRANSFER TO EXEC OFFICE OF THE GOVERNOR,
OFFICE OF TOURISM, TRADE & ECONOMIC
DEVELOPMENT FOR TRANSPORTATION PROJECTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,000,000

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Funds in Specific Appropriation 1814Q shall be transferred to the Office of Tourism, Trade and Economic Development within the Executive Office of the Governor only if required to fulfill project commitments so as to maximize the amount of interest accruing to the State Transportation Trust Fund.

1814R FIXED CAPITAL OUTLAY
LOCAL GOVERNMENT REIMBURSEMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,936,415

1814S FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 7,029,393
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 2,326,541
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 585,000

1815 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 74,400,000

TOTAL: PROGRAM: HIGHWAY AND BRIDGE CONSTRUCTION
FROM TRUST FUNDS 3057,351,561

TOTAL POSITIONS 4,014
TOTAL ALL FUNDS 3057,351,561

PROGRAM: PUBLIC TRANSPORTATION

1816 SALARIES AND BENEFITS POSITIONS 149
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,174,522
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 710,373

From funds in Specific Appropriations 1816 through 1821G, Public Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994, to promote all forms of public transportation including transit, aviation, intermodal/rail, and seaport development.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Transit Ridership Growth Compared to Population growth	2.0%/2.0%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1816 through 1821 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

1817 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 63,718
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 10,000

1818 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 703,135
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 146,907

1819 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,709

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1820 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 514,250

1821 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 16,185

1821A FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 81,900,013

1821B FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 107,828,478

1821C FIXED CAPITAL OUTLAY
SEAPORT - ECONOMIC DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,000,000

1821D FIXED CAPITAL OUTLAY
SEAPORTS ACCESS PROGRAM
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

1821E FIXED CAPITAL OUTLAY
INTERMODAL/RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 180,318,643

From funds in Specific Appropriation 1821E, the following Fast Track projects are appropriated:

Port of Panama City-Vehicle Distribution Facility-Bay Co....	242,000
Port of Panama City-Phase II of Port Authority Ind Park-Bay.	1,300,000
Spaceport Florida-Access road, site prep-Brevard Co.....	4,000,000
Broward County Aviation Department-SW 4th Ave.....	1,250,000
Broward County Transit-Neighborhood transit center.....	300,000
Miami-Dade Aviation-improvements to NW 25 St.....	3,500,000
CSXT-infastructure impv/Lehigh Branch in Dade Co.....	3,790,000
City of Homestead-Urban transit land purchase-Dade Co.....	250,000
Jacksonville Port Auth-Talleyrand Marine Terminal-Duval.....	775,000
Jax Port Auth-Interchange Impv/20th St/Haines Expwy-Duval...	3,200,000
CSXI-track additions Jax terminal/Duval support yard.....	2,100,000
Jacksonville Econ. Devel. Comm.-Cecil Field Impv-Duval.....	14,900,000
Pensacola Shipyard Marine Complex-rail spur-Escambia Co.....	100,000
Port St. Joe Port Auth-Master Plan-Gulf Co.....	600,000
Hendry Co BOCC-Airglades Airport impv/Clewiston.....	1,000,000
Tampa International Ap-N/S Cargo Devl Roadway Sys-Hillsbor..	507,500
Hillsborough Area Regional Transit Auth-Elec Streetcar.....	500,000
Lee County Port Authority-airport expansion/SW inter.....	2,408,525
Greater Orlando Aviation Auth-Intermodal Transit Sys-Orange.	12,500,000
Palm Beach County-13th St, Ave. C & 11th St. impv.....	4,200,000
City of Zephyrhills-Expand Airport Hangar-Pasco Co.....	150,000
City of Clearwater-Clearwater Bch Monorail Align/prelim eng.	150,000
City of Lakeland-improve access/Lakeland-Linder Airport-Polk	2,732,688
Sarasota County-transfer facility/Seminole Gulf RR trck.....	850,000
City of Altamonte Springs-ITS Circ Sys-Seminole/Orange.....	650,000
Georgia & Fla RailNet-Rehab highway crossings-Taylor/Madison	945,000
Cen Fla Tech Transit Corridor Consortium/feasibility stdy...	900,000

Funds provided for the Cecil Field Fast Track project are for roadway and infrastructure systems. The Jacksonville Economic Development Commission shall work in coordination with the Jacksonville Port Authority for the purposes specified.

For funds provided for the Cen Fla Tech Transit Corridor Consortium Fast Track project for a port to port rail mainline alignment, the Department

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of Transportation shall perform all necessary corridor studies. The alignment shall begin at the Pinellas County Beaches on the west and shall include St. Petersburg, the Port of Tampa, Tampa International Airport, Tampa and shall end at the Canaveral Port Authority on the east. The Department of Transportation shall submit its preliminary report on the alignment to the President of the Senate, Speaker of the House of Representatives, and the Governor by January 1, 2001.

From Funds in Specific Appropriation 1821E, an amount up to the level programmed in the Department's tentative work program for years 2000/2001 through 2004/2005 for Tri-County Commuter Rail, shall be used for the Tri-County Commuter Rail Double Track Corridor Improvement Program Segment 5 Project, which is approved as required by s. 11(f), Article VII of the State Constitution.

From funds in Specific Line Item 1821E, $11,970,000 provided in the Department of Transportation five year work program for fiscal year 2000-2001 for the development of and operating assistance of the LYNX light rail system in Orange County shall be reallocated to the planning, design, and construction of a grand intermodal terminal at the Orange County Convention Center.

1821F FIXED CAPITAL OUTLAY
SEAPORT GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

1821G FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 24,069,494

TOTAL: PROGRAM: PUBLIC TRANSPORTATION
FROM TRUST FUNDS 439,467,427

TOTAL POSITIONS 149
TOTAL ALL FUNDS 439,467,427

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

1822 SALARIES AND BENEFITS POSITIONS 3,809
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 142,076,513

From funds in Specific Appropriations 1822 through 1836L, the Highway Operations and Maintenance Program shall meet the following standards as required by the Government Performance and Accountability Act of 1994, to maintain the State Highway System and related activities.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Maintenance condition rating of state highway system as measured against department's maintenance manual standards	80
Percent of commercial vehicles weighed that were over weight	
Fixed scale weighings	0.4%
Portable scale weighings	37.0%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1822 through 1827 and 1829 through 1836 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

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1823 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,908,283

1824 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 30,247,282

1825 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,780,436

1826 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,734,462

1827 SPECIAL CATEGORIES
ACQUISITION OF MAINTENANCE AND HEAVY
EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,100,000

1828 SPECIAL CATEGORIES
FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,754,306

1829 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 991,247

1830 SPECIAL CATEGORIES
CONTRACT MAINTENANCE WITH DEPARTMENT OF
CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,256,000

1831 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,561,415

1832 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 820,611

1833 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,221,378

1834 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 196,400

1835 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,396,496

1836 SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 527,000

1836A FIXED CAPITAL OUTLAY
CODE AND SAFETY CORRECTIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 54,500

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1836B FIXED CAPITAL OUTLAY
REPAIRS/RENOVATIONS/ADDITIONS, MAINTENANCE YARD - FT. LAUDERDALE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 645,710

1836C FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,402,300

1836D FIXED CAPITAL OUTLAY
CONSOLIDATION - PENSACOLA AND MILTON MAINTENANCE YARDS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,067,757

1836E FIXED CAPITAL OUTLAY
CONSOLIDATION - LEESBURG AND OCALA MAINTENANCE YARDS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,191,227

1836F FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD - NORTH DADE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,835,545

1836G FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 168,058,003

From Funds in Specific Appropriation 1836G, up to $4,000,000 may be used for contracts with non-profit youth organizations in Florida to do work on the state highway system.

1836H FIXED CAPITAL OUTLAY
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 265,880

1836I FIXED CAPITAL OUTLAY
ENVIRONMENTAL SITE RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,668,000

1836J FIXED CAPITAL OUTLAY
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,300,000

From Funds in Specific Appropriation 1836J, $300,000 is provided for local grants pursuant to s. 403.4131(5), F.S.

1836K FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,996,000

1836L FIXED CAPITAL OUTLAY
TRAFFIC ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,954,842

TOTAL: PROGRAM: HIGHWAY OPERATIONS
FROM TRUST FUNDS 465,011,593

TOTAL POSITIONS 3,809
TOTAL ALL FUNDS 465,011,593

SECTION 5
SPECIFIC
APPROPRIATION
PROGRAM: TOLL OPERATIONS

1837 SALARIES AND BENEFITS POSITIONS 1,177
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 35,243,249

From funds in Specific Appropriations 1837 through 1846E, the Toll Operations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to efficiently operate and maintain state toll facilities:

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Operational cost per toll transaction	< $0.16
Number of toll transactions	499,000,000

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1837 through 1841 and 1844 through 1846 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

1838 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,946,930

1839 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 16,142,830

1840 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 630,081

1840A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 178,303

1841 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 453,551

1842 SPECIAL CATEGORIES
TOLL OPERATION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 30,222,331

1843 SPECIAL CATEGORIES
PAYMENT TO EXPRESSWAY AUTHORITIES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,919,503

1844 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 174,150

1845 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1846 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT

SECTION 5
SPECIFIC
APPROPRIATION

FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,648,750

1846A FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 120,000

1846B FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 400,000

1846C FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 50,000

1846D FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,467,800

1846E FIXED CAPITAL OUTLAY
TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,057,152

TOTAL: PROGRAM: TOLL OPERATIONS
FROM TRUST FUNDS 107,154,630

TOTAL POSITIONS 1,177
TOTAL ALL FUNDS 107,154,630

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1847 SALARIES AND BENEFITS POSITIONS 1,050
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 49,073,719

1848 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,345,460

1849 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,330,223

1850 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 494,300

1851 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 300,183

1852 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,787,810

From funds in Specific Appropriation 1852, $500,000 from the State Transportation Trust Fund shall be placed in reserve by the Executive Office of the Governor. All or part of the funds may be released pursuant to s. 216.177, F.S., upon approval of the Executive Office of the Governor of the final scope and corresponding costs of the Florida Transportation Commission study or studies for improvements to the Department of Transportation organization.

SECTION 5
SPECIFIC
APPROPRIATION

1853 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 250,036

1854 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 110,300

1855 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,612,380

1856 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE - OTHER
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 860,492

1857 SPECIAL CATEGORIES
TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR EVERGLADES RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,000,000

1858 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE FOR HIGHWAY TAX COMPLIANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

1858A FIXED CAPITAL OUTLAY
OFFICE BUILDING REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,541,400

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 88,906,303

TOTAL POSITIONS 1,050
TOTAL ALL FUNDS 88,906,303

INFORMATION TECHNOLOGY

1859 SALARIES AND BENEFITS POSITIONS 140
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,976,821

1860 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 100,000

1861 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,062,219

1862 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,291,095

1862A SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 950,000

1863 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 57,600

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SPECIFIC
APPROPRIATION

1864	SPECIAL CATEGORIES OVERTIME FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		75,000
TOTAL:	INFORMATION TECHNOLOGY FROM TRUST FUNDS		26,512,735
	TOTAL POSITIONS	140	
	TOTAL ALL FUNDS		26,512,735
	TOTAL OF SECTION 5 POSITIONS	19,788	
	FROM GENERAL REVENUE FUND	387,847,976	
	FROM TRUST FUNDS		6967,411,398
	TOTAL ALL FUNDS		7355,259,374

SECTION 6 - GENERAL GOVERNMENT

The moneys contained herein are appropriated from the named funds to Administered Funds, Department of Banking and Finance, Department of Business and Professional Regulation, Department of Citrus, Executive Office of the Governor, Department of Insurance and Treasurer, Department of Labor and Employment Security, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue and the Department of State/Secretary of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

PROGRAM: ADMINISTERED FUNDS

1865	LUMP SUM RENT INCREASE FOR DEBT SERVICE AND MAINTENANCE OF STATE FACILITIES FROM GENERAL REVENUE FUND	736,835	
	FROM TRUST FUNDS		640,279
1866	LUMP SUM SALARY INCREASES FROM GENERAL REVENUE FUND	97,658,631	
	FROM TRUST FUNDS		45,940,592
1866A	LUMP SUM CASUALTY INSURANCE PREMIUM DEFICIT FROM GENERAL REVENUE FUND	2,000,000	
	FROM TRUST FUNDS		800,000
1867	LUMP SUM EXECUTIVE AIRCRAFT POOL SUBSCRIPTIONS FROM GENERAL REVENUE FUND	1,000,000	
	FROM TRUST FUNDS		300,000
1867A	LUMP SUM FLORIDA PROPERTY INSURANCE TRUST FUND DEFICIT FROM GENERAL REVENUE FUND	1,750,000	
	FROM TRUST FUNDS		750,000
1868	LUMP SUM INTEGRATED FINANCIAL SYSTEM FROM GENERAL REVENUE FUND	15,000,000	
	FROM TRUST FUNDS		4,000,000

Funds in Specific Appropriation 1868 are for the identification of core business processes or activities performed by state agencies in the delivery of programs and services for which funds are appropriated in the 2000-2001 General Appropriations Act, and for the first year implementation of the Integrated Financial Management System in selected agencies.

SECTION 6
SPECIFIC
APPROPRIATION

The Governor and the Comptroller, in consultation with the Auditor General, shall be jointly responsible for project oversight and shall contract with the State Chief Information Officer for management and execution of the project. Consultation with the Auditor General shall consist of ongoing review of the planning and progress of the project by the Auditor General's professional staff possessing technical skills, education, experience and knowledge related to technology, financial, or management system issues. The Auditor General's review activities and any interim reports issued shall be determined at the sole discretion of the Auditor General, maintaining the independence of his office as provided in the professional auditing standards.

Implementation of the planning, budgeting and appropriations system component of the Integrated Financial Management System shall be jointly managed by the Governor, the Comptroller, and the House and Senate committees responsible for developing the General Appropriations Act.

Prior to release of project funds, the Governor and Comptroller, in consultation with the Auditor General, shall develop and submit project and spending plans to the President of the Senate and the Speaker of the House of Representatives, pursuant to the consultation provisions of section 216.177, Florida Statutes. The plans shall include at a minimum: implementation time lines, detailed deliverables, a detailed work plan and staffing plan, and a process to establish baseline data and to determine savings realized as a result of the implementation of the integrated financial management system.

Phase 1 of the first year implementation shall consist of:

1. Each state agency identifying its core business processes utilized in delivery of programs and services for which funds have been appropriated in the 2000-2001 General Appropriations Act. The methodologies to be utilized in the identification of core business processes shall be consistent with those developed and utilized by the Department of Revenue and the Department of Law Enforcement. The identification and development of core business processes shall be consistent with the concepts and principles of zero based budgeting and shall allow for analysis of programs and services utilizing the concepts and principles of zero based budgeting while preserving the integrity of approved programs, performance measures and performance standards.

2. Each state agency developing a set of recommended changes to its' current business practices and processes needed to most effectively and efficiently implement an integrated financial management system. In developing this set of recommendations, each state agency shall, at a minimum, conduct an analysis of changes to current business practices and processes recommended in the "Modernization of State Government Financial Management Business Practices Study for the State of Florida" final report dated February 15, 2000 by KPMG.

Phase 2 of the first year implementation shall consist of the implementation of the new system within state agencies that have completed the core business process review and the Public Service Commission. Agencies shall be selected in a priority order that will result in first-year implementation of at least 75% of the software functionality needed to implement an integrated financial system on a statewide basis. The implementation of the statewide integrated financial management system shall be consistent with the tools, technologies and technical specifications used in the pilot project created in Specific Appropriation 1535 of Chapter 99-228 Laws of Florida. Furthermore, the implementation of this system shall use any assets purchased for the state by the appropriations in Specific Appropriation 1535, Chapter 99-228, Laws of Florida, and Specific Appropriation 1578, Chapter 98-422, Laws of Florida.

The State Chief Information Officer shall provide quarterly status reports to the Governor, the Comptroller, the President of the Senate, the Speaker of the House of Representatives, the Treasurer and the Auditor General on the status of the integrated financial management system project.

Funds included in Specific Appropriation 1868 may be used to contract with the FFMIS subsystem functional owners for staff and services to

SECTION 6
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carry out the project, purchase of consulting services to assist agencies in identifying and mapping core business processes, the acquisition of integrated management system software and related consulting services and the acquisition of hardware. Of the funds provided in Specific Appropriation 1868, $300,000 shall be used by the Technology Review Workgroup for contracted project monitoring of this project.

1868A LUMP SUM
RETIREMENT ADJUSTMENT
FROM GENERAL REVENUE FUND . . . . . -33,661,100
FROM TRUST FUNDS . . . . . -13,748,900

1869 SPECIAL CATEGORIES
ASSOCIATION DUES
FROM GENERAL REVENUE FUND 173,900

1869A SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER
WORKLOAD AND TECHNOLOGY ASSESSMENT
FROM GENERAL REVENUE FUND 708,390

Funds in Specific Appropriation 1869A are to be transferred to the Legislative Office of Economic and Demographic Research for a workload and technology assessment of the Public Defenders and State Attorneys.

1870 SPECIAL CATEGORIES
COUNCIL OF STATE GOVERNMENTS
FROM GENERAL REVENUE FUND 216,810

1872 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

1873 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

1874 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY
COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 4,756

1875 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 640,838

1876 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM
TRUST FUND
FROM GENERAL REVENUE FUND 5,364,648

Funds in Specific Appropriation 1876 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting for the development and implementation of the LAS/PBS Appropriations System.

1876A SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNOR'S CITY OF MIAMI
FINANCIAL EMERGENCY OVERSIGHT BOARD -
ADMINISTRATION
FROM GENERAL REVENUE FUND 150,000

1877 SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST
FUND FOR TECHNOLOGY REVIEW WORKGROUP
FROM GENERAL REVENUE FUND 686,115

Funds in Specific Appropriation 1877 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting with the Technology Review Workgroup.

SECTION 6
SPECIFIC
APPROPRIATION

TOTAL: PROGRAM: ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND 93,079,823
FROM TRUST FUNDS 38,681,971

TOTAL ALL FUNDS 131,761,794

BANKING AND FINANCE, DEPARTMENT OF, AND
COMPTROLLER

PROGRAM: OFFICE OF THE COMPTROLLER AND
ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1878 SALARIES AND BENEFITS POSITIONS 5
FROM GENERAL REVENUE FUND 404,872

1879 EXPENSES
FROM GENERAL REVENUE FUND 101,935
FROM ADMINISTRATIVE TRUST FUND 18,125

1880 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 233
FROM ADMINISTRATIVE TRUST FUND 1,031

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 507,040
FROM TRUST FUNDS 19,156

TOTAL POSITIONS 5
TOTAL ALL FUNDS 526,196

PROGRAM: FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS

RECOVERY AND RETURN OF UNCLAIMED PROPERTY

1881 SALARIES AND BENEFITS POSITIONS 45
FROM REGULATORY TRUST FUND 1,660,188

1881A OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 1,165,767

1882 EXPENSES
FROM REGULATORY TRUST FUND 1,437,236

1882A OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 187,000

1884 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 8,200

1885 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM REGULATORY TRUST FUND 328,019

TOTAL: RECOVERY AND RETURN OF UNCLAIMED PROPERTY
FROM TRUST FUNDS 4,786,410

TOTAL POSITIONS 45
TOTAL ALL FUNDS 4,786,410

STATE FINANCIAL INFORMATION AND STATE AGENCY
ACCOUNTING

1886 SALARIES AND BENEFITS POSITIONS 153
FROM GENERAL REVENUE FUND 6,714,412
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 185,845

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1886A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 164,000

1887 EXPENSES
FROM GENERAL REVENUE FUND 1,431,332
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 12,345

1888 AID TO LOCAL GOVERNMENTS
NATIONAL FOREST MONIES TO COUNTIES
FROM FEDERAL USE OF STATE LANDS TRUST
FUND 1,647,000

1888A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 50,000

1890 SPECIAL CATEGORIES
GRANTS AND AIDS - SMALL COUNTY TECHNICAL
ASSISTANCE
FROM GENERAL REVENUE FUND 500,000

From funds in Specific Appropriation 1890, $150,000 shall be used to supplement the federal appropriation creating the County Rural Development Program (Co. RD).

1890A SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSEL
CONFLICT CASES
POSITIONS 2
FROM ADMINISTRATIVE TRUST FUND 2,492,500

1890B SPECIAL CATEGORIES
GRANTS AND AIDS - FINANCIAL TECHNICAL
ASSISTANCE PROGRAM
FROM GENERAL REVENUE FUND 200,000

1891 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 22,103

1892 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 59,758

From the funds in Specific Appropriations 1881 through 1892, the Financial Accountability for Public Funds Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide for and promote financial accountability for public funds throughout state government, provide the citizens of Florida with timely, factual and comprehensive information on the financial status of the state and how state funds are expended, and receive and investigate complaints of government fraud, waste, and abuse.

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Number of holders reports processed	16,000
2. Dollar value collected as a result of exams	$15,500,000
3. Percent of vendor payments issued in less than the Comptroller's statutory time limit of 10 days	100%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1881 through 1882A, 1886, 1886A, 1887 and 1888A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: STATE FINANCIAL INFORMATION AND STATE AGENCY
ACCOUNTING

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FROM GENERAL REVENUE FUND 9,141,605
FROM TRUST FUNDS 4,337,690

TOTAL POSITIONS 155
TOTAL ALL FUNDS 13,479,295

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1893 SALARIES AND BENEFITS POSITIONS 34
FROM GENERAL REVENUE FUND 802,988
FROM ADMINISTRATIVE TRUST FUND 898,569

1894 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 6,327

1895 EXPENSES
FROM GENERAL REVENUE FUND 141,036
FROM ADMINISTRATIVE TRUST FUND 206,446

1896 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,475
FROM ADMINISTRATIVE TRUST FUND 2,475

1897 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM ADMINISTRATIVE TRUST FUND 76,185

1898 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,494
FROM ADMINISTRATIVE TRUST FUND 14,365

1899 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 50,559
FROM ADMINISTRATIVE TRUST FUND 208,535

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,007,552
FROM TRUST FUNDS 1,412,902

TOTAL POSITIONS 34
TOTAL ALL FUNDS 2,420,454

INFORMATION TECHNOLOGY

1900 SALARIES AND BENEFITS POSITIONS 147
FROM GENERAL REVENUE FUND 7,167,890

1901 EXPENSES
FROM GENERAL REVENUE FUND 6,969,497

1902 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,266,042

1903 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,474

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 15,419,903

TOTAL POSITIONS 147
TOTAL ALL FUNDS 15,419,903

PROGRAM: FINANCIAL INSTITUTIONS REGULATORY PROGRAM

COMPLIANCE AND ENFORCEMENT

1904 SALARIES AND BENEFITS POSITIONS 153
FROM GENERAL REVENUE FUND 2,926,639

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FROM ANTI-FRAUD TRUST FUND		162,715
FROM REGULATORY TRUST FUND		2,491,328
1904A OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	13,038	
FROM ANTI-FRAUD TRUST FUND		207,161
FROM REGULATORY TRUST FUND		72,396
1905 EXPENSES		
FROM GENERAL REVENUE FUND	448,500	
FROM ANTI-FRAUD TRUST FUND		252,992
FROM REGULATORY TRUST FUND		509,254
1905A OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	12,486	
FROM REGULATORY TRUST FUND		8,820
1907 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	8,167	
FROM REGULATORY TRUST FUND		15,809
1908 DATA PROCESSING SERVICES		
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
FROM GENERAL REVENUE FUND	108,167	
FROM REGULATORY TRUST FUND		104,148
1909 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM GENERAL REVENUE FUND	27,569	
TOTAL: COMPLIANCE AND ENFORCEMENT		
FROM GENERAL REVENUE FUND	3,544,566	
FROM TRUST FUNDS		3,824,623
TOTAL POSITIONS	153	
TOTAL ALL FUNDS		7,369,189

FINANCIAL SERVICES INDUSTRY REGULATION

1910 SALARIES AND BENEFITS POSITIONS	73	
FROM GENERAL REVENUE FUND	2,208,186	
FROM REGULATORY TRUST FUND		2,621,609
1910A OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,162	
FROM REGULATORY TRUST FUND		101,804
1911 EXPENSES		
FROM GENERAL REVENUE FUND	335,043	
FROM REGULATORY TRUST FUND		592,297
1911A OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	6,613	
FROM REGULATORY TRUST FUND		57,180
1913 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	6,366	
FROM REGULATORY TRUST FUND		16,990
1914 DATA PROCESSING SERVICES		
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
FROM GENERAL REVENUE FUND	84,302	
FROM REGULATORY TRUST FUND		111,928
1915 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM GENERAL REVENUE FUND	21,487	

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TOTAL: FINANCIAL SERVICES INDUSTRY REGULATION		
FROM GENERAL REVENUE FUND	2,672,159	
FROM TRUST FUNDS		3,501,808
TOTAL POSITIONS	73	
TOTAL ALL FUNDS		6,173,967

SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM

1916 SALARIES AND BENEFITS POSITIONS	132	
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		7,146,545
1917 OTHER PERSONAL SERVICES		
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		9,150
1918 EXPENSES		
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		1,338,892
1919 OPERATING CAPITAL OUTLAY		
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		10,000
1920 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		41,511
1921 DATA PROCESSING SERVICES		
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		357,207
TOTAL: SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM		
FROM TRUST FUNDS		8,903,305
TOTAL POSITIONS	132	
TOTAL ALL FUNDS		8,903,305

CONSUMER FINANCIAL FRAUD PREVENTION AND DETECTION

1922 SALARIES AND BENEFITS POSITIONS	70	
FROM GENERAL REVENUE FUND	1,353,762	
FROM ADMINISTRATIVE TRUST FUND		1,850,509
1922A OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		6,050
1923 EXPENSES		
FROM GENERAL REVENUE FUND	319,773	
FROM ADMINISTRATIVE TRUST FUND		391,687
FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		100,000
1923A OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,835	
FROM ADMINISTRATIVE TRUST FUND		11,769
1925 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	9,585	
FROM ADMINISTRATIVE TRUST FUND		12,785
1926 DATA PROCESSING SERVICES		
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
FROM GENERAL REVENUE FUND	11,613	
FROM ADMINISTRATIVE TRUST FUND		11,474

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From the funds in Specific Appropriations 1904 through 1926, the Financial Institutions Regulatory Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to ensure the safety and soundness of state financial institutions and to protect consumers of the securities and finance industries and the public from illegal financial activities:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Percentage of written complaints processed within applicable standards	85%
2. Percentage of licensees examined where department action is taken against the licensee for violations:	
a) for cause based on risk assessment profile, or internal/external information which indicates a violation of statute	33.05%
b) routine proactive exam conducted on randomly selected entities or entities on an exam cycle	16.88%
3. Percentage of Florida state-chartered financial institutions that exceed the median of all national/federal financial institutions chartered in Florida on standard earnings and solvency performance measures - Banks	
Return on Assets	51%
Return on Equity	51%
Capital to Asset Ratio	51%
Tier 1 Capital	51%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 1904 through 1905A, 1910 through 1911A, 1916 through 1919 and 1922 through 1923A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: CONSUMER FINANCIAL FRAUD PREVENTION AND DETECTION
FROM GENERAL REVENUE FUND 1,705,568
FROM TRUST FUNDS 2,384,274

TOTAL POSITIONS 70
TOTAL ALL FUNDS 4,089,842

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1927 SALARIES AND BENEFITS POSITIONS 72
FROM GENERAL REVENUE FUND 1,664,136
FROM ADMINISTRATIVE TRUST FUND 1,862,270

1928 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 12,845

1929 EXPENSES
FROM GENERAL REVENUE FUND 444,200
FROM ADMINISTRATIVE TRUST FUND 577,945

1930 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,911
FROM ADMINISTRATIVE TRUST FUND 7,139

1931 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 154,681

1932 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,305
FROM ADMINISTRATIVE TRUST FUND 29,166

1933 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 102,650
FROM ADMINISTRATIVE TRUST FUND 423,390

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,239,202
FROM TRUST FUNDS 3,067,436

TOTAL POSITIONS 72
TOTAL ALL FUNDS 5,306,638

INFORMATION TECHNOLOGY

1934 SALARIES AND BENEFITS POSITIONS 22
FROM WORKING CAPITAL TRUST FUND 911,024

1935 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 243,000

1936 EXPENSES
FROM WORKING CAPITAL TRUST FUND 464,348

1937 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 560,062

1938 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 6,712

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 2,185,146

TOTAL POSITIONS 22
TOTAL ALL FUNDS 2,185,146

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATION

FLORIDA BOXING COMMISSION

1939 SALARIES AND BENEFITS POSITIONS 3
FROM PROFESSIONAL REGULATION TRUST FUND . 202,663

1940 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 38,081

1941 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 155,570

1942 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 595

TOTAL: FLORIDA BOXING COMMISSION
FROM TRUST FUNDS 396,909

TOTAL POSITIONS 3
TOTAL ALL FUNDS 396,909

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1943 SALARIES AND BENEFITS POSITIONS 243
FROM ADMINISTRATIVE TRUST FUND 8,505,074

1944 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 732,990

1945 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 3,230,545

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1946 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 209,846

1947 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 1,083,040

1948 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING
FROM ADMINISTRATIVE TRUST FUND 249,339

1949 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ADMINISTRATIVE TRUST FUND 3,800

1950 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 81,336

1951 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 2,240

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 14,098,210

TOTAL POSITIONS 243
TOTAL ALL FUNDS 14,098,210

INFORMATION TECHNOLOGY

1952 SALARIES AND BENEFITS POSITIONS 46
FROM ADMINISTRATIVE TRUST FUND 4,587,989

1953 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 489,456

1954 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 2,090,325

1954A OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 310,000

1955 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 27,113

1955A SPECIAL CATEGORIES
TECHNOLOGY SOLUTIONS FOR DEPARTMENT OF BUSINESS AND PROFESSIONAL RGULATION
FROM ADMINISTRATIVE TRUST FUND 10,000,000

1956 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 684,752

1957 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 5,714

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 18,195,349

TOTAL POSITIONS 46
TOTAL ALL FUNDS 18,195,349

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PROGRAM: PROFESSIONAL REGULATION

COMPLIANCE AND ENFORCEMENT

1958 SALARIES AND BENEFITS POSITIONS 186
FROM PROFESSIONAL REGULATION TRUST FUND . 7,214,184

1959 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 359,794

1960 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,855,643

1961 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 29,537

1962 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND . 279,000

1963 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,180,050

From the funds in Specific Appropriation 1963, up to $300,000 from the Professional Regulation Trust Fund is provided to the department to continue an unlicensed activity campaign designed to inform: (1) the public and prevent unlicensed activity in the real estate market; (2) the real estate licensee of the requirements of licensure pursuant to Chapter 498, Florida Statutes, regarding land sales practices; and (3) the public and real estate licensees of the public lodging licensure requirements pursuant to Chapter 509, Florida Statutes. The department shall develop the campaign in consultation with a corporation registered under Chapter 617, Florida Statutes, as a not-for-profit corporation registered under the Internal Revenue Service Code as a 501(c)(6) corporation which represents the largest number of licensed real estate professionals. The department shall be authorized to accept in-kind contributions of services, media production, or advertising materials from the not-for-profit corporation in order to further the aims of the unlicensed activity campaign. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgments of joint production and sponsorship.

1964 SPECIAL CATEGORIES
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 1,200,000

1965 SPECIAL CATEGORIES
CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 100,000

1966 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 227,181

1967 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 620,000

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 13,065,389

TOTAL POSITIONS 186
TOTAL ALL FUNDS 13,065,389

STANDARDS AND LICENSURE

1968 SALARIES AND BENEFITS POSITIONS 189
FROM PROFESSIONAL REGULATION TRUST FUND . 6,970,206

1969 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,076,986

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1970 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 2,888,422

1971 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 46,381

1972 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 836,283

1973 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM PROFESSIONAL REGULATION TRUST FUND . 1,827,052

1974 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 20,500

1975 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 229,922

1976 SPECIAL CATEGORIES
MINORITY SCHOLARSHIPS - CERTIFIED PUBLIC ACCOUNTING
FROM PROFESSIONAL REGULATION TRUST FUND . 100,000

1977 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENGINEERING MANAGEMENT CORPORATION (FEMC) CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 2,170,000

From the funds in Specific Appropriation 1977, $300,000 is to be reserved for operational contingencies which shall be approved by the agency prior to release of funds.

1978 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 829,245

From the funds in Specific Appropriations 1958 through 1978, the Professional Regulation Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to license non-medical professions within the state and the individual practice acts that govern each of the professions; serve as a liaison between the public and the professional boards, as well as between the licensees and their respective boards; process applications, monitor continuing education, renewal and reactivation requirements; approve educational courses; develop, prepare administer and score to ensure validity and reliability of exams; and receive and investigate complaints and prosecute violators:

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of applications processed within 90 days.....	100%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 16,994,997

TOTAL POSITIONS 189
TOTAL ALL FUNDS 16,994,997

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PROGRAM: PARI-MUTUEL WAGERING

COMPLIANCE AND ENFORCEMENT

1979 SALARIES AND BENEFITS POSITIONS 16
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 640,514

1980 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 37,984

1981 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 91,980

1981A OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,609

1982 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 57,196

1983 SPECIAL CATEGORIES
PARI-MUTUEL LABORATORY CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,760,000

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 2,590,283

TOTAL POSITIONS 16
TOTAL ALL FUNDS 2,590,283

STANDARDS AND LICENSURE

1984 SALARIES AND BENEFITS POSITIONS 37
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,621,734

1985 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,958,760

From the funds in Specific Appropriation 1985, $15,000 is provided to increase from $185,000 to $200,000 the funding for research that will provide specific recommendations regarding the elimination of performance altering drugs in pari-mutuel industries.

1986 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 648,141

1987 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 91,938

1988 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 24,802

1989 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM (INDUSTRY RESEARCH)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 300,000

From the Pari-Mutuel Wagering Trust Fund in Specific Appropriation 1989, $300,000 is provided for the pari-mutuel wagering funded research and development program. The University of Florida and the Department shall jointly prioritize the programs or projects and administer the distribution of funds.

1990 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 136,632

1991 SPECIAL CATEGORIES
REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 167,959

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1992 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 96,476

1992A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 75,000

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 5,121,442

TOTAL POSITIONS 37
TOTAL ALL FUNDS 5,121,442

TAX COLLECTION

1993 SALARIES AND BENEFITS POSITIONS 31
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,370,925

1994 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 594,975

1995 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 236,492

1996 AID TO LOCAL GOVERNMENTS
RACING TAX TO COUNTIES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 29,915,500

1997 AID TO LOCAL GOVERNMENTS
CARDROOM TAX REVENUE DISTRIBUTED TO LOCAL GOVERNMENTS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 157,000

1998 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 19,085

1999 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 123,923

2000 SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 60,725

2001 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 200,000

From the funds in Specific Appropriation 1979 through 2001, the Pari-Mutuel Wagering Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to license and regulate the state's pari-mutuel industries, including cardrooms, and to collect all pari-mutuel taxes and fees in a timely manner:

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of races and games that result in statutory or rule infractions	0.85%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

TOTAL: TAX COLLECTION
FROM TRUST FUNDS 32,678,625

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TOTAL POSITIONS 31
TOTAL ALL FUNDS 32,678,625

PROGRAM: HOTELS AND RESTAURANTS

COMPLIANCE AND ENFORCEMENT

2002 SALARIES AND BENEFITS POSITIONS 309
FROM HOTEL AND RESTAURANT TRUST FUND . . . 12,667,595

2003 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 54,080

2004 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 2,222,799

Funds in Specific Appropriation 2002 and 2004 reflect reductions to the Department of Business and Professional Regulation based on the privatization of elevator inspections and are contingent upon such legislation becoming law. In the event such legislation does not become law, the Executive Office of the Governor shall process a budget amendment to reinstate 18 full-time equivalent positions, $639,616 in Salaries and Benefits, and $36,000 in Expenses to continue state responsibility for the function, subject to the provisions of s. 216.177, F.S.

2005 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 32,411

2006 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 346,414

2007 SPECIAL CATEGORIES
TRANSFERS TO DEPARTMENT OF HEALTH FOR EPIDEMIOLOGICAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 498,416

2008 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL-TO-CAREER
FROM HOTEL AND RESTAURANT TRUST FUND . . . 150,000

2009 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST FUND . . . 420,822

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 16,392,537

TOTAL POSITIONS 309
TOTAL ALL FUNDS 16,392,537

STANDARDS AND LICENSURE

2010 SALARIES AND BENEFITS POSITIONS 10
FROM HOTEL AND RESTAURANT TRUST FUND . . . 411,563

2011 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 51,402

2012 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST FUND . . . 12,568

2013 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 550,109

From the funds in Specific Appropriations 2002 through 2013, the Hotels and Restaurants Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to license

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and regulate public lodging and food service establishments, elevators, escalators and other vertical conveyance devices:

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of licenses in compliance with applicable laws and rules for food service and public lodging establishments	86.07%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 1,025,642

TOTAL POSITIONS 10
TOTAL ALL FUNDS 1,025,642

PROGRAM: ALCOHOLIC BEVERAGES AND TOBACCO

COMPLIANCE AND ENFORCEMENT

2014 SALARIES AND BENEFITS POSITIONS 226
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 10,894,675
FROM TOBACCO SETTLEMENT TRUST FUND 528,104

2015 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 2,008,777

2016 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 16,770

2017 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 529,200

2018 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 510,081

2019 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 132,090

2020 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 301,415
FROM TOBACCO SETTLEMENT TRUST FUND 18,720

2021 SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 140,000

2021A SPECIAL CATEGORIES
FLORIDA TOBACCO PILOT - EDUCATION AND TRAINING
FROM TOBACCO SETTLEMENT TRUST FUND 825,000

2021B SPECIAL CATEGORIES
FLORIDA TOBACCO PILOT - ENFORCEMENT
FROM TOBACCO SETTLEMENT TRUST FUND 3,743,673

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TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 19,648,505

TOTAL POSITIONS 226
TOTAL ALL FUNDS 19,648,505

STANDARDS AND LICENSURE

2022 SALARIES AND BENEFITS POSITIONS 73
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 3,060,491

2023 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 55,658

2024 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 1,532,395

2025 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 9,700,000

2026 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 47,540

2027 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 38,850

2028 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 235,422

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 14,670,356

TOTAL POSITIONS 73
TOTAL ALL FUNDS 14,670,356

TAX COLLECTION

2029 SALARIES AND BENEFITS POSITIONS 126
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 5,051,246

2030 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 1,084,395

2031 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 2,701

2032 SPECIAL CATEGORIES
CIGARETTE TAX STAMPS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 609,600

2033 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 75,659

From the funds in Specific Appropriations 2014 through 2033, the Alcohol, Beverage and Tobacco Program will meet the following standards

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as required by the Government Performance and Accountability Act of 1994, to supervise the conduct, management, and operation of the manufacturing, packaging, distribution, and sale of all alcoholic beverages; to enforce the provisions of the beverage and tobacco laws, as well as the rules and regulations adopted by the program; and to collect and distribute all taxes, surcharges and licensing fees from alcohol and tobacco sources:

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of license applications processed within 90 days....	95%
Percent of total retail alcohol and tobacco licensees and permit holders inspected.....	30%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

TOTAL: TAX COLLECTION
FROM TRUST FUNDS 6,823,601

TOTAL POSITIONS 126
TOTAL ALL FUNDS 6,823,601

PROGRAM: FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES

COMPLIANCE AND ENFORCEMENT

2034 SALARIES AND BENEFITS POSITIONS 120
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 4,730,500

2035 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 79,869

2036 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,559,759

From the funds in Specific Appropriation 2036, $500,000 shall be used for a condominium/cooperative association education program contracted with the Florida Division of Community Colleges, pursuant to the Memorandum of Intent between the Division of Community Colleges and the Center for Community and Condominium Living, Inc.

2037 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 16,624

2038 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 32,973

2039 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 222,420

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 6,642,145

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TOTAL POSITIONS 120
TOTAL ALL FUNDS 6,642,145

STANDARDS AND LICENSURE

2040 SALARIES AND BENEFITS POSITIONS 43
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,755,929

2041 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 28,062

2042 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 397,323

2043 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 5,841

2044 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 11,585

2045 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 78,147

From the funds in Specific Appropriations 2034 through 2045, the Florida Land Sales, Mobile Homes and Condominiums Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to regulate the sale of subdivided lands in the state and out-of-state subdivided lands offered for sale in the state, residential condominiums and cooperatives, real estate timesharing, mobile home parks, yacht and ship brokers and salesmen:

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of permanent licenses issued and filings reviewed as prescribed by laws.....	97%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 2,276,887

TOTAL POSITIONS 43
TOTAL ALL FUNDS 2,276,887

PROGRAM: CITRUS, DEPARTMENT OF

CITRUS RESEARCH

2046 SALARIES AND BENEFITS POSITIONS 34
FROM CITRUS ADVERTISING TRUST FUND 1,724,773

2047 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 3,063,536

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2048 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 500,000

TOTAL: CITRUS RESEARCH
FROM TRUST FUNDS 5,288,309

TOTAL POSITIONS 34
TOTAL ALL FUNDS 5,288,309

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2049 SALARIES AND BENEFITS POSITIONS 60
FROM CITRUS ADVERTISING TRUST FUND 3,072,273

2050 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 148,000

2051 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 2,316,332

2052 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 177,000

2054 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS ADVERTISING TRUST FUND 59,965

2055 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM CITRUS ADVERTISING TRUST FUND 32,000

2056 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM CITRUS ADVERTISING TRUST FUND 5,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 5,810,570

TOTAL POSITIONS 60
TOTAL ALL FUNDS 5,810,570

AGRICULTURAL PRODUCTS MARKETING

2057 SALARIES AND BENEFITS POSITIONS 56
FROM CITRUS ADVERTISING TRUST FUND 3,476,009

2058 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 2,092,171

From the funds provided in Specific Appropriation 2058, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed $240,000 of the cost of citrus juice purchased from funds in Specific Appropriation 2088A dispensed at the Florida Welcome Stations.

2059 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 63,696,028

From funds in Specific Appropriations 2046 through 2059, the department will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Number of new citrus product lines	2
2. Percent return on investment for Florida growers	9%

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Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.

TOTAL: AGRICULTURAL PRODUCTS MARKETING
FROM TRUST FUNDS 69,264,208

TOTAL POSITIONS 56
TOTAL ALL FUNDS 69,264,208

GOVERNOR, EXECUTIVE OFFICE OF THE

PROGRAM: GENERAL OFFICE

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2060 SALARIES AND BENEFITS POSITIONS 121
FROM GENERAL REVENUE FUND 6,723,558
FROM GRANTS AND DONATIONS TRUST FUND . . . 165,869

2061 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND 1,930,125
FROM GRANTS AND DONATIONS TRUST FUND . . . 518,447

2062 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - WASHINGTON OFFICE
FROM GENERAL REVENUE FUND 124,874

2063 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 30,000

2064 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 48,502
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,097

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 8,857,059
FROM TRUST FUNDS 685,413

TOTAL POSITIONS 121
TOTAL ALL FUNDS 9,542,472

DRUG CONTROL COORDINATION

2065 SALARIES AND BENEFITS POSITIONS 3
FROM GENERAL REVENUE FUND 228,167

2066 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND 50,093

TOTAL: DRUG CONTROL COORDINATION
FROM GENERAL REVENUE FUND 278,260

TOTAL POSITIONS 3
TOTAL ALL FUNDS 278,260

SCHOOL READINESS

2067 SALARIES AND BENEFITS POSITIONS 3
FROM GRANTS AND DONATIONS TRUST FUND . . . 213,732

2068 LUMP SUM
PARTNERSHIP FOR SCHOOL READINESS
FROM GENERAL REVENUE FUND 330,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 861,268

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TOTAL: SCHOOL READINESS
FROM GENERAL REVENUE FUND 330,000
FROM TRUST FUNDS 1,075,000

TOTAL POSITIONS 3
TOTAL ALL FUNDS 1,405,000

WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)

2069 SALARIES AND BENEFITS POSITIONS 3
FROM GRANTS AND DONATIONS TRUST FUND . . . 205,402

2070 LUMP SUM
WAGES STATE BOARD
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,536,920

TOTAL: WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)
FROM TRUST FUNDS 1,742,322

TOTAL POSITIONS 3
TOTAL ALL FUNDS 1,742,322

LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND
BUDGETING SUBSYSTEM

2071 SALARIES AND BENEFITS POSITIONS 45
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 2,971,927

2072 LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING
AND BUDGETING SUBSYSTEM
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 2,306,879

2073 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 17,292

2074 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 44,550

2075 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 24,000

TOTAL: LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND
BUDGETING SUBSYSTEM
FROM TRUST FUNDS 5,364,648

TOTAL POSITIONS 45
TOTAL ALL FUNDS 5,364,648

EXECUTIVE PLANNING AND BUDGETING

2076 SALARIES AND BENEFITS POSITIONS 99
FROM GENERAL REVENUE FUND 6,301,640
FROM GRANTS AND DONATIONS TRUST FUND . . . 58,173

2077 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE
OF PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 971,831
FROM GRANTS AND DONATIONS TRUST FUND . . . 26,323

2078 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 27,431

2079 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 37,790

TOTAL: EXECUTIVE PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 7,338,692
FROM TRUST FUNDS 84,496

TOTAL POSITIONS 99
TOTAL ALL FUNDS 7,423,188

INFORMATION SYSTEMS PLANNING AND DEVELOPMENT

2080 SALARIES AND BENEFITS POSITIONS 6
FROM GRANTS AND DONATIONS TRUST FUND . . . 451,198

2081 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR
TECHNOLOGY REVIEW WORKGROUP (TRW)
FROM GRANTS AND DONATIONS TRUST FUND . . . 232,887

2082 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 560,000

The Technology Review Workgroup is authorized to submit a budget amendment pursuant to Chapter 216, Florida Statutes, to the Executive Office of the Governor to transfer funds from contracting agencies that are in excess of the amount provided in Specific Appropriation 2082.

2083 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,030

TOTAL: INFORMATION SYSTEMS PLANNING AND DEVELOPMENT
FROM TRUST FUNDS 1,246,115

TOTAL POSITIONS 6
TOTAL ALL FUNDS 1,246,115

PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC
DEVELOPMENT

From the funds in Specific Appropriations 2084 through 2088E, the Office of Tourism, Trade and Economic Development Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to maintain and improve the economic health of Florida by increasing jobs, income and investments through promoting targeted businesses, tourism, professional and amateur sports and entertainment, and by assisting communities, residents, and businesses.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Number of direct full-time jobs facilitated as a result of Enterprise Florida's recruitment, expansion and retention efforts	31,000
Public expenditures per job created/retained under QTI incentive program	$3,750
Sustained growth in the number of travelers who come and go through Florida	
Out-of-state	50.6 million
Residents	13.6 million

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Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2084 and 2085 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2084 SALARIES AND BENEFITS POSITIONS	24	
FROM GENERAL REVENUE FUND	693,252	
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		85,305
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		437,959
FROM TOURISM PROMOTION TRUST FUND		437,959
2085 LUMP SUM		
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT		
FROM GENERAL REVENUE FUND	126,940	
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		24,760
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		118,272
FROM GRANTS AND DONATIONS TRUST FUND . . .		130,000
FROM TOURISM PROMOTION TRUST FUND		118,272
2086 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	12,673	
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		2,808
FROM TOURISM PROMOTION TRUST FUND		7,436
2087 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND		
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		1,133,212
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	832,865	
FROM TRUST FUNDS		2,495,983
TOTAL POSITIONS	24	
TOTAL ALL FUNDS		3,328,848

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS

2087A LUMP SUM		
WORKFORCE DEVELOPMENT AND INFRASTRUCTURE PRODUCTIVITY ENHANCING INVESTMENTS		
FROM GENERAL REVENUE FUND	7,112,448	
FROM GRANTS AND DONATIONS TRUST FUND . . .		490,862

Funds in Specific Appropriation 2087A shall be allocated as follows:

From nonrecurring General Revenue:

Workforce Development-Operations.....	862,448
Quick Response Training.....	6,000,000
Florida First Capital Finance Corp.....	250,000

From nonrecurring Trust Funds:

Workforce Development-Operations.....	490,862

2087B LUMP SUM		
BUSINESS EXPANSION, RETENTION, AND RECRUITMENT		
FROM GENERAL REVENUE FUND	11,076,641	
FROM ECONOMIC DEVELOPMENT TRUST FUND . . .		1,900,000
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		4,475,000

Funds in Specific Appropriation 2087B shall be allocated as follows:

From nonrecurring General Revenue:

Enterprise Florida-Expansion, Retention & Recruitment.....	1,600,000
Enterprise Florida-National Marketing.....	1,150,000
Enterprise Florida-Trade & Export Assistance.....	600,000
Enterprise Florida-International: Representatives, Marketing, Research and Inward Investment.....	600,000
PIERS / Ports Information.....	286,641
Florida Manufacturing Technology Center.....	3,500,000
Tech Research & Development Authority.....	2,000,000
Florida Technology Incubator Network.....	800,000
Innovation & Commercialization Centers:	
Enterprise North Florida Corporation (Jacksonville).....	180,000
Office of Corporate Development (Tampa).....	180,000
Enterprise Development Corp of South FL (Palm Beach)....	180,000

From nonrecurring Trust Funds:

Enterprise Florida-Expansion, Retention & Recruitment.....	1,900,000
Enterprise Florida-Trade & Export Assistance.....	2,000,000
Enterprise Florida-International: Representatives, Marketing, Research and Inward Investment.....	2,475,000

For funds in Specific Appropriation 2087B allocated to the Florida Manufacturing Technology Center, the Office of Tourism, Trade and Economic Development shall contract directly with the Florida Manufacturing Technology Center. Such contract shall be developed in consultation with the State Technology Office.

2088 LUMP SUM		
COMMUNITIES WITH SPECIAL NEEDS/ECONOMIC OPPORTUNITIES		
FROM GENERAL REVENUE FUND	2,644,069	
FROM ECONOMIC DEVELOPMENT TRUST FUND . . .		6,059,989
FROM BROWNFIELD PROPERTY OWNERSHIP CLEARANCE ASSISTANCE REVOLVING LOAN TRUST FUND		1,500,000

Funds in Specific Appropriation 2088 shall be allocated as follows:

From recurring General Revenue:

Front Porch Florida-Operations.....	200,184
Office of Tourism, Trade, and Econ Dev-Rural Operations...	107,760

From nonrecurring General Revenue:

Enterprise Florida-Special Needs Programs.....	745,198
Black Business Investment Board (BBIB)-Operations.....	90,927
BBIB and Statewide BBIC Capitalization Program.....	500,000
Urban Redevelopment.....	1,000,000

From nonrecurring Trust Funds:

Brownfields Property Revolving Loan Program.....	1,500,000
Rural Community Development - s. 288.065 & 288.018.....	3,500,000
Lake Apopka Area - s. 373.461(5)(f) & (g).....	2,559,989

Funds in Specific Appropriations 2088 allocated to Urban Redevelopment are provided for an Urban Redevelopment Assistance Grants Program to be administered by the Office of Tourism, Trade and Economic Development (OTTED). OTTED shall develop criteria for awarding these grants which gives weighted consideration to urban high-crime areas as identified by the Florida Department of Law Enforcement. These criteria shall also be weighted to immediate creation of jobs for residents in the target areas. To address the severe unemployment, poverty, and crime rates indicated in the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University's Annual Report (January 2000), OTTED shall target forty percent of the funds to the Tampa-St. Petersburg-Clearwater Metropolitan Statistical Area. OTTED is authorized to utilize up to $30,000 of this appropriation to advertise in such target areas the availability of the grant funds, the

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application process and the criteria for receipt, and other pertinent information.

2088A LUMP SUM
INDUSTRIES CRITICAL TO FLORIDA'S ECONOMIC BASE AND FUTURE GROWTH

FROM GENERAL REVENUE FUND	4,472,098	
FROM PROFESSIONAL SPORTS DEVELOPMENT TRUST FUND		2,200,000
FROM TOURISM PROMOTION TRUST FUND		21,600,000

Funds in Specific Appropriation 2088A shall be allocated as follows:

From recurring General Revenue:

Film Commission-Operations	319,292

From nonrecurring General Revenue:

Film Commission-Operations	258,504
Sports Foundation-Sunshine State Games	350,000
Sports Foundation-Operations	34,302
Spaceport Florida Authority-Operations	810,000
Spaceport-Next Generation Launch Systems	1,000,000
Spaceport-Strategic Planning/Grants/Site Dev	600,000
Spaceport-Florida Commercial Space Financing Corp	300,000
Spaceport-Florida Space Research Institute	800,000

From nonrecurring Trust Funds:

Florida Sports Foundation	2,200,000
Tourism Commission / VISIT FLORIDA	21,600,000

From funds in Specific Appropriation 2088A allocated to Tourism Commission / VISIT FLORIDA, the Florida Commission on Tourism shall allocate no less than $2,998,500 for activities designed to promote nature-based and other tourism in rural communities. Such activities must be consistent with the "Strategic Plan for the Development of Marketing of Tourism in Rural Florida" which was prepared by the Commission's direct-support organization, the Florida Tourism Industry Marketing Corporation, during spring 2000. Eligible activities shall include, but not be limited to, production and distribution of printed brochures and materials; web site production; tourism sales and public relations; grants; advertising; research; educational workshops oriented toward small businesses; brochure mailings; and dedicated staff and benefits. The board of directors of the Florida Tourism Industry Marketing Corporation must approve the final strategic plan no later than September 1, 2000, for immediate implementation.

From funds in Specific Appropriation 2088A allocated to Tourism Commission / VISIT FLORIDA, a Florida Travel Guide for Persons with Disabilities shall be developed.

2088B LUMP SUM
ECONOMIC DEVELOPMENT TOOLS

FROM GENERAL REVENUE FUND	23,155,000	
FROM ECONOMIC DEVELOPMENT TRUST FUND . . .		3,631,000

Funds in Specific Appropriation 2088B shall be allocated as follows:

From nonrecurring General Revenue:

Qualified Targeted Industries-QTI	17,750,000
Qualified Defense Contractors-QDC	405,000
High Impact Performance Incentive-HIPI	5,000,000

From nonrecurring Trust Funds:

Qualified Targeted Industries-QTI Local Match	3,550,000
Qualified Defense Contractors-QDC Local Match	81,000

Funds in Specific Appropriation 2088B for Qualified Targeted Industries, Qualified Defense Contractors, and High Impact Performance Incentive shall not be released for any other purpose and only disbursed when projects meet the contracted performance requirements.

2088C SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL ECONOMIC

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DEVELOPMENT INITIATIVES
FROM GENERAL REVENUE FUND 7,370,000

Funds in Specific Appropriation 2088C are provided for the following programs and projects:

Florida Trade and Economic Development Center/CAMACOL	300,000
Historic Sanford Memorial Stadium Renovation	200,000
Escambia County Commerce Park	900,000
Indian River Lagoon Scenic Highway Lagoon House	250,000
Homestead Fiber Optic	250,000
Construction of State Headquarters - Special Olympics	1,000,000
Trade Mission Center for the Americas	150,000
African & African Diaspora Trade Office	50,000
Florida Advanced Semiconductor Technology Program	570,000
Black Entrepreneur Conference	50,000
Florida Institute for Economic Development	300,000
Eastside P-3 Network	50,000
Seaport Training and Employment Program (STEP)	800,000
One Stop Capitol Center	250,000
Keep Florida Beautiful, Inc	150,000
Retention of Military Installations/STRICOM	500,000
Community and Faith-Based Organizations Initiative	800,000
Florida-Caribbean Basin & Florida-Africa Market Expansion	500,000
Not for Profit Bowl Game - Micronpc.com Bowl	100,000
Spring Hill Redevelopment	200,000

Funds in Specific Appropriation 2088C allocated to Community and Faith-Based Organizations Initiative shall be administered by the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University (Institute) for activities that promote community development in low income communities through partnerships with not for profit community and faith based organizations. Authorized activities may include training programs, internships, conferences, course material, and grants. To address the severe unemployment, poverty, and crime rates indicated in the Institute's Annual Report (January 2000), the Institute shall target forty percent of the funds to the Tampa-St. Petersburg-Clearwater Metropolitan Statistical Area.

From funds in Specific Appropriation 2088C allocated to the Florida-Caribbean Basin & Florida-African Market Expansion, $400,000 shall be administered by Enterprise Florida, Inc., to enhance the Florida economy by increasing international trade between Florida and the nations of Africa. This initiative shall be a multi-level market expansion program designed to expand trade and business opportunities between Florida and Africa. Authorized activities shall include, but not be limited to, the establishment and maintenance of a strategic alliance between Enterprise Florida, Inc., and the United States Agency for International Development; a team Florida mission to South Africa during fiscal year 2000-2001; establishment of a certified trade events program; support for local business-development programs that provide business information on Africa; provision of export counseling services for Florida businesses; and establishment of Florida international representation in South Africa.

From funds in Specific Appropriation 2088C allocated to the Florida-Caribbean Basin & Florida-African Market Expansion, $100,000 shall be administered by the Seaport Training Employment Program (STEP) for establishing the Florida-Caribbean Basin Trade Initiative. Funds shall be utilized for assisting small and medium-sized businesses to become involved in international activities and helping them to identify markets with product demand, identify strategic alliances in those markets, and obtain financing to effectuate trade opportunities in the Caribbean Basin. Authorized activities shall include, but not be limited to, export readiness, assistance and referral services, internships, seminars, workshops, conferences, e-commerce, mentoring and matchmaking services, but shall coordinate with and not duplicate those services provided by Enterprise Florida, Inc.

From funds in Specific Appropriation 2088C allocated to Seaport Training and Employment Program (STEP), up to $200,000 may be utilized for establishing the Florida-Caribbean Basin Trade Initiative.

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Funds in Specific Appropriation 2088C allocated to Keep Florida Beautiful, Inc., shall be utilized for neighborhood and community clean-up and improvement projects. Authorized projects may be implemented in communities that include the six designated "Front Porch" communities, any "Front Porch" communities designated in fiscal year 2000-01, and other economically distressed communities with a high proportion of needy families.

2088D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
SPACE, DEFENSE, AND RURAL INFRASTRUCTURE
FROM GENERAL REVENUE FUND 18,250,000

Funds in Specific Appropriation 2088D shall be allocated as follows:

Space Experiment Research and Processing Lab (SERPL)..... 10,000,000
Defense Infrastructure..... 4,000,000
Rural Infrastructure - s. 288.0655..... 4,000,000
Refurbishment of SFA Building / Resource Center..... 250,000

From funds in Specific Appropriation 2088D for Defense Infrastructure, up to $250,000 shall be provided to the City of Coral Gables to assist the United States Southern Command in the acquisition and repair of representational quarters. The grant represents an equity position for the State of Florida to the extent that, if the asset is no longer required in support of U.S. Southern Command and the City sells said asset, the State is entitled to a return of its share of the investment, to include a proportional share of any appreciation that may have occurred.

2088E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 25,000,000

From funds provided in Specific Appropriation 2088E, the following projects are funded:

University Walkover - Shands Medical Center..... 500,000
44th Street and Collins Avenue in Miami Beach..... 2,000,000
County Road 210 - Emergency Access Improvements..... 2,000,000

TOTAL: ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS
FROM GENERAL REVENUE FUND 74,080,256
FROM TRUST FUNDS 66,856,851

TOTAL ALL FUNDS 140,937,107

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2089 SALARIES AND BENEFITS POSITIONS 373
FROM GENERAL REVENUE FUND 4,276
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 13,065,998
FROM GRANTS AND DONATIONS TRUST FUND . . . 92,385
FROM LAW ENFORCEMENT TRUST FUND 108,505

2090 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 96,785
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,000

2091 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,498,560
FROM GRANTS AND DONATIONS TRUST FUND . . . 155,400
FROM LAW ENFORCEMENT TRUST FUND 7,460

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2092 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 105,695
FROM GRANTS AND DONATIONS TRUST FUND . . . 60,000

2093 SPECIAL CATEGORIES
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO STATE AGENCIES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 500,000

2094 SPECIAL CATEGORIES
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO NON-PROFIT AGY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 500,000

2095 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 52,125
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 113,612

2096 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,166,100

2097 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 218,296

2098 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 501

2099 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 302,267
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 837,763
FROM GRANTS AND DONATIONS TRUST FUND . . . 187
FROM LAW ENFORCEMENT TRUST FUND 3,742

2099A FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE
FROM GENERAL REVENUE FUND 100,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 458,668
FROM TRUST FUNDS 18,580,989

TOTAL POSITIONS 373
TOTAL ALL FUNDS 19,039,657

PROGRAM: FLORIDA HIGHWAY PATROL

From the funds in Specific Appropriations 2100 through 2123, the Florida Highway Patrol shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to increase highway safety in Florida through enforcement, preventive patrol, and public education:

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Florida death rate on patrolled highways per 100 million vehicle miles of travel	1.9

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Alcohol-related death rate per 100 million vehicle miles of travel.....0.64
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2100 through 2101A, 2108, 2109, 2109A, 2109B, 2113, 2114 through 2114C, 2118, 2119, 2119A, 2119B and 2123 shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.

HIGHWAY SAFETY

2100 SALARIES AND BENEFITS POSITIONS 2,184		
FROM GENERAL REVENUE FUND	94,344,048	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,393,365
FROM GAS TAX COLLECTION TRUST FUND		193,889
FROM GRANTS AND DONATIONS TRUST FUND . . .		331,019
FROM LAW ENFORCEMENT TRUST FUND		875,182
2100A OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	57,500	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		3,420,719
FROM LAW ENFORCEMENT TRUST FUND		380,000
2101 EXPENSES		
FROM GENERAL REVENUE FUND	7,859,483	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		4,740,547
FROM GRANTS AND DONATIONS TRUST FUND . . .		248,148
FROM LAW ENFORCEMENT TRUST FUND		118,203
FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		249,900

From the funds in Specific Appropriation 2101, $5,000,000 from the General Revenue Fund is provided for mobile data system services for the Florida Highway Patrol to enhance enforcement activities while improving officer safety and efficiency. These mobile data system services may be provided through amendment to a contract with Florida Association of Court Clerks for the Traffic Citation Accounting and Transaction System (TCATS).

From the General Revenue funded in Specific Appropriation 2101, the Director of the Florida Highway Patrol, after receiving recommendations from the Commander of the Auxiliary, is authorized to expend up to $200,000 for uniforms and equipment for the auxiliary law enforcement officers as defined in s. 321.24, F.S.

2101A OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	216,331	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		107,320
FROM GRANTS AND DONATIONS TRUST FUND . . .		226,500
FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		721,725
2102A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	4,956,810	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,327,733
2103 SPECIAL CATEGORIES		
OPERATION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	2,414,319	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		3,157,598
FROM GRANTS AND DONATIONS TRUST FUND . . .		60,250
2104 SPECIAL CATEGORIES		
PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS		
FROM HIGHWAY PATROL INSURANCE TRUST FUND .		152,000
2105 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	1,830,718	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		234,040
2106 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	1,120,181	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		574,476
FROM GRANTS AND DONATIONS TRUST FUND . . .		15,600
2107 SPECIAL CATEGORIES		
TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,000
2108 DATA PROCESSING SERVICES		
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	11,068	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		668,487
FROM GAS TAX COLLECTION TRUST FUND		23
FROM GRANTS AND DONATIONS TRUST FUND . . .		21
FROM LAW ENFORCEMENT TRUST FUND		102
2108A FIXED CAPITAL OUTLAY		
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE		
FROM GENERAL REVENUE FUND	600,000	
2108B FIXED CAPITAL OUTLAY		
NEW FLORIDA PATROL STATION - BAY COUNTY - DMS MGD		
FROM GENERAL REVENUE FUND	1,900,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		555,499
TOTAL: HIGHWAY SAFETY		
FROM GENERAL REVENUE FUND	115,310,458	
FROM TRUST FUNDS		26,904,346
TOTAL POSITIONS	2,184	
TOTAL ALL FUNDS		142,214,804

CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS

2109 SALARIES AND BENEFITS POSITIONS 57		
FROM GENERAL REVENUE FUND	2,694,522	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		987,867
2109A EXPENSES		
FROM GENERAL REVENUE FUND	193,547	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		261,572
2109B OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,000	
2110A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	59,514	
2110B SPECIAL CATEGORIES		
OPERATION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	35,000	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		15,000
2111 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	49,823	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		4,031
2112 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	62,829	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		17,884

SECTION 6 SPECIFIC APPROPRIATION		
2113 DATA PROCESSING SERVICES		
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	284	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		104
TOTAL: CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS		
FROM GENERAL REVENUE FUND	3,105,519	
FROM TRUST FUNDS		1,286,458
TOTAL POSITIONS	57	
TOTAL ALL FUNDS		4,391,977
PUBLIC INFORMATION AND SAFETY EDUCATION		
2114 SALARIES AND BENEFITS POSITIONS	14	
FROM GENERAL REVENUE FUND	950,778	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		76,331
2114A OTHER PERSONAL SERVICES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
2114B EXPENSES		
FROM GENERAL REVENUE FUND	46,898	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		149,190
FROM GRANTS AND DONATIONS TRUST FUND . . .		490,000
2114C OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	5,000	
2115A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	19,838	
2115B SPECIAL CATEGORIES		
OPERATION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	5,000	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,500
2116 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	11,645	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,857
2117 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	34,990	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,112
2118 DATA PROCESSING SERVICES		
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	83	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7
TOTAL: PUBLIC INFORMATION AND SAFETY EDUCATION		
FROM GENERAL REVENUE FUND	1,074,232	
FROM TRUST FUNDS		730,997
TOTAL POSITIONS	14	
TOTAL ALL FUNDS		1,805,229
EXECUTIVE DIRECTION AND SUPPORT SERVICES		
2119 SALARIES AND BENEFITS POSITIONS	23	
FROM GENERAL REVENUE FUND	1,539,340	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		30,095
2119A EXPENSES		
FROM GENERAL REVENUE FUND	417,952	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		996

SECTION 6 SPECIFIC APPROPRIATION		
2119B OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,000	
2120A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	19,838	
2120B SPECIAL CATEGORIES		
OPERATION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	5,000	
2121 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	20,694	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,450
2122 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	875	
2123 DATA PROCESSING SERVICES		
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	186	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		5
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	2,013,885	
FROM TRUST FUNDS		32,546
TOTAL POSITIONS	23	
TOTAL ALL FUNDS		2,046,431

PROGRAM: LICENSES, TITLES AND REGULATIONS

From the funds in Specific Appropriations 2124 through 2169, the Licenses, Titles and Regulations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to promote safety in the streets and highways through high qualification standards for licensing, control and improvement of problem drivers and to ensure that drivers are financially responsible for their actions.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of customers waiting 15 minutes or less for driver license service	82%
Percent of motor vehicle titles issued without error	98%
Number of fraudulent motor vehicle titles identified and submitted to law enforcement	930

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2124, 2124A, 2127, 2128 through 2128C, 2132, 2133 through 2133C, 2138, 2139, 2139A, 2142, 2143 through 2143C, 2146, 2147, 2147A, 2150, 2151 through 2152A, 2155, 2156, 2156A, 2156B, 2159A, 2164, 2165 through 2165C, and 2169 shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.

LICENSING AUTOMOBILE DEALERS		
2124 SALARIES AND BENEFITS POSITIONS	8	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		274,524

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APPROPRIATION

2124A EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 18,783

2126 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 5,168

2127 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 47,915

TOTAL: LICENSING AUTOMOBILE DEALERS
FROM TRUST FUNDS 346,390

TOTAL POSITIONS 8
TOTAL ALL FUNDS 346,390

COMPLIANCE AND ENFORCEMENT

2128 SALARIES AND BENEFITS POSITIONS 144
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 4,512,656

Funds in Specific Appropriations 2128, 2128B and 2130 reflect a reduction of 10 positions in the Compliance and Enforcement Program and $344,480 from the Highway Safety Operating Trust Fund.

Funds in Specific Appropriation 2128 reflect a reduction of 22 positions and $872,184 from the Highway Safety Operating Trust Fund to eliminate the Motor Vehicle Inspection Program in Broward, Dade, Duval and Palm Beach Counties. This reduction is contingent upon legislation becoming law which eliminates the program in all but Hillsborough and Pinellas counties.

2128A OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,000

2128B EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,322,594

2128C OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 10,000

2130 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 106,484

2131 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF ENVIRONMENTAL
PROTECTION EMISSIONS PROGRAM
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 250,000

2132 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,517,044

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 7,758,778

TOTAL POSITIONS 144
TOTAL ALL FUNDS 7,758,778

DRIVER LICENSURE

2133 SALARIES AND BENEFITS POSITIONS 1,169
FROM GENERAL REVENUE FUND 10,100,000
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 26,438,250

2133A OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 624,516

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2133B EXPENSES
FROM GENERAL REVENUE FUND 359,425
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 8,064,564

2133C OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 92,434
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 45,000

2134A SPECIAL CATEGORIES
AUTOMATED UNIFORM TRAFFIC ACCOUNTING
SYSTEM
FROM GENERAL REVENUE FUND 3,000,000

2135 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 500,000

2136 SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM GENERAL REVENUE FUND 809,589
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,225,149

2137 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 608,295

2138 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 2,444,943
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 4,367,104

2138A FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND
IMPROVEMENTS - STATEWIDE
FROM GENERAL REVENUE FUND 300,000

TOTAL: DRIVER LICENSURE
FROM GENERAL REVENUE FUND 17,106,391
FROM TRUST FUNDS 42,872,878

TOTAL POSITIONS 1,169
TOTAL ALL FUNDS 59,979,269

MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE

2139 SALARIES AND BENEFITS POSITIONS 60
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,779,436

2139A EXPENSES
FROM GENERAL REVENUE FUND 2,379
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 415,779

2141 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 31,354

2142 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 61,687
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 339,486

TOTAL: MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE
FROM GENERAL REVENUE FUND 64,066
FROM TRUST FUNDS 2,566,055

TOTAL POSITIONS 60
TOTAL ALL FUNDS 2,630,121

SECTION 6
SPECIFIC
APPROPRIATION
IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS

2143	SALARIES AND BENEFITS POSITIONS	220	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7,100,919
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		414,110
	FROM GRANTS AND DONATIONS TRUST FUND . . .		77,273
2143A	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		342,500
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		183,467
	FROM GRANTS AND DONATIONS TRUST FUND . . .		286,256
2143B	EXPENSES		
	FROM GENERAL REVENUE FUND	31,477	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		692,799
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		129,604
	FROM GRANTS AND DONATIONS TRUST FUND . . .		240,192
2143C	OPERATING CAPITAL OUTLAY		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		10,000
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		7,769
	FROM GRANTS AND DONATIONS TRUST FUND . . .		89,000
2145	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		108,999
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		4,132
2146	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	195,647	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		501,995
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		1,015
	FROM GRANTS AND DONATIONS TRUST FUND . . .		190
TOTAL:	IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS		
	FROM GENERAL REVENUE FUND	227,124	
	FROM TRUST FUNDS		10,190,220
	TOTAL POSITIONS	220	
	TOTAL ALL FUNDS		10,417,344

MOBILE HOME COMPLIANCE AND ENFORCEMENT

2147	SALARIES AND BENEFITS POSITIONS	39	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,366,546
2147A	EXPENSES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,890
2149	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		25,218
2150	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,931
TOTAL:	MOBILE HOME COMPLIANCE AND ENFORCEMENT		
	FROM TRUST FUNDS		1,546,585
	TOTAL POSITIONS	39	
	TOTAL ALL FUNDS		1,546,585

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APPROPRIATION
MOTOR CARRIER COMPLIANCE

2151	SALARIES AND BENEFITS POSITIONS	87	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		473,111
	FROM GAS TAX COLLECTION TRUST FUND		2,529,725
2151A	OTHER PERSONAL SERVICES		
	FROM GAS TAX COLLECTION TRUST FUND		11,438
2151B	EXPENSES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		5,320
	FROM GAS TAX COLLECTION TRUST FUND		498,162
	FROM GRANTS AND DONATIONS TRUST FUND . . .		70,000
2152A	OPERATING CAPITAL OUTLAY		
	FROM GAS TAX COLLECTION TRUST FUND		5,001
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
2154	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		11,800
	FROM GAS TAX COLLECTION TRUST FUND		45,902
2155	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		18,219
	FROM GAS TAX COLLECTION TRUST FUND		567,164
TOTAL:	MOTOR CARRIER COMPLIANCE		
	FROM TRUST FUNDS		4,255,842
	TOTAL POSITIONS	87	
	TOTAL ALL FUNDS		4,255,842

VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES

From funds in Specific Appropriations 2156 through 2164, $1.4 million associated with the administrative cost to collect revenues pursuant to s. 328.72(1), Florida Statutes, shall be deposited into the Highway Safety Operating Trust Fund before other statutorily mandated distributions are made.

2156	SALARIES AND BENEFITS POSITIONS	302	
	FROM GENERAL REVENUE FUND	72,516	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		9,306,689
2156A	OTHER PERSONAL SERVICES		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		69,516
2156B	EXPENSES		
	FROM GENERAL REVENUE FUND	11,672	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,521,124
	FROM GRANTS AND DONATIONS TRUST FUND . . .		125,000
2157	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		10,500,000
2158	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		7,632,000
2159	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		3,368,000
2159A	OPERATING CAPITAL OUTLAY		
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		100,165
	FROM GRANTS AND DONATIONS TRUST FUND . . .		60,000

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APPROPRIATION

2161 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF LICENSE PLATES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 8,465,786

2162 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 198,005

2164 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 883,809
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 17,083,812

TOTAL: VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES
FROM GENERAL REVENUE FUND 967,997
FROM TRUST FUNDS 59,430,097

TOTAL POSITIONS 302
TOTAL ALL FUNDS 60,398,094

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2165 SALARIES AND BENEFITS POSITIONS 39
FROM GENERAL REVENUE FUND 123,807
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 2,019,512

2165A OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 40,000

2165B EXPENSES
FROM GENERAL REVENUE FUND 2,680
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 177,144

2165C OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 75,323

2168 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 22,862

2169 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 13,617
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 65,098

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 140,104
FROM TRUST FUNDS 2,399,939

TOTAL POSITIONS 39
TOTAL ALL FUNDS 2,540,043

PROGRAM: KIRKMAN DATA CENTER

From the funds in Specific Appropriations 2170 through 2175, the Kirkman Data Center Program, the purpose of which is to encourage greater efficiency in all governmental programs through implementation of effective information technology initiatives.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of customers who rate services as satisfactory or better as measured by survey	80%

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Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2170 through 2173 shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.

INFORMATION TECHNOLOGY

2170 SALARIES AND BENEFITS POSITIONS 199
FROM WORKING CAPITAL TRUST FUND 8,384,152

2171 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 260,208

2172 EXPENSES
FROM WORKING CAPITAL TRUST FUND 8,136,377

2173 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 2,215,402

2174 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 57,057

2175 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM WORKING CAPITAL TRUST FUND 10,846,263

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 29,899,459

TOTAL POSITIONS 199
TOTAL ALL FUNDS 29,899,459

INSURANCE, DEPARTMENT OF, AND TREASURER

PROGRAM: OFFICE OF THE TREASURER AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2176 SALARIES AND BENEFITS POSITIONS 146
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,814,608

2177 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 463,081

2178 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,546,676

2179 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 19,700

2180 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 142,659

2181 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,400

2182 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF

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MANAGEMENT SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 7,783

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 8,996,907

TOTAL POSITIONS 146
TOTAL ALL FUNDS 8,996,907

LEGAL SERVICES

2183 SALARIES AND BENEFITS POSITIONS 76
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,754,036

2184 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 298,235

2185 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 961,216

2186 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 54,200

2187 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 406,705

2188 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 42,608

TOTAL: LEGAL SERVICES
FROM TRUST FUNDS 5,517,000

TOTAL POSITIONS 76
TOTAL ALL FUNDS 5,517,000

INFORMATION TECHNOLOGY

2189 SALARIES AND BENEFITS POSITIONS 68
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,407,467

2190 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,583,931

2191 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,225,551

2192 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 893,445

2193 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 11,602

2194 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 252,000

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TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 9,373,996

TOTAL POSITIONS 68
TOTAL ALL FUNDS 9,373,996

PROGRAM: TREASURY

SECURITY DEPOSIT

2195 SALARIES AND BENEFITS POSITIONS 37
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,605,016

2195A OTHER PERSONAL SERVICES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 30,000

2196 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 422,980

2196A OPERATING CAPITAL OUTLAY
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 3,640

2197 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 14,160

TOTAL: SECURITY DEPOSIT
FROM TRUST FUNDS 2,075,796

TOTAL POSITIONS 37
TOTAL ALL FUNDS 2,075,796

STATE FUNDS MANAGEMENT AND INVESTMENT

2198 SALARIES AND BENEFITS POSITIONS 29
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,206,299

2199 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 1,334,308

TOTAL: STATE FUNDS MANAGEMENT AND INVESTMENT
FROM TRUST FUNDS 2,540,607

TOTAL POSITIONS 29
TOTAL ALL FUNDS 2,540,607

SUPPLEMENTAL RETIREMENT PLAN

2202 SALARIES AND BENEFITS POSITIONS 10
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 343,045

2203 OTHER PERSONAL SERVICES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 59,000

2204 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 244,987

From the funds in Specific Appropriation 2195 through 2204 the Treasury Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to maximize the return on funds invested and prevent lost earnings on invested public funds, ensure that institutions that hold state and local funds are

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secure and properly collateralized, and make available to all qualified individuals a secure, well diversified and beneficially administered voluntary supplemental retirement plan:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Ratio of net rate of return to established national benchmarks:	
a. Internal liquidity investments	1.05
b. Internal bridge investment	1.03
c. External investment program bridge portfolio	1.01
d. Medium term portfolio	1.02
2. Maximum administrative unit cost per $100,000 of securities placed for deposit security service purposes	$25

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2195 through 2196A, 2198, 2199 and 2202 through 2204 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: SUPPLEMENTAL RETIREMENT PLAN
FROM TRUST FUNDS 647,032

TOTAL POSITIONS 10
TOTAL ALL FUNDS 647,032

PROGRAM: STATE FIRE MARSHAL

COMPLIANCE AND ENFORCEMENT

2205 SALARIES AND BENEFITS POSITIONS 65
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,854,346

2205A OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 31,700

2205B EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 584,488

2205C OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 10,000

2207 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 96,000

2209 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,000

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 3,584,534

TOTAL POSITIONS 65
TOTAL ALL FUNDS 3,584,534

FIRE AND ARSON INVESTIGATIONS

2210 SALARIES AND BENEFITS POSITIONS 151
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,799,625

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2210A OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 43,000

2211 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,635,936

2211A OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 50,000

2213 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 330,330

2214 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 250,000

2216 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 144,174

2217 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,000

TOTAL: FIRE AND ARSON INVESTIGATIONS
FROM TRUST FUNDS 9,258,065

TOTAL POSITIONS 151
TOTAL ALL FUNDS 9,258,065

PROFESSIONAL TRAINING AND STANDARDS

2217A SALARIES AND BENEFITS POSITIONS 35
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,353,609

2217B OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 290,630

2217C EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 841,756

2217D OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 232,900

2217E SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 17,500

TOTAL: PROFESSIONAL TRAINING AND STANDARDS
FROM TRUST FUNDS 2,736,395

TOTAL POSITIONS 35
TOTAL ALL FUNDS 2,736,395

FIRE MARSHAL ADMINISTRATION AND SUPPORT SERVICES

2217F SALARIES AND BENEFITS POSITIONS 19
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 955,706

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2217G OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 20,831

2217H EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 619,362

2217I AID TO LOCAL GOVERNMENTS
LOCAL FIRE RESCUE/RESPONSE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 200,000

Funds in Specific Appropriation 2217I are provided to Metro-Dade Fire Rescue for Florida Task Force One.

2217J OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 107,000

2217K SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 26,000

2217L SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 118,738

2217M SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 7,500

2217N FIXED CAPITAL OUTLAY
RENOVATION AND EXPANSION OF ARSON LABORATORY - GADSDEN COUNTY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 676,299

From the funds in Specific Appropriations 2205 through 2217N, the Fire Marshal Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to enhance public safety through investigation and forensic services, increasing the solvability of criminal cases; by ensuring that emergency responders and service providers are qualified, competent and ethical through quality training, education and establishing professional standards; and maintaining the safest possible environment through the regulation and licensing, product testing, and inspection of fire suppression and protection equipment, explosives and fireworks:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Percent of closed fire investigations successfully concluded, including by cause determined, suspect identified and/or arrested or other reasons	85%
2. Percent of closed arson investigations for which an arrest was made - Florida/National	29%/18%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2205 through 2205C, 2210 through 2211A, 2217A through 2217D, 2217F through 2217H and 2217J shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: FIRE MARSHAL ADMINISTRATION AND SUPPORT SERVICES
FROM TRUST FUNDS 2,731,436

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TOTAL POSITIONS 19
TOTAL ALL FUNDS 2,731,436

PROGRAM: RISK MANAGEMENT

STATE SELF-INSURED CLAIMS ADJUSTMENT

2220 SALARIES AND BENEFITS POSITIONS 105
FROM CASUALTY INSURANCE TRUST FUND 4,090,331

2220A OTHER PERSONAL SERVICES
FROM CASUALTY INSURANCE TRUST FUND 1,020,000

2220B EXPENSES
FROM CASUALTY INSURANCE TRUST FUND 1,219,358

2221 OPERATING CAPITAL OUTLAY
FROM CASUALTY INSURANCE TRUST FUND 243,000

2223 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM CASUALTY INSURANCE TRUST FUND 6,703,400

2224 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CASUALTY INSURANCE TRUST FUND 54,736

From the funds in Specific Appropriations 2220 through 2224, the Risk Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to ensure that participating state agencies are provided quality workers' compensation, liability, federal civil rights, auto liability, and property insurance coverage at reasonable rates, by providing self-insurance, purchase of insurance, claims handling, and technical assistance in managing risk:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. State employees' workers compensation benefit cost rate (indemnity and medical costs per $100 of state employees' payroll)	< $1.16
2. Percent of indemnity and medical payments made in a timely manner in accordance with rule	95%
3. Number/percent of liability claims closed in relation to claims worked during the fiscal year	4226/51%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2220, 2220A, 2220B and 2221 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: STATE SELF-INSURED CLAIMS ADJUSTMENT
FROM TRUST FUNDS 13,330,825

TOTAL POSITIONS 105
TOTAL ALL FUNDS 13,330,825

PROGRAM: INSURANCE REGULATION AND CONSUMER PROTECTION

INSURANCE COMPANY LICENSURE AND OVERSIGHT

2225 SALARIES AND BENEFITS POSITIONS 304
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 14,768,741

2226 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,566,691

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From the funds provided in Specific Appropriation 2226, $1,211,178 shall be used to contract with the State University System, through the Type I center established to focus on the mitigation of hurricane damage, for the development of a public model to determine hurricane risks and projected losses to guarantee appropriate insurance rate regulation. The model must be designed in accordance with the standards of the Hurricane Methodology Commission.

2227 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,304,537

2228 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,120

2229 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 156,077

TOTAL: INSURANCE COMPANY LICENSURE AND OVERSIGHT
FROM TRUST FUNDS 20,799,166

TOTAL POSITIONS 304
TOTAL ALL FUNDS 20,799,166

INSURANCE REPRESENTATIVE LICENSURE, SALES
APPOINTMENTS AND OVERSIGHT

2230 SALARIES AND BENEFITS POSITIONS 71
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,432,821

2231 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,902,300

2232 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 886,899

2232A AID TO LOCAL GOVERNMENTS
INSURANCE LICENSE TAX TO COUNTIES
FROM AGENTS AND SOLICITORS COUNTY LICENSE TAX TRUST FUND 4,000,000

2233 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,200

2234 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 92,588

TOTAL: INSURANCE REPRESENTATIVE LICENSURE, SALES
APPOINTMENTS AND OVERSIGHT
FROM TRUST FUNDS 11,320,808

TOTAL POSITIONS 71
TOTAL ALL FUNDS 11,320,808

COMPLIANCE AND ENFORCEMENT

2235 SALARIES AND BENEFITS POSITIONS 254
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 11,261,156

2236 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 175,000

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2237 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,309,985

2238 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 19,700

2239 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 354,000

2240 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 87,839

2241 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 193,060

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 14,400,740

TOTAL POSITIONS 254
TOTAL ALL FUNDS 14,400,740

INSURANCE CONSUMER ASSISTANCE

2242 SALARIES AND BENEFITS POSITIONS 167
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,237,640

2243 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 510,200

2244 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,606,741

2246 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,200

2247 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 34,132

From the funds in Specific Appropriations 2225 through 2247 the Insurance Regulation and Consumer Protection Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to ensure that insurers licensed to do business in Florida are financially viable and are offering products at fair and adequate rates, ensure that insurance entities and representatives are qualified, competent and ethical, provide protection through direct assistance and education on insurance issues and by ensuring that all regulated entities are operating within the laws governing the insurance industry:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Percent of arrests for insurance fraud resulting in trial or non-trial conviction	82%
2. Maximum percent of insurance representatives requiring discipline or oversight	23%

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Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2225 through 2228, 2230 through 2232, 2233, 2235 through 2238 and 2242 through 2246 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: INSURANCE CONSUMER ASSISTANCE
FROM TRUST FUNDS 8,389,913

TOTAL POSITIONS 167
TOTAL ALL FUNDS 8,389,913

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

Funds provided in Specific Appropriations 2248 through 2333 reflect reductions of $493,212 in General Revenue, $32,576,078 in Trust Funds and 929 positions. The department may submit a plan to reallocate these reductions pursuant to the notice and approval procedures provided in s. 216.177, F.S. Any plan to reallocate reductions shall not provide for a net increase in the General Revenue Fund. The department may reallocate budget authority for federal funds or state trust funds as appropriate from the salaries and benefits category to any client service categories.

From funds in Specific Appropriations 2248 through 2333, the department shall, if required to reimburse Wagner Peyser Grant fund expenditures, review all funds to determine if any General Revenue funded programs can be transferred to trust funds sufficient to generate the reimbursement. The department shall submit a budget amendment pursuant to notice and review requirements of s. 216.177 if funds are identified for reimbursement.

From funds in Specific Appropriations 2248 through 2333, no funds shall be used to pay for unoccupied leased space currently being leased by the Department of Labor whether the leases are vacant on or after July 1, 2000, and for which it has been determined that there is no longer a need.

WORKFORCE ASSISTANCE AND SECURITY

PROGRAM: COMPLIANCE AND ENFORCEMENT

2248 SALARIES AND BENEFITS POSITIONS 24
FROM GENERAL REVENUE FUND 647,105
FROM CREW CHIEF REGISTRATION TRUST FUND . 1,039,389

2248A EXPENSES
FROM GENERAL REVENUE FUND 94,177
FROM CREW CHIEF REGISTRATION TRUST FUND . 165,657

2250 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM CREW CHIEF REGISTRATION TRUST FUND . 317

TOTAL: PROGRAM: COMPLIANCE AND ENFORCEMENT
FROM GENERAL REVENUE FUND 741,282
FROM TRUST FUNDS 1,205,363

TOTAL POSITIONS 24
TOTAL ALL FUNDS 1,946,645

WORKFORCE PLACEMENT AND ASSISTANCE

PROGRAM: WORKERS' COMPENSATION APPEALS

From the funds in Specific Appropriations 2251 through 2256, the Workers' Compensation Appeals Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to resolve disputed workers' compensation claims in conformity with pertinent statutory, rule and caseload requirements through the maintenance of a statewide mediation, hearing and order adjudicatory system.

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Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of concluded mediations resulting in resolution	56%
Percent of appealed, decided orders affirmed	80%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2251 through 2254 and 2256 shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.	

2251 SALARIES AND BENEFITS POSITIONS 179
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 10,075,548

2252 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 999,362

2253 EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 3,034,584

2254 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 28,796

2255 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 149,474

2256 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 51,841

TOTAL: PROGRAM: WORKERS' COMPENSATION APPEALS

FROM TRUST FUNDS 14,339,605

TOTAL POSITIONS 179
TOTAL ALL FUNDS 14,339,605

PROGRAM: WORKERS' COMPENSATION

From the funds provided in Specific Appropriations 2257 through 2271, the Safety/Workers' Compensation Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to keep the workplace safe and return injured employees to work at a reasonable cost to employers.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of initial payments made on time by insurance carriers	91.0%
Percent of lost time cases with no petition for benefits filed 18 months after the date of accident	77.0%
Additional performance measures and standards are established in the	

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|FY 2000-2001 Implementing Bill and are incorporated herein by |
|reference. The performance-based program appropriations in |
|Specific Appropriations 2257 through 2259A, 2267, 2268 through |
|2268C and 2271 shall have the budget transfer flexibility provided |
|in subsection 216.292(4), F.S. |
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2257 SALARIES AND BENEFITS POSITIONS 604
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 22,533,939
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 1,161,372

2258 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 5,877,002
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 1,000,000

2259 EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 7,305,123
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 670,770

From the funds in Specific Appropriation 2259, up to $100,000 shall be used to contract with an organization offering a statewide network of mediators for the purpose of reducing the backlog of workers' compensation cases awaiting mediation and reducing the time it takes to have cases mediated.

2259A OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 716,708
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 100,000

2261 SPECIAL CATEGORIES
REIMBURSEMENT OF EMPLOYERS
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 115,421,987

2262 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 246,334

2263 SPECIAL CATEGORIES
TRANSFER TO HEALTH CARE AGENCY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 645,408

2264 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,738,394

2265 FINANCIAL ASSISTANCE PAYMENTS
PAYMENTS TO CLAIMANTS
FROM SELF INSURANCE ASSESSMENT TRUST
FUND 2,500,000

2266 FINANCIAL ASSISTANCE PAYMENTS
SUPPLEMENTAL WORKERS' COMPENSATION
BENEFITS
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 23,020,026

2267 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,216,682

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FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 42

TOTAL: PROGRAM: WORKERS' COMPENSATION

FROM TRUST FUNDS 186,153,787

TOTAL POSITIONS 604
TOTAL ALL FUNDS 186,153,787

PROGRAM: SAFETY

2268 SALARIES AND BENEFITS POSITIONS 80
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 4,028,805

2268A OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 200,000

2268B EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,614,800

2268C OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 150,000

2270 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 15,350

2271 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 58,957

From funds in Specific Appropriations 2268 through 2271, 80 positions and funding are provided for the Safety Program. These positions and funds are contingent upon legislation becoming law reauthorizing Chapter 442, F.S. Should legislation become law which recreates any portion of the Safety Program, the Executive Office of the Governor is authorized to transfer these positions and funding to the new entity pursuant to s. 216.177, F.S. as required to implement the new program.

TOTAL: PROGRAM: SAFETY

FROM TRUST FUNDS 7,067,912

TOTAL POSITIONS 80
TOTAL ALL FUNDS 7,067,912

PROGRAM: UNEMPLOYMENT COMPENSATION

2272 SALARIES AND BENEFITS POSITIONS 816
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 29,972,762

2272A OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 444,614

2272B EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 7,415,178

2272C OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 117,378

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2274 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 984,142

2275 FINANCIAL ASSISTANCE PAYMENTS
UNEMPLOYMENT COMPENSATION BENEFITS
FROM UNEMPLOYMENT COMPENSATION BENEFIT
TRUST FUND 850,000,000

2276 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 3,915,724

TOTAL: PROGRAM: UNEMPLOYMENT COMPENSATION

FROM TRUST FUNDS 892,849,798

TOTAL POSITIONS 816
TOTAL ALL FUNDS 892,849,798

PROGRAM: UNEMPLOYMENT APPEALS COMMISSION

From the funds in Specific Appropriations 2282 through 2285, the Unemployment Appeals Commission Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide rapid, cost effective review and decisions for appealed unemployment compensation claims.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of unemployment compensation appeals disposed within 45 days	50%
Percent of unemployment compensation appeals disposed within 90 days	95%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2282 through 2284A shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.	

2282 SALARIES AND BENEFITS POSITIONS 33
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,736,513

2283 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 58,400

2284 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 379,720

2284A OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 100,737

2285 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 5,748

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TOTAL: PROGRAM: UNEMPLOYMENT APPEALS COMMISSION

FROM TRUST FUNDS 2,281,118

TOTAL POSITIONS 33
TOTAL ALL FUNDS 2,281,118

PROGRAM: WORKFORCE AND EMPLOYMENT OPPORTUNITIES

From the funds in Specific Appropriations 2248 through 2250, 2272 through 2276 and 2286 through 2298A, the Workforce and Employment Opportunities Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide employment services and training opportunities that promote a strong Florida economy.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Increase the percentage of customers directly placed in jobs or obtaining employment within 90 days of receiving services from Workforce and Employment Opportunities from 22% to 23%	23%
Percent of job openings filled	50.2%
Additional Approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2248 through 2250, 2272 through 2272C, 2276, 2286 through 2286C, 2297 and 2298 shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.	

2286 SALARIES AND BENEFITS POSITIONS 1,124
FROM GENERAL REVENUE FUND 589,729
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 44,134,377

2286A OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 6,000,000

2286B EXPENSES
FROM GENERAL REVENUE FUND 100,000
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 13,995,442

2286C OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 500,000

2289 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 13,354,000

2290 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE DEVELOPMENT
BOARDS - FEDERAL WELFARE TO WORK GRANT
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 50,756,512

2291 SPECIAL CATEGORIES
TRANSFER TO OFFICE OF TRADE, TOURISM AND
ECONOMIC DEVELOPMENT IN THE EXECUTIVE
OFFICE OF THE GOVERNOR
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 490,862

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2292 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,027,075

2293 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE INVESTMENT ACT
- ADULT ALLOCATION
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 41,604,521

2294 SPECIAL CATEGORIES
GRANTS AND AIDS - SUMMER YOUTH
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 35,905,728

2295 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE INVESTMENT ACT
- YOUTH ALLOCATION
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 5,451,760

2296 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE INVESTMENT ACT
- DISLOCATED WORKER ALLOCATION
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 37,376,186

2297 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 6,919,053

2298 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY
SYSTEM
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 152,500

2298A FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM SPECIAL EMPLOYMENT SECURITY TRUST
FUND 205,000

TOTAL: PROGRAM: WORKFORCE AND EMPLOYMENT OPPORTUNITIES

FROM GENERAL REVENUE FUND 689,729
FROM TRUST FUNDS 257,873,016

TOTAL POSITIONS 1,124
TOTAL ALL FUNDS 258,562,745

PROGRAM: BLIND SERVICES

From the funds in Specific Appropriations 2299 through 2311A, the Blind Services Program, the purpose of which is to obtain employment outcomes and maximize independence and integration into the community for Floridians who are blind or visually impaired.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent/number of rehabilitation customers gainfully employed at least 90 days	68.3%/847
Percent/number of rehabilitation customers placed in competitive employment	64.3%/654

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Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2299 through 2299B, 2300A, and 2308 through 2311 shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.

2299 SALARIES AND BENEFITS POSITIONS 306
FROM GENERAL REVENUE FUND 3,324,300
FROM FEDERAL REHABILITATION TRUST FUND . . 7,263,664

2299A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,591
FROM ADMINISTRATIVE TRUST FUND 95,047
FROM FEDERAL REHABILITATION TRUST FUND . . 95,354

2299B EXPENSES
FROM GENERAL REVENUE FUND 412,945
FROM ADMINISTRATIVE TRUST FUND 29,000
FROM FEDERAL REHABILITATION TRUST FUND . . 2,316,803

2300 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY REHABILITATION
FACILITIES
FROM ADMINISTRATIVE TRUST FUND 1,259,121
FROM FEDERAL REHABILITATION TRUST FUND . . 3,682,763

2300A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 58,590
FROM FEDERAL REHABILITATION TRUST FUND . . 7,698

2301 FOOD PRODUCTS
FROM FEDERAL REHABILITATION TRUST FUND . . 79,920

2303 SPECIAL CATEGORIES
GRANTS AND AIDS - CLIENT SERVICES
FROM GENERAL REVENUE FUND 2,355,671
FROM ADMINISTRATIVE TRUST FUND 563,277
FROM FEDERAL REHABILITATION TRUST FUND . . 94,440

From funds in Specific Appropriation 2303, $530,000 from the General Revenue Fund is provided to the Blind Babies Program.

From funds provided in Specific Appropriation 2303, $75,000 from the General Revenue Fund is provided for the Recording for the Blind & Dyslexic, Florida Unit.

2304 SPECIAL CATEGORIES
GRANTS AND AIDS - VOCATIONAL
REHABILITATION
FROM GENERAL REVENUE FUND 3,451,911
FROM FEDERAL REHABILITATION TRUST FUND . . 4,356,954

2305 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 166,049
FROM FEDERAL REHABILITATION TRUST FUND . . 218,418

2306 SPECIAL CATEGORIES
LIBRARY SERVICES
FROM GENERAL REVENUE FUND 50,000

2307 SPECIAL CATEGORIES
VENDING STANDS - EQUIPMENT AND SUPPLIES
FROM ADMINISTRATIVE TRUST FUND 895,000
FROM FEDERAL REHABILITATION TRUST FUND . . 1,002,707

2308 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF
EDUCATION
FROM GENERAL REVENUE FUND 19,216
FROM FEDERAL REHABILITATION TRUST FUND . . 410,576

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2309 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM GENERAL REVENUE FUND 92
FROM FEDERAL REHABILITATION TRUST FUND . . 5,350

2310 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 123,280

2311 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 4,162
FROM FEDERAL REHABILITATION TRUST FUND . . 115,838

2311A FIXED CAPITAL OUTLAY
INTERSTATE VENDING PAVILIONS - STATEWIDE - DMS MGD
FROM ADMINISTRATIVE TRUST FUND 400,000

TOTAL: PROGRAM: BLIND SERVICES
FROM GENERAL REVENUE FUND 9,855,527
FROM TRUST FUNDS 23,015,210

TOTAL POSITIONS 306
TOTAL ALL FUNDS 32,870,737

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

2312 SALARIES AND BENEFITS POSITIONS 299
FROM GENERAL REVENUE FUND 1,029,249
FROM ADMINISTRATIVE TRUST FUND 7,944,219
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 2,921,540
FROM REVOLVING TRUST FUND 884,051

2313 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 100,000
FROM ADMINISTRATIVE TRUST FUND 354,492
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 180,000
FROM REVOLVING TRUST FUND 594,929

2314 EXPENSES
FROM GENERAL REVENUE FUND 246,268
FROM ADMINISTRATIVE TRUST FUND 3,191,425
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,300,000
FROM REVOLVING TRUST FUND 3,765,867
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 225,880

2315 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 216,650
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 200,000

2316 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 65,868

2317 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COUNCIL ON INDIAN AFFAIRS
FROM GENERAL REVENUE FUND 114,987

2317A SPECIAL CATEGORIES
REIMBURSEMENT TO FEDERAL GOVERNMENT
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 1,300,000

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2318 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 148,464

2319 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM ADMINISTRATIVE TRUST FUND 844,167
FROM REVOLVING TRUST FUND 388

2320 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM ADMINISTRATIVE TRUST FUND 93,777

TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,490,504
FROM TRUST FUNDS 24,231,717

TOTAL POSITIONS 299
TOTAL ALL FUNDS 25,722,221

PROGRAM: INFORMATION TECHNOLOGY

From the funds in Specific Appropriations 2321 through 2325, the Information Technology Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to support agency functions through the management of information resources.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of data processing requests completed by due date	95%
Percent of scheduled production jobs completed	99.9%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2321 through 2324 shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.	

2321 SALARIES AND BENEFITS POSITIONS 140
FROM GENERAL REVENUE FUND 2,642
FROM WORKING CAPITAL TRUST FUND 6,594,887

2322 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 200,000

2323 EXPENSES
FROM WORKING CAPITAL TRUST FUND 7,459,941

2324 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 134,058

2325 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 20,928

TOTAL: PROGRAM: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 2,642
FROM TRUST FUNDS 14,409,814

TOTAL POSITIONS 140
TOTAL ALL FUNDS 14,412,456

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SPECIFIC
APPROPRIATION
PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION

From the funds in Specific Appropriations 2326 through 2333, the Public Employees Relations Commission Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to promote harmonious employer/employee relations at the state and local levels by resolving and mediating workplace disputes.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of timely labor dispositions	96%
Percent of timely employment dispositions	98%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2326 through 2329 and 2333 shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.

2326 SALARIES AND BENEFITS POSITIONS 40		
FROM GENERAL REVENUE FUND	2,571,110	
2327 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	134,640	
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		5,000
2328 EXPENSES		
FROM GENERAL REVENUE FUND	548,956	
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		48,648
2329 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	13,120	
2331 SPECIAL CATEGORIES		
EMPLOYEE LEAVE PAYMENTS		
FROM GENERAL REVENUE FUND	70,000	
2332 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	13,274	
2333 DATA PROCESSING SERVICES		
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
FROM GENERAL REVENUE FUND	27,598	
TOTAL: PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION		
FROM GENERAL REVENUE FUND	3,378,698	
FROM TRUST FUNDS		53,648
TOTAL POSITIONS	40	
TOTAL ALL FUNDS		3,432,346

LEGISLATIVE BRANCH

The amount of $40,000 per day is hereby appropriated from the General Revenue Fund to supplement the amounts provided in Specific Appropriations 2334 and 2335 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

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APPROPRIATION
SENATE

2334 LUMP SUM		
SENATE		
FROM GENERAL REVENUE FUND	32,159,012	
HOUSE OF REPRESENTATIVES		
2335 LUMP SUM		
HOUSE		
FROM GENERAL REVENUE FUND	53,310,348	
LEGISLATIVE SUPPORT SERVICES		
2336 LUMP SUM		
LEGISLATIVE SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	27,438,640	
FROM LEGISLATIVE LOBBYIST REGISTRATION TRUST FUND		215,315
2337 LUMP SUM		
LEGISLATURE - ADMINISTERED FUNDS		
FROM GRANTS AND DONATIONS TRUST FUND		7,500
2338 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	427,411	
TOTAL: LEGISLATIVE SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	27,866,051	
FROM TRUST FUNDS		222,815
TOTAL ALL FUNDS		28,088,866
ADMINISTRATIVE PROCEDURES COMMITTEE		
2339 LUMP SUM		
ADMINISTRATIVE PROCEDURES		
FROM GENERAL REVENUE FUND	1,347,225	
INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE ON		
2340 LUMP SUM		
LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL RELATIONS		
FROM GENERAL REVENUE FUND	757,716	
OFFICE OF PUBLIC COUNSEL		
2341 LUMP SUM		
PUBLIC COUNSEL		
FROM GENERAL REVENUE FUND	2,644,796	
ETHICS, COMMISSION ON		
2342 LUMP SUM		
LOBBY REGISTRATION		
FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND		103,393
2343 LUMP SUM		
ETHICS COMMISSION		
FROM GENERAL REVENUE FUND	1,715,992	
FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND		305
2344 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	30,898	

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TOTAL: ETHICS, COMMISSION ON
FROM GENERAL REVENUE FUND 1,746,890
FROM TRUST FUNDS 103,698

TOTAL ALL FUNDS 1,850,588

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

2345 EXPENSES
FROM GENERAL REVENUE FUND 71,315

PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF

2347 LUMP SUM
PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY
FROM GENERAL REVENUE FUND 7,093,278

2348 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,433

TOTAL: PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF
FROM GENERAL REVENUE FUND 7,106,711

TOTAL ALL FUNDS 7,106,711

AUDITOR GENERAL

2349 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 34,781,342

2350 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 152,047

TOTAL: AUDITOR GENERAL
FROM GENERAL REVENUE FUND 34,933,389

TOTAL ALL FUNDS 34,933,389

AUDITING COMMITTEE

2351 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 311,395

2352 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 660

TOTAL: AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 312,055

TOTAL ALL FUNDS 312,055

LOTTERY, DEPARTMENT OF THE

PROGRAM: LOTTERY OPERATIONS

From the funds provided in Specific Appropriations 2353 through 2366, the department is prohibited from expending funds for the building leases on the Redemption Centers in Panama City and Melbourne, effective July 1, 2000, in order to implement the department's restructuring plan.

The Department of Lottery is authorized to retain $3.4 million, related to the savings from the department's restructuring plan, in the prize payment account to increase prize payouts of lottery games. The department shall continue to document the increased ticket sales and associated revenues to education which result from such prize payment increases for further evaluation by the Auditor General, as part of an operational compliance audit of the department. Based on the results of the additional analysis, increases in the amount of savings to be retained in the prize payment account may be considered for the subsequent fiscal year.

2353 SALARIES AND BENEFITS POSITIONS 525
FROM ADMINISTRATIVE TRUST FUND 24,094,607

2354 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,499,545

2355 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 14,521,276

2356 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,876,571

2357 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 332,000

2358 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 5,092

2359 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 15,332,063

2360 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 36,240,934

From the funds in Specific Appropriation 2360, the Department of Lottery is authorized to utilize up to $2,000,000 for the purpose of contracting with an established Florida problem gambling organization for a Compulsive Gambling Program.

2361 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 31,894,592

The Department is authorized to submit budget amendments in accordance with Chapter 216, F.S., to increase Specific Appropriation 2361 in the event on-line sales are greater than the projected sales used to calculate the amount appropriated.

2362 SPECIAL CATEGORIES
LOTTERY INSTANT TICKET VENDING MACHINES
FROM ADMINISTRATIVE TRUST FUND 2,940,000

2363 SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM ADMINISTRATIVE TRUST FUND 2,500,000

2364 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 533,749

2365 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 19,583

2365A SPECIAL CATEGORIES
TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 17,519,955

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2366 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 2,681

From the funds in Specific Appropriations 2353 through 2366, the Lottery Operations Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Total dollars transferred to the Educational Enhancement Trust Fund	$886.7 million
2. Operating expense as percent of total revenue	11.44%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2353, 2354, 2355, and 2356 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: PROGRAM: LOTTERY OPERATIONS
FROM TRUST FUNDS 149,312,648

TOTAL POSITIONS 525
TOTAL ALL FUNDS 149,312,648

MANAGEMENT SERVICES, DEPARTMENT OF

PROGRAM: ADMINISTRATION PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2367 SALARIES AND BENEFITS POSITIONS 114
FROM ADMINISTRATIVE TRUST FUND 5,587,480

2368 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 134,700

2369 EXPENSES
FROM GENERAL REVENUE FUND 367,729
FROM ADMINISTRATIVE TRUST FUND 683,377

2370 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 71,240

2371 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 31,108

2372 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 32,122

2373 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 67,930

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 367,729
FROM TRUST FUNDS 6,607,957

TOTAL POSITIONS 114
TOTAL ALL FUNDS 6,975,686

SECTION 6
SPECIFIC
APPROPRIATION
STATE TECHNOLOGY OFFICE

2374 SALARIES AND BENEFITS POSITIONS 8
FROM GENERAL REVENUE FUND 507,917

2375 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 11,925

2376 EXPENSES
FROM GENERAL REVENUE FUND 200,811

2376A SPECIAL CATEGORIES
STATE PORTAL DEVELOPMENT
FROM GENERAL REVENUE FUND 100,000
FROM WORKING CAPITAL TRUST FUND 1,900,000

From the funds in Specific Appropriation 2376A, the State Technology Office shall provide an integrated electronic system for deploying government products, services, and information to individuals and businesses. The integrated electronic system shall reflect cost-effective deployment strategies in keeping with industry standards and practices. In order to generate the trust fund receipts appropriated in Specific Appropriation 2376A, the State Technology Office is authorized to assess state entities on an equitable basis, including but not limited to, the Division of Community Colleges, public community colleges, the Board of Regents, public state universities, the State Board of Independent Colleges and Universities, the State Board of Independent Vocational, Technical, Trade and Business Schools, and water management districts and regional planning councils for the cost of developing and deploying the integrated electronic system. In-kind contributions may be negotiated in lieu of cash assessments. Total cash assessments for all entities may not exceed $1,900,000. All entities included in the integrated electronic system are also directed to provide an inventory of services they provide as well as the databases and applications that support the functions to facilitate integration efforts. The State Technology Office is authorized to receive transfers as well as make transfers that support the implementation efforts outlined herein.

2377 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,480

TOTAL: STATE TECHNOLOGY OFFICE
FROM GENERAL REVENUE FUND 822,133
FROM TRUST FUNDS 1,900,000

TOTAL POSITIONS 8
TOTAL ALL FUNDS 2,722,133

STATE EMPLOYEE LEASING

2378 SALARIES AND BENEFITS POSITIONS 19
FROM ADMINISTRATIVE TRUST FUND 1,338,087

PROGRAM: SMART (SOUNDLY MADE, ACCOUNTABLE, REASONABLE, THRIFTY), SCHOOLS CLEARINGHOUSE

2379 SALARIES AND BENEFITS POSITIONS 3
FROM GENERAL REVENUE FUND 256,757

2380 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 58,585

2381 EXPENSES
FROM GENERAL REVENUE FUND 113,086

2382 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 151,247

2383 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 85

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APPROPRIATION

2384 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 64,096

TOTAL: PROGRAM: SMART (SOUNDLY MADE, ACCOUNTABLE, REASONABLE, THRIFTY), SCHOOLS CLEARINGHOUSE
FROM GENERAL REVENUE FUND 643,856

TOTAL POSITIONS 3
TOTAL ALL FUNDS 643,856

PROGRAM: FACILITIES PROGRAM

FACILITIES MANAGEMENT

From funds in Specific Appropriations 2385 and 2386, the department may submit a budget amendment requesting positions in excess should renegotiations for private sector maintenance and ground keeping services result in a contract that is not cost effective to the state.

2385 SALARIES AND BENEFITS POSITIONS 455
FROM GENERAL REVENUE FUND 210,934
FROM SUPERVISION TRUST FUND 14,341,311

2385A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,000
FROM SUPERVISION TRUST FUND 470,000

2386 EXPENSES
FROM GENERAL REVENUE FUND 113,680
FROM SUPERVISION TRUST FUND 10,858,223

2386A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,000
FROM SUPERVISION TRUST FUND 277,000

2387 LUMP SUM
FACILITIES PROGRAM
FROM GENERAL REVENUE FUND 2,677,537
FROM SUPERVISION TRUST FUND 304,367

Funds in Specific Appropriation 2387 may be transferred to the Executive Office of the Governor and the Department of Insurance, as appropriate, to implement the office space relocation plan for the capitol center, subject to the provisions of section 216.177, Florida Statutes.

2387A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM SUPERVISION TRUST FUND 30,000

2388 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,076
FROM SUPERVISION TRUST FUND 296,114

2388A SPECIAL CATEGORIES
STATE UTILITY PAYMENTS
FROM GENERAL REVENUE FUND 12,000
FROM SUPERVISION TRUST FUND 14,212,461

2389 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM SUPERVISION TRUST FUND 72,452

2389A FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS
STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 1,648,088

SECTION 6
SPECIFIC
APPROPRIATION

2389B FIXED CAPITAL OUTLAY
BUILDING SITE REPAIRS AND IMPROVEMENTS - DMS MGD
FROM GENERAL REVENUE FUND 40,792
FROM SUPERVISION TRUST FUND 478,992

2389C FIXED CAPITAL OUTLAY
ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 32,426
FROM SUPERVISION TRUST FUND 1,458,334

2389D FIXED CAPITAL OUTLAY
BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 57,374
FROM SUPERVISION TRUST FUND 532,989

2389E FIXED CAPITAL OUTLAY
BUILDING INTERIOR MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 2,436
FROM SUPERVISION TRUST FUND 222,459

2389F FIXED CAPITAL OUTLAY
MECHANICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 2,018,844

2389G FIXED CAPITAL OUTLAY
HEATING,VENTILATION AND AIR CONDITIONING SYSTEM REPLACEMENT - DMS MGD
FROM GENERAL REVENUE FUND 500,000

2389H FIXED CAPITAL OUTLAY
PLUMBING SYSTEM MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 222,127

2389I FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 443,292

2389J FIXED CAPITAL OUTLAY
SPECIALIZED BUILDING EQUIPMENT MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 70,118

2389K FIXED CAPITAL OUTLAY
BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 609,183

2389L FIXED CAPITAL OUTLAY
INTERIOR REPAIRS AND MAINTENANCE OF POOL FACILITIES - LEASED SPACE
FROM SUPERVISION TRUST FUND 1,411,916

2389M FIXED CAPITAL OUTLAY
INFRASTRUCTURE CONSTRUCTION - SATELLITE CENTER - LEON COUNTY - DMS MGD
FROM GENERAL REVENUE FUND 2,052,792

2389N FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD
FROM SUPERVISION TRUST FUND 1,162,110

2389O FIXED CAPITAL OUTLAY
CAPITOL BUILDING REPAIRS & RENOVATIONS - DMS MGD
FROM GENERAL REVENUE FUND 1,500,000

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2390 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM GENERAL REVENUE FUND 4,059,798
FROM FLORIDA FACILITIES POOL CLEARING
TRUST FUND 28,945,699

TOTAL: FACILITIES MANAGEMENT
FROM GENERAL REVENUE FUND 11,279,845
FROM TRUST FUNDS 80,086,079

TOTAL POSITIONS 455
TOTAL ALL FUNDS 91,365,924

BUILDING CONSTRUCTION

2391 SALARIES AND BENEFITS POSITIONS 59
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 3,177,175

2391A OTHER PERSONAL SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 15,000

2392 EXPENSES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 704,503

2392A OPERATING CAPITAL OUTLAY
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 128,913

2394 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 141,300

2395 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 26,204

2396 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 37,723

Funds in Specific Appropriations 2391 through 2396 from the Architects Incidental Trust Fund for the operation of the Facilities Program, are based on an assessment against each fixed capital outlay appropriation in which the department serves as owner-representative on behalf of the state. The assessments for appropriations made for the 2000-2001 fiscal year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by Chapter 91-193, Laws of Florida.

2396A FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS
THAN $100,000 STATEWIDE - DMS MGD
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 1,500,000

TOTAL: BUILDING CONSTRUCTION
FROM TRUST FUNDS 5,730,818

TOTAL POSITIONS 59
TOTAL ALL FUNDS 5,730,818

FLORIDA CAPITOL POLICE

2397 SALARIES AND BENEFITS POSITIONS 142
FROM SUPERVISION TRUST FUND 4,705,819

With the funds and positions provided in Specific Appropriation 2397, the Florida Capitol Police, Department of Management Services, must ensure that support to the Sergeants at Arms of the Senate and House of Representatives is provided to meet the security needs of the legislative session and other events and functions that require an increased law enforcement presence.

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2397A OTHER PERSONAL SERVICES
FROM SUPERVISION TRUST FUND 15,000

2398 EXPENSES
FROM SUPERVISION TRUST FUND 936,011

2398A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 418,000
FROM SUPERVISION TRUST FUND 137,869

From the funds in Specific Appropriation 2398A, $418,000 from the General Revenue Fund is provided to expand the 800 megahertz radio system of the Florida Capitol Police to include staff of the Senate and House Sergeants at Arms. In the event funds need to be expended from other appropriation categories to accomplish this purpose, the Executive Office of the Governor shall make the necessary budget transfers pursuant to the provisions of Chapter 216, Florida Statutes.

2400 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SUPERVISION TRUST FUND 152,036

2400A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM SUPERVISION TRUST FUND 38,064

2401 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM SUPERVISION TRUST FUND 6,969

From funds in Specific Appropriations 2385 through 2401, the Facilities Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Gross square foot construction cost of office facilities: DMS	$84.94
2. Average DMS full service rent - composite cost per net square foot (actual)	$15.39
3. DMS average operations and maintenance cost per net square foot maintained	$5.20

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2385, 2385A, 2386, 2386A, 2387, 2388A, 2391, 2391A, 2392, 2392A, 2394, 2397, 2397A, 2398 and 2398A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: FLORIDA CAPITOL POLICE
FROM GENERAL REVENUE FUND 418,000
FROM TRUST FUNDS 5,991,768

TOTAL POSITIONS 142
TOTAL ALL FUNDS 6,409,768

PROGRAM: WAGES CONTRACTING PROGRAM

From the funds in Specific Appropriations 2402 through 2407 any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the department, each provider shall certify to the department the number of clients to be served and their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

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From the funds in Specific Appropriations 2402 through 2407 any expenditure of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or his designee to be funds which are for planned expenditures which are to be counted as Qualified State Expenditures in order to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of part A of Title IV of the Social Security Act, as amended. The Secretary or his designee shall certify that controls are in place to ensure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)

2402	SALARIES AND BENEFITS POSITIONS	18	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		910,361
2403	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		416,885
2404	EXPENSES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		8,013,566
2405	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,118
2406	SPECIAL CATEGORIES		
	CONTRACT PAYMENTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,275,000
2407	SPECIAL CATEGORIES		
	GRANTS AND AIDS - WAGES COALITIONS ALLOCATION		
	FROM GENERAL REVENUE FUND	500,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		163,234,917
TOTAL:	WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)		
	FROM GENERAL REVENUE FUND	500,000	
	FROM TRUST FUNDS		173,866,847
	TOTAL POSITIONS	18	
	TOTAL ALL FUNDS		174,366,847

PROGRAM: SUPPORT PROGRAM

AIRCRAFT MANAGEMENT

2408	SALARIES AND BENEFITS POSITIONS	17	
	FROM BUREAU OF AIRCRAFT TRUST FUND		785,684
2408A	OTHER PERSONAL SERVICES		
	FROM BUREAU OF AIRCRAFT TRUST FUND		39,420
2408B	EXPENSES		
	FROM GENERAL REVENUE FUND	216,000	
	FROM BUREAU OF AIRCRAFT TRUST FUND		948,379
2408C	OPERATING CAPITAL OUTLAY		
	FROM BUREAU OF AIRCRAFT TRUST FUND		16,000
2410	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM BUREAU OF AIRCRAFT TRUST FUND		20,298
2411	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM BUREAU OF AIRCRAFT TRUST FUND		9,494

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TOTAL:	AIRCRAFT MANAGEMENT		
	FROM GENERAL REVENUE FUND	216,000	
	FROM TRUST FUNDS		1,819,275
	TOTAL POSITIONS	17	
	TOTAL ALL FUNDS		2,035,275

FEDERAL PROPERTY ASSISTANCE

2412	SALARIES AND BENEFITS POSITIONS	23	
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		782,083
2412A	OTHER PERSONAL SERVICES		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		10,000
2412B	EXPENSES		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		389,000
2412C	OPERATING CAPITAL OUTLAY		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		19,125
2413A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		70,000
2413B	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		153,000
2414	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		8,802
2414A	SPECIAL CATEGORIES		
	REFURBISH SURPLUS PROPERTY		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		5,000
2415	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		55,808
TOTAL:	FEDERAL PROPERTY ASSISTANCE		
	FROM TRUST FUNDS		1,492,818
	TOTAL POSITIONS	23	
	TOTAL ALL FUNDS		1,492,818

MOTOR VEHICLE AND WATERCRAFT MANAGEMENT

2416	SALARIES AND BENEFITS POSITIONS	24	
	FROM GENERAL REVENUE FUND	434,686	
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		611,612
2416A	OTHER PERSONAL SERVICES		
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		18,848
2417	EXPENSES		
	FROM GENERAL REVENUE FUND	47,562	
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		877,567
2417A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	3,500	
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		30,000

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2418A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM MOTOR VEHICLE OPERATING TRUST FUND . 289,124

2419 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,010
FROM MOTOR VEHICLE OPERATING TRUST FUND . 20,239

2419A SPECIAL CATEGORIES
PAYMENT OF EXPENSES FROM SALE OF AGENCY VEHICLES
FROM MOTOR VEHICLE OPERATING TRUST FUND . 650,000

2420 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM MOTOR VEHICLE OPERATING TRUST FUND . 200,158

TOTAL: MOTOR VEHICLE AND WATERCRAFT MANAGEMENT
FROM GENERAL REVENUE FUND 487,758
FROM TRUST FUNDS 2,697,548

TOTAL POSITIONS 24
TOTAL ALL FUNDS 3,185,306

PURCHASING OVERSIGHT

2421 SALARIES AND BENEFITS POSITIONS 70
FROM GENERAL REVENUE FUND 545,332
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,731,234

2421A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,000

2422 EXPENSES
FROM GENERAL REVENUE FUND 501,168
FROM GRANTS AND DONATIONS TRUST FUND . . . 610,247

2422A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 30,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 46,000

2423A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,280,000

2424 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,406
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,491

2425 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 338,436
FROM GRANTS AND DONATIONS TRUST FUND . . . 233,000

From funds in Specific Appropriations 2408 through 2425, the Support Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Percent of state term contracts savings	39%
2. Average percent state rental vehicles below state rental contract rates	30%
3. Federal property distribution rate	85%

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Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2408, 2408A, 2408B, 2408C, 2412, 2412A, 2412B, 2412C, 2413B, 2416, 2416A, 2417, 2417A, 2421, 2421A, 2422, 2422A and 2423A have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: PURCHASING OVERSIGHT
FROM GENERAL REVENUE FUND 1,447,842
FROM TRUST FUNDS 4,926,972

TOTAL POSITIONS 70
TOTAL ALL FUNDS 6,374,814

WORKFORCE PROGRAMS

PROGRAM: HUMAN RESOURCE MANAGEMENT

Funds in Specific Appropriations 2426 through 2431 from the State Personnel System Trust Fund are based upon a personnel assessment of $59 per person.

2426 SALARIES AND BENEFITS POSITIONS 53
FROM GENERAL REVENUE FUND 122,606
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 2,753,891

2426A OTHER PERSONAL SERVICES
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 40,000

2427 EXPENSES
FROM GENERAL REVENUE FUND 147,649
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 1,663,416

From the funds in Specific Appropriation 2427, $100,000 from the Grants and Donations Trust Fund represents fees collected by the ADA Working Group.

2427A OPERATING CAPITAL OUTLAY
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 50,000

2428A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 150,000

2429 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 16,593

2430 SPECIAL CATEGORIES
STATE EMPLOYEE'S CHARITABLE CAMPAIGN
FROM GENERAL REVENUE FUND 17,000

2431 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 1,276,276
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 3,743,561

From funds in Specific Appropriations 2426 through 2431, the Human Resource Management Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Total program cost per authorized position in the state personnel system.....	$78.76
2. Overall customer satisfaction rating.....	85%

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Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2426, 2426A, 2427, 2427A and 2428A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: PROGRAM: HUMAN RESOURCE MANAGEMENT
FROM GENERAL REVENUE FUND 1,563,531
FROM TRUST FUNDS 8,517,461

TOTAL POSITIONS 53
TOTAL ALL FUNDS 10,080,992

PROGRAM: INSURANCE BENEFITS ADMINISTRATION

2432 SALARIES AND BENEFITS POSITIONS 104
FROM PRETAX BENEFITS TRUST FUND 1,132,072
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 73,359
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 3,424,787
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 40,908

2432A OTHER PERSONAL SERVICES
FROM PRETAX BENEFITS TRUST FUND 422,370
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 927,630

2433 EXPENSES
FROM PRETAX BENEFITS TRUST FUND 355,471
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 26,546
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 1,230,644
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 41,588

2433A OPERATING CAPITAL OUTLAY
FROM PRETAX BENEFITS TRUST FUND 90,324
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 45,342

2435 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 24,136

2436 SPECIAL CATEGORIES
ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 28,500,000

2437 SPECIAL CATEGORIES
PRESCRIPTION DRUG CLAIMS ADMINISTRATION
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 642,903

2438 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PRETAX BENEFITS TRUST FUND 12,850
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 885
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 34,895
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 443

2439 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PRETAX BENEFITS TRUST FUND 305,520
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 28,215
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 681,685
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 52,272

From the funds in Specific Appropriations 2432 through 2439, the Insurance Benefits Administration Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Customer feedback ranking for Division (scale of 1 to 5)	3.5
2. Percent of claims reaching final action within 30 days after receipt	98%
3. Administrative cost per health-insurance enrollee	$230.06

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2432, 2432A, 2433 and 2433A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: PROGRAM: INSURANCE BENEFITS ADMINISTRATION
FROM TRUST FUNDS 38,094,845

TOTAL POSITIONS 104
TOTAL ALL FUNDS 38,094,845

PROGRAM: RETIREMENT BENEFITS ADMINISTRATION

Funds in Specific Appropriations 2440 through 2444 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

2440 SALARIES AND BENEFITS POSITIONS 246
FROM OPERATING TRUST FUND 9,996,603
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 79,872
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 599,310
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 31,503

2440A OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 441,153
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 52,750
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 100

2440B EXPENSES
FROM FLORIDA RETIREMENT SYSTEM TRUST FUND 9,642
FROM OPERATING TRUST FUND 4,705,633
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 216,749
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 99,955
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 12,461

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2440C OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 409,897
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 12,050
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 2,500

2442 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 5,548

2442A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 3,208,750
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 114,400

From the Operating Trust Fund in Specific Appropriations 2440A, 2440B, 2440C, and 2442A, $180,000, $1,101,800, $385,214 and $3,208,750, respectively, is provided to complete the Re-Engineering Improvement Modernization automation project. Of the $3,208,750 provided in Specific Appropriation 2442A, $80,000 shall be used for special project monitoring of the Re-Engineering Improvement Modernization automation project, pursuant to section 282.322, Florida Statutes. The $80,000 shall be transferred to the Technology Review Workgroup pursuant to the provisions of Chapter 216, Florida Statutes.

2442B SPECIAL CATEGORIES
OVERTIME
FROM OPERATING TRUST FUND 414,300

2443 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 42,757
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 375
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 1,827
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 225

2444 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 1,358,781
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 20,000
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 12,416

2445 PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND 330,501

2446 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND 6,347,249

2447 PENSIONS AND BENEFITS
MEMBERS BENEFITS
FROM FLORIDA RETIREMENT SYSTEM TRUST FUND 2521,924,722
FROM FL RETIREMENT SYSTEM PRESERVATION OF BENEFITS PLAN TF 50,000
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND 595,590
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 210,217,835

2448 PENSIONS AND BENEFITS
SPECIAL PENSIONS AND RELIEF ACTS
FROM GENERAL REVENUE FUND 9,775

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2449 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)
FROM GENERAL REVENUE FUND 1,580,731

2450 PENSIONS AND BENEFITS
TEACHER'S SPECIAL PENSIONS
FROM GENERAL REVENUE FUND 14,000

From funds in Specific Appropriations 2440 through 2450, the Retirement Benefits Administration Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Administrative cost per active and retired member	$20.39
2. Percent of members satisfied with retirement information	92.78%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2440, 2440A, 2440B, 2440C and 2442A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: PROGRAM: RETIREMENT BENEFITS ADMINISTRATION
FROM GENERAL REVENUE FUND 8,282,256
FROM TRUST FUNDS 2754,637,704

TOTAL POSITIONS 246
TOTAL ALL FUNDS 2762,919,960

PROGRAM: TECHNOLOGY PROGRAM

TELECOMMUNICATIONS SERVICES

2451 SALARIES AND BENEFITS POSITIONS 98
FROM GENERAL REVENUE FUND 5,720
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 4,434,877

2451A OTHER PERSONAL SERVICES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 57,995

2452 EXPENSES
FROM GENERAL REVENUE FUND 28,156
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,710,696
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND 374,220

2453 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO COUNTIES - WIRELESS 911 TELEPHONE SYSTEMS
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND 14,145,835

From the funds in Specific Appropriation 2453, the following projects are funded:

City of Lynn Haven Telecommunications System..... 30,000
City of Port St. Joe Public Safety Communications Infrastructure..... 95,400
Dixie County 911 Enhancements..... 50,000
Expanded 911 Capital Cost - Hendry County..... 150,000
Lafayette County 911 Enhancements..... 100,000
Mexico Beach Emergency Management 800 MHz Upgrade..... 153,000

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Reverse 911 Enhancements	50,000
Sanibel Fast Internet Access (Lee County)	26,400
Union County Enhanced Emergency 911 System	125,000

2454 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO SERVICE PROVIDERS - WIRELESS 911 TELEPHONE SYSTEMS
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND 15,990,945

2454A OPERATING CAPITAL OUTLAY
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 100,000

2457 SPECIAL CATEGORIES
CENTREX AND SUNCOM PAYMENTS
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 108,804,544

From the funds in Specific Appropriation 2457, up to $3,000,000 is provided for the integration of the state's data networks.

2457A SPECIAL CATEGORIES
TELECOMMUNICATIONS INFRASTRUCTURE PROJECT SYSTEMS (TIPS)
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 5,000,000

2458 SPECIAL CATEGORIES
VIDEO TELECONFERENCING INCENTIVE AND CREDIT (TELECREDIT) PILOT PROGRAM
FROM GENERAL REVENUE FUND 220,000

From the funds in Specific Appropriation 2458, the Department of Management Services is authorized to continue a Teleconferencing Incentive Program that is designed to reduce personnel and travel costs. The department shall, in consultation with the Office of Policy and Budgeting in the Executive Office of the Governor, determine which entities have the greatest potential to reduce travel expenses through the use of video teleconferencing. Based on these findings, the Incentive Program shall offer appropriate pricing incentives to those using video teleconferencing services. The funds provided are intended to allow entities to recover operating costs in exchange for using the department's video teleconferencing services. The department shall report quarterly on the balance of the appropriation, the agencies using the service, the incentive amounts received, and the estimated cost avoidance in travel expenditures. The quarterly report must be submitted to the Governor's Office of Policy and Budgeting, the chairman of the House Fiscal Responsibility Council, and the chairman of the Senate Budget Committee.

2459 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 11,413

2461 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,028,162

TOTAL: TELECOMMUNICATIONS SERVICES
FROM GENERAL REVENUE FUND 253,876
FROM TRUST FUNDS 151,658,687

TOTAL POSITIONS 98
TOTAL ALL FUNDS 151,912,563

WIRELESS SERVICES

2462 SALARIES AND BENEFITS POSITIONS 38
FROM GENERAL REVENUE FUND 769,285

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FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 112,217
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,339,783

2462A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,000
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 36,850

2463 EXPENSES
FROM GENERAL REVENUE FUND 43,641
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 65,617
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 5,623,787

2463A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 4,000
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 40,000

2465 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,529
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 235
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 3,261

2465A FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,000,000

2465B FIXED CAPITAL OUTLAY
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM - DMS MGD
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 15,000,000

TOTAL: WIRELESS SERVICES
FROM GENERAL REVENUE FUND 822,455
FROM TRUST FUNDS 23,221,750

TOTAL POSITIONS 38
TOTAL ALL FUNDS 24,044,205

INFORMATION SERVICES

2466 SALARIES AND BENEFITS POSITIONS 142
FROM GENERAL REVENUE FUND 1,263,002
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 75
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,019
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 16,189
FROM WORKING CAPITAL TRUST FUND 5,988,182

2466A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 160,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,000
FROM WORKING CAPITAL TRUST FUND 905,500

2467 EXPENSES
FROM GENERAL REVENUE FUND 1,247,649
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,000
FROM WORKING CAPITAL TRUST FUND 5,298,909

2467A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 90,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,000
FROM WORKING CAPITAL TRUST FUND 2,612,749

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2469 SPECIAL CATEGORIES
DATA CENTER RESEARCH AND DEVELOPMENT
FROM WORKING CAPITAL TRUST FUND 750,000

2469A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,000
FROM WORKING CAPITAL TRUST FUND 2,500,000

Funds in Specific Appropriation 2469A, from the Working Capital Trust Fund, are provided to continue enterprise-wide Independent Research and Advisory Services regarding information technology. These services shall be available to all state entities to assist in the acquisition and management of information technology resources. The Department of Management Services may develop an allocation methodology to provide for the cost-recovery of these funds, if appropriate, subject to the notice and review procedures in section 216.177, Florida Statutes.

The department shall provide summary information regarding usage of these services and the resulting cost savings in a report to the Governor's Office of Policy and Budget, the House Fiscal Responsibility Council, and the Senate Budget Committee by February 1, 2001.

2470 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,390
FROM WORKING CAPITAL TRUST FUND 15,823

2471 SPECIAL CATEGORIES
ONE-STOP PERMITTING PROGRAM COORDINATION
FROM GENERAL REVENUE FUND 1,100,000

From the funds in Specific Appropriation 2471, $1,000,000 is provided for grants to counties.

2472 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 2,000

From funds in Specific Appropriations 2451 through 2472, the Information Technology Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Percent SUNCOM discount from commercial rates for long distance	40%
2. Percent of state covered by the Joint Task Force Radio System	58%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2451, 2451A, 2452, 2454A, 2462, 2462A, 2463, 2463A, 2466, 2466A, 2467 and 2467A shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: INFORMATION SERVICES
FROM GENERAL REVENUE FUND 3,866,041
FROM TRUST FUNDS 18,228,446

TOTAL POSITIONS 142
TOTAL ALL FUNDS 22,094,487

PROGRAM: CORRECTIONAL PRIVATIZATION COMMISSION

PRIVATE PRISONS OPERATIONS

2473 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 252,101
FROM GRANTS AND DONATIONS TRUST FUND . . . 358,546

2474 SPECIAL CATEGORIES
CORRECTIONAL PRIVATIZATION COMMISSION
FROM GENERAL REVENUE FUND 248,333
FROM GRANTS AND DONATIONS TRUST FUND . . . 90,054

2475 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 85
FROM GRANTS AND DONATIONS TRUST FUND . . . 169

2476 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 6,336

TOTAL: PRIVATE PRISONS OPERATIONS
FROM GENERAL REVENUE FUND 506,855
FROM TRUST FUNDS 448,769

TOTAL POSITIONS 10
TOTAL ALL FUNDS 955,624

PROGRAM: COMMISSION ON HUMAN RELATIONS

HUMAN RELATIONS

2477 SALARIES AND BENEFITS POSITIONS 72
FROM GENERAL REVENUE FUND 2,412,736
FROM GRANTS AND DONATIONS TRUST FUND . . . 534,831

2478 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 37,800
FROM GRANTS AND DONATIONS TRUST FUND . . . 77,040

2479 EXPENSES
FROM GENERAL REVENUE FUND 537,647
FROM GRANTS AND DONATIONS TRUST FUND . . . 158,677

2480 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,736

2481 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 213,379
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,775

2482 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 36,000

2483 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,158
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,612

TOTAL: HUMAN RELATIONS
FROM GENERAL REVENUE FUND 3,212,456
FROM TRUST FUNDS 821,935

TOTAL POSITIONS 72
TOTAL ALL FUNDS 4,034,391

PROGRAM: ADMINISTRATIVE HEARINGS

ADJUDICATION OF DISPUTES

From the funds in Specific Appropriations 2484 through 2488, the division shall be reimbursed for administrative law judge services by the following entities: water management districts, regional planning

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councils, school districts, community colleges, the Division of Community Colleges, universities, the Board of Regents, the Florida School for the Deaf and Blind, the State Board of Independent Colleges and Universities, and the State Board of Independent Vocational, Technical, Trade, and Business Schools. Reimbursement for administrative law judge services shall be made by these entities at a rate not less than the contract rate in effect on July 1, 2000. Reimbursement for administrative law judge travel expenses attributable to hearings conducted on behalf of these entities shall be made by these entities.

2484 SALARIES AND BENEFITS POSITIONS 80
FROM ADMINISTRATIVE TRUST FUND 6,539,213

2485 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 481,242

2486 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 1,277,468

2487 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 213,298

2488 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 26,723

From funds in Specific Appropriations 2484 through 2488, the Administrative Hearings Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2000-2001 Standards
Percent of cases closed within 120 days after filling.....	73.09%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2484, 2485, 2486, and 2487 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: ADJUDICATION OF DISPUTES
FROM TRUST FUNDS 8,537,944

TOTAL POSITIONS 80
TOTAL ALL FUNDS 8,537,944

MILITARY AFFAIRS, DEPARTMENT OF

PROGRAM: READINESS AND RESPONSE

From the funds in Specific Appropriations 2488A through 2507E the Readiness and Response Program shall meet the following standards as required by the Government Performance and Accountability Act of 1994, to provide military unit and personnel (at the Governor's request) that are ready to protect life and property; preserve peace, order and public safety; and to contribute to such state and local programs that add value to the State of Florida:

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of supported agencies reporting satisfaction with the department's support for specific missions.....	90%
Percent of authorized filled positions.....	95%

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Additional Approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2488A through 2489A, 2490 through 2493, 2497, 2498, 2500 through 2503, and 2506 through 2507A shall have the budget transfer flexibility produced in subsection 216.292(4), F.S.

DRUG INTERDICTION AND PREVENTION

2488A SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND 100,000

2489 EXPENSES
FROM ARMORY BOARD TRUST FUND 5,000,000
FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND 200,000

2489A OPERATING CAPITAL OUTLAY
FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND 200,000

TOTAL: DRUG INTERDICTION AND PREVENTION
FROM GENERAL REVENUE FUND 100,000
FROM TRUST FUNDS 5,400,000

TOTAL ALL FUNDS 5,500,000

MILITARY READINESS

2490 SALARIES AND BENEFITS POSITIONS 94
FROM GENERAL REVENUE FUND 2,216,872
FROM ARMORY BOARD TRUST FUND 258,512
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 816,522

2491 OTHER PERSONAL SERVICES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 118,172

2492 EXPENSES
FROM GENERAL REVENUE FUND 3,327,720
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 618,244

2493 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 53,087
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 296,901

2494 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 225,000

2495 SPECIAL CATEGORIES
NATIONAL GUARD TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 1,758,315

2496 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 183,767

2496A FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE - FIRE CODES - DMS MGD
FROM GENERAL REVENUE FUND 100,000

2496B FIXED CAPITAL OUTLAY
ROOF INSPECTION/REPAIRS - AGENCYWIDE - DMS MGD
FROM GENERAL REVENUE FUND 200,000

2496C FIXED CAPITAL OUTLAY
CONSTRUCTION - NATIONAL GUARD ARMORY -

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PENSACOLA - DMS MGD		
FROM GENERAL REVENUE FUND	1,916,000	
FROM ARMORY BOARD TRUST FUND		4,628,000
TOTAL: MILITARY READINESS		
FROM GENERAL REVENUE FUND	9,571,994	
FROM TRUST FUNDS		7,145,118
TOTAL POSITIONS	94	
TOTAL ALL FUNDS		16,717,112

MILITARY RESPONSE

2497 SALARIES AND BENEFITS POSITIONS	3	
FROM GENERAL REVENUE FUND	171,542	
2498 EXPENSES		
FROM GENERAL REVENUE FUND	284,359	
2499 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	17,226	
TOTAL: MILITARY RESPONSE		
FROM GENERAL REVENUE FUND	473,127	
TOTAL POSITIONS	3	
TOTAL ALL FUNDS		473,127

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2500 SALARIES AND BENEFITS POSITIONS	48	
FROM GENERAL REVENUE FUND	2,445,951	
2501 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	95,000	
2502 EXPENSES		
FROM GENERAL REVENUE FUND	851,490	
2503 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	68,290	
2504 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	66,000	
2505 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	249,086	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	3,775,817	
TOTAL POSITIONS	48	
TOTAL ALL FUNDS		3,775,817

FEDERAL/STATE COOPERATIVE AGREEMENTS

2506 SALARIES AND BENEFITS POSITIONS	117	
FROM GENERAL REVENUE FUND	54,411	
FROM ARMORY BOARD TRUST FUND		3,919,124
2506A OTHER PERSONAL SERVICES		
FROM ARMORY BOARD TRUST FUND		247,000
2507 EXPENSES		
FROM ARMORY BOARD TRUST FUND		14,649,707
2507A OPERATING CAPITAL OUTLAY		
FROM ARMORY BOARD TRUST FUND		30,000

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2507B SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM ARMORY BOARD TRUST FUND		30,000
2507C SPECIAL CATEGORIES		
GRANTS AND AIDS - WAGES COALITIONS		
ALLOCATION		
FROM ARMORY BOARD TRUST FUND		4,300,000

Funds in Specific Appropriation 2507C, are provided for the About Face Program ($2,500,000) and the Forward March Program ($1,800,000). These expenditures are from the Temporary Assistance for the Needy Families block grant. The State WAGES Board or its successor shall establish a protocol and baseline estimates in order to evaluate and determine the effectiveness of the programs. By January 1, 2001, the State WAGES Board or its successor shall provide a preliminary evaluation report of the programs to the President of the Senate, the Speaker of the House and the Governor.

From the funds in Specific Appropriation 2507C any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the department, each provider shall certify to the department the number of clients to be served and their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

From the funds in Specific Appropriation 2507C any expenditure of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or his designee to be funds which are for planned expenditures which are to be counted as Qualified State Expenditures in order to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of part A of Title IV of the Social Security Act, as amended. The Secretary or his designee shall certify that controls are in place to ensure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

2507D FIXED CAPITAL OUTLAY		
ARMORY EXPANSION AND REHABILITATION - ST. PETERSBURG		
FROM ARMORY BOARD TRUST FUND		1,000,000
2507E FIXED CAPITAL OUTLAY		
CONSTRUCTION - NATIONAL GUARD ARMORY - TAMPA/ST. PETERSBURG - DMS MGD		
FROM ARMORY BOARD TRUST FUND		3,500,000
TOTAL: FEDERAL/STATE COOPERATIVE AGREEMENTS		
FROM GENERAL REVENUE FUND	54,411	
FROM TRUST FUNDS		27,675,831
TOTAL POSITIONS	117	
TOTAL ALL FUNDS		27,730,242

PUBLIC SERVICE COMMISSION

PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE

From the funds in Specific Appropriations 2508 through 2515, the Utilities Regulation/Consumer Assistance Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to provide a regulatory environment that facilitates the provision of desired utility services of acceptable quality at fair prices.

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Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Limit in the percent increase in annual utility bill for average residential usage compared to inflation as measured by the Consumer Price Index within:	1%
Consumer calls:	
Percent of calls answered	72%
Average waiting time	2.0 min.

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2508 through 2511 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

2508 SALARIES AND BENEFITS POSITIONS 399
FROM REGULATORY TRUST FUND 20,814,176

2509 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 507,904

2510 EXPENSES
FROM REGULATORY TRUST FUND 5,236,165

2511 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 389,546

2512 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM REGULATORY TRUST FUND 13,101

2513 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM REGULATORY TRUST FUND 1,314

2514 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 71,829

2514A SPECIAL CATEGORIES
ENERGY 2020 STUDY COMMISSION
FROM REGULATORY TRUST FUND 250,000

Funds in Specific Appropriation 2514A are provided for the Energy 2020 Study Commission to be created by executive order.

2515 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 78,548

TOTAL: PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE
FROM TRUST FUNDS 27,362,583

TOTAL POSITIONS 399
TOTAL ALL FUNDS 27,362,583

REVENUE, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2516 SALARIES AND BENEFITS POSITIONS 356
FROM GENERAL REVENUE FUND 8,627,329

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FROM ADMINISTRATIVE TRUST FUND 4,758,686
FROM CORPORATION TAX ADMINISTRATION TRUST FUND 16,976
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,702,295

2517 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 170,380

2518 EXPENSES
FROM GENERAL REVENUE FUND 28,732
FROM ADMINISTRATIVE TRUST FUND 2,192,547
FROM GRANTS AND DONATIONS TRUST FUND . . . 673,892

2519 AID TO LOCAL GOVERNMENTS
CIGARETTE TAX TO MUNICIPALITIES
FROM MUNICIPAL FINANCIAL ASSISTANCE TRUST FUND 21,600,000

2520 AID TO LOCAL GOVERNMENTS
COUNTY REVENUE SHARING
FROM COUNTY REVENUE SHARING TRUST FUND . . 330,300,000

2521 AID TO LOCAL GOVERNMENTS
MUNICIPAL REVENUE SHARING
FROM MUNICIPAL REVENUE SHARING TRUST FUND 201,700,000

2522 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 321,467

2522A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 62,000

2523 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 204,338

2524 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 14,220
FROM ADMINISTRATIVE TRUST FUND 195,063
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,530

2525 DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 1,062
FROM ADMINISTRATIVE TRUST FUND 770,150
FROM GRANTS AND DONATIONS TRUST FUND . . . 106

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 8,671,343
FROM TRUST FUNDS 566,673,430

TOTAL POSITIONS 356
TOTAL ALL FUNDS 575,344,773

PROGRAM: PROPERTY TAX ADMINISTRATION PROGRAM

PROPERTY TAX COLLECTION OVERSIGHT

2526 SALARIES AND BENEFITS POSITIONS 16
FROM INTANGIBLE TAX TRUST FUND 682,871

2526A OTHER PERSONAL SERVICES
FROM INTANGIBLE TAX TRUST FUND 19,500

2526B EXPENSES
FROM INTANGIBLE TAX TRUST FUND 148,448

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2526C AID TO LOCAL GOVERNMENTS
COUNTY TAX FORMS
FROM INTANGIBLE TAX TRUST FUND 307,500

2526D OPERATING CAPITAL OUTLAY
FROM INTANGIBLE TAX TRUST FUND 30,417

2528 SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR
CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST FUND . . 150,000

2529 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTANGIBLE TAX TRUST FUND 27,202

TOTAL: PROPERTY TAX COLLECTION OVERSIGHT
FROM TRUST FUNDS 1,365,938

TOTAL POSITIONS 16
TOTAL ALL FUNDS 1,365,938

PROPERTY TAX ROLL OVERSIGHT

2530 SALARIES AND BENEFITS POSITIONS 119
FROM INTANGIBLE TAX TRUST FUND 5,541,368

2530A OTHER PERSONAL SERVICES
FROM INTANGIBLE TAX TRUST FUND 25,000

2531 EXPENSES
FROM INTANGIBLE TAX TRUST FUND 1,085,581

2531A AID TO LOCAL GOVERNMENTS
AERIAL PHOTOGRAPHY AND MAPPING
FROM INTANGIBLE TAX TRUST FUND 800,901

2531B AID TO LOCAL GOVERNMENTS
COUNTY TAX FORMS
FROM INTANGIBLE TAX TRUST FUND 307,500

2531C OPERATING CAPITAL OUTLAY
FROM INTANGIBLE TAX TRUST FUND 99,347

2533 SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR
CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST FUND . . 150,000

2534 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTANGIBLE TAX TRUST FUND 18,136

2535 DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM INTANGIBLE TAX TRUST FUND 129,040

TOTAL: PROPERTY TAX ROLL OVERSIGHT
FROM TRUST FUNDS 8,156,873

TOTAL POSITIONS 119
TOTAL ALL FUNDS 8,156,873

TRUTH IN MILLAGE COMPLIANCE

2536 SALARIES AND BENEFITS POSITIONS 6
FROM INTANGIBLE TAX TRUST FUND 250,728

2536A OTHER PERSONAL SERVICES
FROM INTANGIBLE TAX TRUST FUND 9,902

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2536B EXPENSES
FROM INTANGIBLE TAX TRUST FUND 33,444

2536C AID TO LOCAL GOVERNMENTS
AERIAL PHOTOGRAPHY AND MAPPING
FROM INTANGIBLE TAX TRUST FUND 71,830

2536D OPERATING CAPITAL OUTLAY
FROM INTANGIBLE TAX TRUST FUND 21,945

2538 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTANGIBLE TAX TRUST FUND 18,136

From the funds in Specific Appropriations 2526 through 2538, the Property Tax Administration Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to enhance equity in property assessments and taxation throughout the state, and to facilitate equalization of the distribution of required local effort millage:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Percent of classes studied found to have a level of assessment of at least 90 percent.....	97.1%
2. Percent of taxing authorities in total or substantial truth in millage compliance on initial submission.....	97.5%
3. Percent of refund and tax certificate applications processed within 30 days of receipt.....	95%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2526 through 2526B, 2526D, 2530 through 2531, 2531C, 2536 through 2536B and 2536D shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: TRUTH IN MILLAGE COMPLIANCE
FROM TRUST FUNDS 405,985

TOTAL POSITIONS 6
TOTAL ALL FUNDS 405,985

PROGRAM: CHILD SUPPORT

CHILD SUPPORT ORDER ESTABLISHMENT

2539 SALARIES AND BENEFITS POSITIONS 1,188
FROM GENERAL REVENUE FUND 8,570,341
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 4,825,597
FROM GRANTS AND DONATIONS TRUST FUND . . . 26,070,778

2539A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 31,071
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 48,950
FROM GRANTS AND DONATIONS TRUST FUND . . . 95,020

2540 EXPENSES
FROM GENERAL REVENUE FUND 1,855,302
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 1,220,596
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,965,480

2540A OPERATING CAPITAL OUTLAY
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 274,860
FROM GRANTS AND DONATIONS TRUST FUND . . . 533,549

2542 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 45,576
FROM GRANTS AND DONATIONS TRUST FUND . . . 88,470

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2543 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	6,908,074	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,912,940
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND . . .		251,551
FROM GRANTS AND DONATIONS TRUST FUND . . .		36,320,139
2544 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	104,072	
FROM GRANTS AND DONATIONS TRUST FUND . . .		202,022
2545 FINANCIAL ASSISTANCE PAYMENTS		
CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		900,000
2546 DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	824,292	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		535,950
FROM GRANTS AND DONATIONS TRUST FUND . . .		6,154,455
TOTAL: CHILD SUPPORT ORDER ESTABLISHMENT		
FROM GENERAL REVENUE FUND	18,293,152	
FROM TRUST FUNDS		86,445,933
TOTAL POSITIONS	1,188	
TOTAL ALL FUNDS		104,739,085
CHILD SUPPORT COLLECTION AND DISTRIBUTION		
2547 SALARIES AND BENEFITS POSITIONS	269	
FROM GENERAL REVENUE FUND	1,944,959	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,093,024
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,912,414
2547A OTHER PERSONAL SERVICES		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		11,087
FROM GRANTS AND DONATIONS TRUST FUND . . .		21,523
2548 EXPENSES		
FROM GENERAL REVENUE FUND	698,566	
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		50,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,353,135
2548A OPERATING CAPITAL OUTLAY		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		62,257
FROM GRANTS AND DONATIONS TRUST FUND . . .		120,852
2550 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	7,863,582	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		33,659
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		4,300,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		15,329,958
2551 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	23,573	
FROM GRANTS AND DONATIONS TRUST FUND . . .		45,759
2553 FINANCIAL ASSISTANCE PAYMENTS		
CHILD SUPPORT PAYMENTS		
FROM CHILD SUPPORT CLEARING TRUST FUND . .		671,400,000
2554 DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	590,071	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		395,550
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		10,022
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,437,652
TOTAL: CHILD SUPPORT COLLECTION AND DISTRIBUTION		
FROM GENERAL REVENUE FUND	11,120,751	
FROM TRUST FUNDS		704,576,892
TOTAL POSITIONS	269	
TOTAL ALL FUNDS		715,697,643
CHILD SUPPORT ENFORCEMENT		
2555 SALARIES AND BENEFITS POSITIONS	643	
FROM GENERAL REVENUE FUND	4,648,576	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,735,342
FROM GRANTS AND DONATIONS TRUST FUND . . .		14,131,050
2555A OTHER PERSONAL SERVICES		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		26,500
FROM GRANTS AND DONATIONS TRUST FUND . . .		51,440
2556 EXPENSES		
FROM GENERAL REVENUE FUND	1,086,330	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		576,986
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,227,570
2556A OPERATING CAPITAL OUTLAY		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		426,017
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,006,068
2558 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	890,280	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		2,732,507
FROM GRANTS AND DONATIONS TRUST FUND . . .		8,164,967
2559 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	56,340	
FROM GRANTS AND DONATIONS TRUST FUND . . .		109,367
2561 DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	595,856	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		382,050
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,491,735
TOTAL: CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	7,277,382	
FROM TRUST FUNDS		38,061,599
TOTAL POSITIONS	643	
TOTAL ALL FUNDS		45,338,981
CHILD SUPPORT CUSTOMER SERVICE		
2561A SALARIES AND BENEFITS POSITIONS	376	
FROM GENERAL REVENUE FUND	2,712,565	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,524,402
FROM GRANTS AND DONATIONS TRUST FUND . . .		8,245,832
2561B OTHER PERSONAL SERVICES		
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		15,463
FROM GRANTS AND DONATIONS TRUST FUND . . .		30,017
2561C EXPENSES		
FROM GENERAL REVENUE FUND	651,461	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		320,212
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,884,490

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2561D OPERATING CAPITAL OUTLAY
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 86,828
FROM GRANTS AND DONATIONS TRUST FUND . . . 168,549

2561E SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 602,804
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 269,293
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,692,929

2561F SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 32,876
FROM GRANTS AND DONATIONS TRUST FUND . . . 63,818

2561G DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 56,061
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 36,450
FROM GRANTS AND DONATIONS TRUST FUND . . . 418,565

From the funds in Specific Appropriations 2539 through 2561G, the Child Support Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to effectively administer and enforce the child support enforcement laws of Florida:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Percentage of children with a court order for support....	52%
2. Total child support dollars collected per $1 of expenditures.....	$3.05
3. Percent of child support collected that was due during the fiscal year.....	57%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2539 through 2540A, 2547 through 2548A, 2555 through 2556A and 2561A through 2561D shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: CHILD SUPPORT CUSTOMER SERVICE
FROM GENERAL REVENUE FUND 4,055,767
FROM TRUST FUNDS 14,756,848

TOTAL POSITIONS 376
TOTAL ALL FUNDS 18,812,615

PROGRAM: GENERAL TAX ADMINISTRATION PROGRAM

TAXPAYER REGISTRATION AND EDUCATION

2580A SALARIES AND BENEFITS POSITIONS 212
FROM GENERAL REVENUE FUND 5,892,940
FROM ADMINISTRATIVE TRUST FUND 2,400,668
FROM CORPORATION TAX ADMINISTRATION TRUST FUND 129,548
FROM GRANTS AND DONATIONS TRUST FUND . . . 9,451

2580B OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 15,510

2580C EXPENSES
FROM GENERAL REVENUE FUND 995,445
FROM ADMINISTRATIVE TRUST FUND 1,224,461

2580D OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 39,252
FROM ADMINISTRATIVE TRUST FUND 276,876

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2580E SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 25,233
FROM ADMINISTRATIVE TRUST FUND 36,343

2580F DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 851
FROM ADMINISTRATIVE TRUST FUND 211,157

TOTAL: TAXPAYER REGISTRATION AND EDUCATION
FROM GENERAL REVENUE FUND 6,953,721
FROM TRUST FUNDS 4,304,014

TOTAL POSITIONS 212
TOTAL ALL FUNDS 11,257,735

FILING COMPLIANCE

2580G SALARIES AND BENEFITS POSITIONS 511
FROM GENERAL REVENUE FUND 14,206,716
FROM ADMINISTRATIVE TRUST FUND 5,787,521
FROM CORPORATION TAX ADMINISTRATION TRUST FUND 312,278
FROM GRANTS AND DONATIONS TRUST FUND . . . 22,783

2580H OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 476,785
FROM ADMINISTRATIVE TRUST FUND 627,840

2580I EXPENSES
FROM GENERAL REVENUE FUND 2,399,541
FROM ADMINISTRATIVE TRUST FUND 2,951,591

2580J OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 94,618
FROM ADMINISTRATIVE TRUST FUND 667,415

2580K SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 60,824
FROM ADMINISTRATIVE TRUST FUND 87,606

2580L DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 2,051
FROM ADMINISTRATIVE TRUST FUND 508,998

TOTAL: FILING COMPLIANCE
FROM GENERAL REVENUE FUND 17,240,535
FROM TRUST FUNDS 10,966,032

TOTAL POSITIONS 511
TOTAL ALL FUNDS 28,206,567

REMITTANCE ACCOUNTING

2580M SALARIES AND BENEFITS POSITIONS 26
FROM GENERAL REVENUE FUND 723,202
FROM ADMINISTRATIVE TRUST FUND 294,613
FROM CORPORATION TAX ADMINISTRATION TRUST FUND 15,888
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,159

2580N OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,902

2580O EXPENSES
FROM GENERAL REVENUE FUND 122,081
FROM ADMINISTRATIVE TRUST FUND 150,167

2580P AID TO LOCAL GOVERNMENTS
CONTINUATION OF SOLID MINERAL SEVERANCE

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TAX TO COUNTIES		
FROM SEVERANCE TAX SOLID MINERAL TRUST FUND		3,990,000
2580Q AID TO LOCAL GOVERNMENTS		
DISTRIBUTION TO COUNTIES - OIL AND GAS TAX		
FROM OIL AND GAS TAX TRUST FUND		500,000
2580R AID TO LOCAL GOVERNMENTS		
DISTRIBUTION OF LOCAL GOVERNMENT HALF-CENT SALES TAX		
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		1287,700,000
2580S AID TO LOCAL GOVERNMENTS		
EMERGENCY DISTRIBUTIONS		
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		6,607,042
2580T AID TO LOCAL GOVERNMENTS		
INMATE SUPPLEMENTAL DISTRIBUTION		
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		592,958
2580U AID TO LOCAL GOVERNMENTS		
FIFTH & SIXTH CENT SBA/COUNTY/MOTOR FUEL		
FROM GAS TAX COLLECTION TRUST FUND		180,100,000
2580V AID TO LOCAL GOVERNMENTS		
SEVENTH CENT/COUNTIES/MOTOR FUEL		
FROM GAS TAX COLLECTION TRUST FUND		80,800,000
2580W OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	4,814	
FROM ADMINISTRATIVE TRUST FUND		33,956
2580X SPECIAL CATEGORIES		
PURCHASE OF SERVICES - COLLECTION AGENCIES		
FROM ADMINISTRATIVE TRUST FUND		12,241
2580Y SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	3,095	
FROM ADMINISTRATIVE TRUST FUND		4,457
2580Z DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	105	
FROM ADMINISTRATIVE TRUST FUND		25,895
TOTAL: REMITTANCE ACCOUNTING		
FROM GENERAL REVENUE FUND	853,297	
FROM TRUST FUNDS		1560,830,278
TOTAL POSITIONS	26	
TOTAL ALL FUNDS		1561,683,575

ENFORCED COMPLIANCE

2580AA SALARIES AND BENEFITS POSITIONS	1,634	
FROM GENERAL REVENUE FUND	45,424,729	
FROM ADMINISTRATIVE TRUST FUND		18,505,112
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		998,534
FROM GRANTS AND DONATIONS TRUST FUND . . .		72,849
2580AB OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		119,553
2580AC EXPENSES		
FROM GENERAL REVENUE FUND	7,672,730	
FROM ADMINISTRATIVE TRUST FUND		9,437,964

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FROM CORPORATION TAX ADMINISTRATION TRUST FUND		261,559
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,320
2580AD OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	302,549	
FROM ADMINISTRATIVE TRUST FUND		2,134,116
2580AE SPECIAL CATEGORIES		
CONTRACT AUDITING		
FROM GENERAL REVENUE FUND	837,798	
FROM ADMINISTRATIVE TRUST FUND		1,162,200
2580AF SPECIAL CATEGORIES		
PURCHASE OF SERVICES - COLLECTION AGENCIES		
FROM ADMINISTRATIVE TRUST FUND		487,759
2580AG SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	194,489	
FROM ADMINISTRATIVE TRUST FUND		280,128
2580AH DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	6,558	
FROM ADMINISTRATIVE TRUST FUND		1,627,565

From the funds in Specific Appropriations 2580A through 2580AH, the General Tax Administration Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to effectively administer and enforce tax laws and process revenue:

Performance Measures - Outcomes	FY 2000-2001 Standards
1. Average number of days from receipt of payment to deposit-sales, corporate, intangible, and fuel	0.60
2. Dollars collected voluntarily as a percent of total dollars collected	97%
3. Direct collections per enforcement related dollar spent	$4.82

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2580A through 2580D, 2580G through 2580J, 2580M through 2580O, 2580W and 2580AA through 2580AD shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

TOTAL: ENFORCED COMPLIANCE		
FROM GENERAL REVENUE FUND	54,438,853	
FROM TRUST FUNDS		35,092,659
TOTAL POSITIONS	1,634	
TOTAL ALL FUNDS		89,531,512

PROGRAM: INFORMATION SERVICES PROGRAM

INFORMATION TECHNOLOGY

2581 SALARIES AND BENEFITS POSITIONS	157	
FROM GENERAL REVENUE FUND	3,856,889	
FROM ADMINISTRATIVE TRUST FUND		1,467,224
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		402,408
FROM GRANTS AND DONATIONS TRUST FUND . . .		111,951
FROM WORKING CAPITAL TRUST FUND		1,309,087
2582 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		95,628
FROM WORKING CAPITAL TRUST FUND		17,680

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2583 EXPENSES		
FROM GENERAL REVENUE FUND	140,544	
FROM ADMINISTRATIVE TRUST FUND		533,205
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		46,617
FROM GRANTS AND DONATIONS TRUST FUND . . .		227,893
FROM WORKING CAPITAL TRUST FUND		3,036,637
2584 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND		304,318
FROM WORKING CAPITAL TRUST FUND		1,428,779
2585 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	10,243	
FROM ADMINISTRATIVE TRUST FUND		18,268
FROM WORKING CAPITAL TRUST FUND		5,197
2586 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM WORKING CAPITAL TRUST FUND		354,573
2587 DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	269	
FROM ADMINISTRATIVE TRUST FUND		2,868,079
2588 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM ADMINISTRATIVE TRUST FUND		384,000
TOTAL: INFORMATION TECHNOLOGY		
FROM GENERAL REVENUE FUND	4,007,945	
FROM TRUST FUNDS		12,611,544
TOTAL POSITIONS	157	
TOTAL ALL FUNDS		16,619,489

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

PROGRAM: OFFICE OF THE SECRETARY AND
ADMINISTRATIVE SERVICES

From the funds in Specific Appropriations 2589 through 2596, the Office of the Secretary and Administrative Services Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to administer the statutory responsibilities of the Secretary of State in regard to International Affairs and to administer the Notary commissions, Apostiles certifications while providing enhanced public access and to help people reach their goals for improved social and economic conditions in Central America and the Caribbean through training and technical assistance.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Maintain the current level of clients who indicate assistance is very responsive, as measured by survey, at 60% or more	60%
Percent of overseas clients who indicate assistance is very responsive	96%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2589 through 2590 shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.

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ADVOCATING INTERNATIONAL BUSINESS PARTNERSHIPS

2589 SALARIES AND BENEFITS POSITIONS	10	
FROM GENERAL REVENUE FUND	302,882	
FROM GRANTS AND DONATIONS TRUST FUND . . .		174,372
2589A OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	100,000	
2590 EXPENSES		
FROM GENERAL REVENUE FUND	709,612	
FROM GRANTS AND DONATIONS TRUST FUND . . .		110,898
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		37,261
2591 SPECIAL CATEGORIES		
INTERNATIONAL REPRESENTATION AND ADVOCACY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		250,000
2591A SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	32,691	
2591B SPECIAL CATEGORIES		
GRANTS AND AIDS - FLORIDA ASSOCIATION OF VOLUNTEER AGENCIES FOR CARIBBEAN ACTION		
FROM GENERAL REVENUE FUND	100,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		533,212
2591C SPECIAL CATEGORIES		
SISTER CITIES/SISTER STATE GRANTS PROGRAM		
FROM GENERAL REVENUE FUND	650,000	

From funds in Specific Appropriation 2591C, $500,000 is provided to the Department of State for the purpose of supporting the Ft. Lauderdale International Center for Technology and Economic Development.

2591D SPECIAL CATEGORIES		
GRANTS AND AIDS - GOVERNOR'S GULF STATES ACCORD		
FROM GENERAL REVENUE FUND	50,000	
2591E SPECIAL CATEGORIES		
GRANTS AND AIDS - FREE TRADE AREA OF AMERICAS		
FROM GENERAL REVENUE FUND	350,000	
TOTAL: ADVOCATING INTERNATIONAL BUSINESS PARTNERSHIPS		
FROM GENERAL REVENUE FUND	2,295,185	
FROM TRUST FUNDS		1,105,743
TOTAL POSITIONS	10	
TOTAL ALL FUNDS		3,400,928

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2592 SALARIES AND BENEFITS POSITIONS	68	
FROM GENERAL REVENUE FUND	2,983,462	
FROM CORPORATIONS TRUST FUND		143,112
FROM DIVISION OF LICENSING TRUST FUND . .		126,146
2593 EXPENSES		
FROM GENERAL REVENUE FUND	341,584	
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		189,808
2593A OPERATING CAPITAL OUTLAY		
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		74,764
2594 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE		

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HEARINGS		
FROM GENERAL REVENUE FUND	58,062	
2595 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	12,433	
2596 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		43,173
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	3,395,541	
FROM TRUST FUNDS		577,003
TOTAL POSITIONS	68	
TOTAL ALL FUNDS		3,972,544

PROGRAM: ELECTIONS

From the funds in Specific Appropriations 2597 through 2602, the Elections Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to protect the integrity of elections and to promote public awareness and participation in the electoral process through open and accurate public access and in the development of governmental procedures through the dissemination of Florida's administrative records, laws, acts, or rules.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of survey respondents satisfied with services: Quality and Timeliness of Response	90%
Percent of training session/workshop attendees satisfied: Quality of content and Applicability of materials presented	90%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2597 through 2599 and 2600B shall have the budget transfer flexibility provided in subsection 216.292(4), F.S.

ELECTION RECORDS, LAWS AND CODES

2597 SALARIES AND BENEFITS POSITIONS	39	
FROM GENERAL REVENUE FUND	1,255,650	
FROM PUBLICATIONS REVOLVING TRUST FUND . .		324,882
2598 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	3,150	
2599 EXPENSES		
FROM GENERAL REVENUE FUND	657,033	
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		615,164
FROM PUBLICATIONS REVOLVING TRUST FUND . .		312,725
2600 AID TO LOCAL GOVERNMENTS		
PETITION SIGNATURE VERIFICATION		
FROM GENERAL REVENUE FUND	150,000	
2600A AID TO LOCAL GOVERNMENTS		
SPECIAL ELECTIONS		
FROM GENERAL REVENUE FUND	700,000	

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2600B SPECIAL CATEGORIES		
ADVERTISING OF PROPOSED AMENDMENTS TO THE CONSTITUTION		
FROM GENERAL REVENUE FUND	250,000	
2600C SPECIAL CATEGORIES		
ADVERTISING OF NOTICE OF ASSISTANCE FOR THE ELDERLY AND HANDICAPPED		
FROM GENERAL REVENUE FUND	50,000	
2601 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	52,977	
2602 SPECIAL CATEGORIES		
ELECTION FRAUD PREVENTION		
FROM GENERAL REVENUE FUND	1,500,000	
TOTAL: ELECTION RECORDS, LAWS AND CODES		
FROM GENERAL REVENUE FUND	4,618,810	
FROM TRUST FUNDS		1,252,771
TOTAL POSITIONS	39	
TOTAL ALL FUNDS		5,871,581

PROGRAM: HISTORICAL RESOURCES

From the funds in Specific Appropriations 2603 through 2622, the Historical Resources Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to encourage identification, evaluation, protection, preservation, collection, conservation, interpretation and public access to information about Florida's historic sites, properties and objects related to Florida history and to archaeological and folk cultural heritage.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Total number of properties protected or preserved	7,881
Percentage of customers satisfied with the quality/timeliness of technical assistance provided	96%
Number of copies or viewings of publications, including web hits	1,750,000

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2603 through 2605, 2608 through 2610, 2614 through 2616, and 2619 through 2622 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2603 SALARIES AND BENEFITS POSITIONS	10	
FROM GENERAL REVENUE FUND	439,149	
2604 OTHER PERSONAL SERVICES		
FROM OPERATING TRUST FUND		249,565
2605 EXPENSES		
FROM GENERAL REVENUE FUND	161,899	
FROM OPERATING TRUST FUND		637,669
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		29,356

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2606 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,327
FROM OPERATING TRUST FUND 6,517

2607 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 21,090

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 632,465
FROM TRUST FUNDS 923,107

TOTAL POSITIONS 10
TOTAL ALL FUNDS 1,555,572

HISTORIC MUSEUMS CONSERVATION

2608 SALARIES AND BENEFITS POSITIONS 34
FROM GENERAL REVENUE FUND 1,054,130
FROM OPERATING TRUST FUND 129,019

2609 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 52,331

2610 EXPENSES
FROM GENERAL REVENUE FUND 63,308

2611 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC MUSEUM GRANTS
FROM OPERATING TRUST FUND 2,000,000

2612 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,596

2613 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 12,759

2613A FIXED CAPITAL OUTLAY
OLD CAPITOL - MUSEUM OF GOVERNANCE AND
POLITICAL HISTORY - DMS MGD
FROM GENERAL REVENUE FUND 500,000

TOTAL: HISTORIC MUSEUMS CONSERVATION
FROM GENERAL REVENUE FUND 1,632,793
FROM TRUST FUNDS 2,181,350

TOTAL POSITIONS 34
TOTAL ALL FUNDS 3,814,143

HISTORIC PROPERTIES PRESERVATION

2614 SALARIES AND BENEFITS POSITIONS 28
FROM GENERAL REVENUE FUND 1,096,295
FROM OPERATING TRUST FUND 127,699

2615 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,278
FROM OPERATING TRUST FUND 65,686

2615A EXPENSES
FROM OPERATING TRUST FUND 58,800

2616 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 92,500

2617 SPECIAL CATEGORIES
HISTORIC PRESERVATION GRANTS
FROM OPERATING TRUST FUND 2,749,276

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2618 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 897

2618A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
GRANTS AND AIDS - SPECIAL CATEGORIES -
ACQUISITION, RESTORATION OF HISTORIC
PROPERTIES
FROM GENERAL REVENUE FUND 17,095,880

Funds in Specific Appropriation 2618A are provided to fund the historical preservation projects that were selected in accordance with Rule 1A-35.007, Florida Administrative Code.

TOTAL: HISTORIC PROPERTIES PRESERVATION
FROM GENERAL REVENUE FUND 18,193,072
FROM TRUST FUNDS 3,098,239

TOTAL POSITIONS 28
TOTAL ALL FUNDS 21,291,311

ARCHAEOLOGICAL RESEARCH

2619 SALARIES AND BENEFITS POSITIONS 27
FROM GENERAL REVENUE FUND 706,311
FROM GRANTS AND DONATIONS TRUST FUND . . . 318,989

2620 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 27,626
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,587,410
FROM OPERATING TRUST FUND 22,399

2621 EXPENSES
FROM GENERAL REVENUE FUND 1,469,550
FROM GRANTS AND DONATIONS TRUST FUND . . . 617,450
FROM OPERATING TRUST FUND 17,726

2622 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 150,000

TOTAL: ARCHAEOLOGICAL RESEARCH
FROM GENERAL REVENUE FUND 2,203,487
FROM TRUST FUNDS 3,713,974

TOTAL POSITIONS 27
TOTAL ALL FUNDS 5,917,461

PROGRAM: CORPORATIONS

From the funds in Specific Appropriations 2623 through 2625A, the Corporations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to promote financial and economic stability through public notice of clients' interest in business organizations, trademarks, financial transactions and liens as well as identification of those doing business under names other than their own.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent client satisfaction with the division's services	91%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program Appropriations in Specific Appropriations 2623 and 2623A

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|shall have the budget transfer flexibility provided in subsection |
|216.292(4), Florida Statutes. |

COMMERCIAL RECORDINGS AND REGISTRATIONS

2623	SALARIES AND BENEFITS POSITIONS 191		
	FROM CORPORATIONS TRUST FUND		6,975,583
2623A	EXPENSES		
	FROM CORPORATIONS TRUST FUND		4,090,625
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		180,000
2624A	SPECIAL CATEGORIES		
	RICO ACT - ALIEN CORPORATIONS		
	FROM CORPORATIONS TRUST FUND		200,000
2625	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CORPORATIONS TRUST FUND		41,080
2625A	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM CORPORATIONS TRUST FUND		249,361
TOTAL:	COMMERCIAL RECORDINGS AND REGISTRATIONS		
	FROM TRUST FUNDS		11,736,649
	TOTAL POSITIONS	191	
	TOTAL ALL FUNDS		11,736,649

PROGRAM: LIBRARY AND INFORMATION SERVICES

From the funds in Specific Appropriations 2626 through 2629B, the Library and Information Services Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to ensure access to information of past, present and future value for the educational and cultural benefit of the people of Florida. The Library and Information Services Program works in partnership with citizens, information providers and government for efficient and effective management and development of information services.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Annual increase in use of public library services	2%
Annual increase in usage of research collections	6%
Annual cost-avoidance achieved by government agencies through records storage/disposition/micrographics	$58,000,000

|Additional approved performance measures and standards are |
|established in the FY 2000-2001 Implementing Bill and are |
|incorporated herein by reference. The performance-based program |
|appropriations in Specific Appropriations 2626 through 2626B and |
|2627A shall have the budget transfer flexibility provided in |
|subsection 216.294(4), Florida Statutes. |

LIBRARY, ARCHIVES AND INFORMATION SERVICES

2626	SALARIES AND BENEFITS POSITIONS 120		
	FROM GENERAL REVENUE FUND	2,909,351	
	FROM LIBRARY SERVICES TRUST FUND		648,881
	FROM RECORDS MANAGEMENT TRUST FUND		1,000,546
2626A	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	136,466	
	FROM LIBRARY SERVICES TRUST FUND		18,424
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		153,513
	FROM RECORDS MANAGEMENT TRUST FUND		16,122
2626B	EXPENSES		
	FROM GENERAL REVENUE FUND	2,070,466	
	FROM LIBRARY SERVICES TRUST FUND		434,577
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		458,785
	FROM RECORDS MANAGEMENT TRUST FUND		544,282
2626C	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - HISTORICAL RECORDS GRANTS		
	FROM LIBRARY SERVICES TRUST FUND		25,000
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		90,000
2626D	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LIBRARY COOPERATIVES		
	FROM GENERAL REVENUE FUND	1,200,000	
2627	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LIBRARY GRANTS		
	FROM GENERAL REVENUE FUND	33,400,000	
	FROM LIBRARY SERVICES TRUST FUND		5,152,489
2627A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	40,385	
	FROM LIBRARY SERVICES TRUST FUND		7,522
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		387,500
	FROM RECORDS MANAGEMENT TRUST FUND		63,197
2628A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM RECORDS MANAGEMENT TRUST FUND		57,500
2628B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - LITERACY GRANTS		
	FROM GENERAL REVENUE FUND	250,000	
2628C	SPECIAL CATEGORIES		
	LIBRARY RESOURCES		
	FROM GENERAL REVENUE FUND	611,389	
	FROM LIBRARY SERVICES TRUST FUND		154,997
2629	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	122,681	
2629A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY COMPUTER ACCESS GRANT PROGRAM		
	FROM GENERAL REVENUE FUND	700,000	

From funds in Specific Appropriation 2629A, $200,000 shall be administered by the Division of Library and Information Services for the Community and Library Technology Access Partnership. Funds shall be utilized to provide grants to e-rate eligible public libraries to develop partnerships with community and faith-based organizations.

From funds in Specific Appropriation 2629A, $500,000 shall be administered by the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University (Institute) under a performance contract with the Division of Library and Information Services. Funds shall be utilized for the Community High Technology Investment Partnership (CHIP) to provide grants to neighborhood facilities to purchase computers to help close the digital divide. The computers must be available for use by youth between the ages of five and eighteen who

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reside in distressed urban communities. The maximum amount of a grant which may be awarded to any single neighborhood facility is $25,000. The Institute may subcontract with the Information Service Technology Development Task Force for providing technical guidance, and preparing or distributing materials designed to educate the public about community access centers and other relevant resources. Once demand for grants under the CHIP program is satisfied, excess funds may be redirected at the discretion of the Institute to the Division of Library and Information Services to provide grants to e-rate eligible public libraries.

2629B FIXED CAPITAL OUTLAY
LIBRARY CONSTRUCTION GRANTS
FROM GENERAL REVENUE FUND 4,200,000

Funds in Specific Appropriation 2629B are to be expended for library construction projects that are in compliance with Section 257.191, Florida Statutes, and Chapter 1B-2.011, Florida Administrative Code.

From the funds provided in Specific Appropriation 2629B, $300,000 is provided for each library on the Department of State's Library Construction Grant List, with the exception of project ranked number 11, as submitted to the Legislature.

TOTAL: LIBRARY, ARCHIVES AND INFORMATION SERVICES
FROM GENERAL REVENUE FUND 45,640,738
FROM TRUST FUNDS 9,213,335

TOTAL POSITIONS 120
TOTAL ALL FUNDS 54,854,073

PROGRAM: CULTURAL AFFAIRS

From the funds in Specific Appropriations 2630 through 2646C, the Cultural Affairs Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to foster development of a receptive climate for cultural programs, to enrich culturally and benefit the citizens of this state in their daily lives, to increase the appeal of Florida visits and vacations and to attract to Florida residency outstanding creators through the promotion of cultural programs.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Attendance at supported cultural events	21,000,000
Number of individuals served by professional associations	8,000,000

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2630 through 2632 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2630 SALARIES AND BENEFITS POSITIONS 19
FROM GENERAL REVENUE FUND 524,255
FROM FINE ARTS COUNCIL TRUST FUND 250,899

2631 OTHER PERSONAL SERVICES
FROM FINE ARTS COUNCIL TRUST FUND 20,600
FROM CULTURAL INSTITUTIONS TRUST FUND . . 79,500

2632 EXPENSES
FROM GENERAL REVENUE FUND 124,613
FROM COCONUT GROVE PLAYHOUSE TRUST FUND . 218,255
FROM FINE ARTS COUNCIL TRUST FUND 210,622
FROM CULTURAL INSTITUTIONS TRUST FUND . . 111,967
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 27,082

2633 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,126

2634 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ARTS LICENSE PLATES
FROM FINE ARTS COUNCIL TRUST FUND 750,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 657,994
FROM TRUST FUNDS 1,668,925

TOTAL POSITIONS 19
TOTAL ALL FUNDS 2,326,919

CULTURAL SUPPORT AND DEVELOPMENT GRANTS

2635 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COCONUT GROVE PLAYHOUSE
FROM CULTURAL INSTITUTIONS TRUST FUND . . 500,000

2636 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS GRANTS
FROM FINE ARTS COUNCIL TRUST FUND 130,279
FROM CULTURAL INSTITUTIONS TRUST FUND . . 2,700,000

2637 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCIENCES GRANTS
FROM CULTURAL INSTITUTIONS TRUST FUND . . 500,000

2638 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS IN EDUCATION GRANTS
FROM GENERAL REVENUE FUND 250,000
FROM CULTURAL INSTITUTIONS TRUST FUND . . 250,000

2639 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL ARTS AGENCIES/ STATE SERVICE ORGANIZATIONS
FROM CULTURAL INSTITUTIONS TRUST FUND . . 400,000

2640 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - YOUTH AND CHILDREN'S MUSEUMS GRANTS
FROM CULTURAL INSTITUTIONS TRUST FUND . . 250,000

2641 SPECIAL CATEGORIES
GRANTS AND AIDS - FINE ARTS ENDOWMENT
FROM GENERAL REVENUE FUND 1,920,000

2642 SPECIAL CATEGORIES
GRANTS AND AIDS - CHALLENGE GRANTS
FROM CULTURAL INSTITUTIONS TRUST FUND . . 300,000

2643 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL EXCHANGE PROGRAM
FROM CULTURAL INSTITUTIONS TRUST FUND . . 250,000

2644 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL INSTITUTIONS
FROM CULTURAL INSTITUTIONS TRUST FUND . . 6,495,872

2645 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES
FROM GENERAL REVENUE FUND 278,655
FROM CULTURAL INSTITUTIONS TRUST FUND . . 151,345

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2645A SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL PROJECTS
FROM GENERAL REVENUE FUND 5,190,000

Funds in Specific Appropriation 2645A are provided for the following programs and projects:

San Carlos Institute	250,000
MacDonald House-Second and Third Floor Renovation	125,000
International Children's Museum	250,000
Atlantic Coastline Depot/David Browning Museum	75,000
Capital Improvement of Teatro 8	100,000
Nassau County Public Libraries-Callahan Branch	1,000,000
African American Library	700,000
LaVilla Lift Every Voice and Sing Museum	300,000
Broward Center for Performing Arts/FAU Lifelong Learning	200,000
Florida International Museum - St. Petersburg	1,100,000
Bay of Pigs Museum and Library	30,000
Casements - Install HVAC	110,000
Ormond Memorial Art Museum	100,000
Gamble Mansion	50,000
Ballet Florida	50,000
East Lee County Regional Library	300,000
South Florida Museum/Bishop Planetarium	350,000
Smithsonian-affiliated Florida Museum - Miami	100,000

2646 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE TOURING PROGRAM
FROM CULTURAL INSTITUTIONS TRUST FUND . . 200,000

2646A FIXED CAPITAL OUTLAY
RENOVATE COCONUT GROVE PLAYHOUSE - DMS MGD
FROM GENERAL REVENUE FUND 450,000

2646B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES PROGRAM
FROM GENERAL REVENUE FUND 18,264,404

Funds in Specific Appropriation 2646B are provided to fund the cultural facility projects that were selected, in accordance with Rule 1T-1.001, Florida Administrative Code, and Section 265.701, Florida Statutes.

2646C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - CHILDREN'S MUSEUM FACILITIES PROGRAM
FROM GENERAL REVENUE FUND 400,000
FROM CULTURAL INSTITUTIONS TRUST FUND . . 400,000

Funds in Specific Appropriation 2646C are provided to assist in the creation of new children's museums for the acquisition, renovation, or new construction of facilities and furniture, fixtures, and equipment. The Department shall implement a competitive grant process with an initial application deadline by January 31, 2001. Eligible projects shall be selected by March 31, 2001. Grants of up to $150,000 per project shall be awarded on a 1:1 match basis. These grants are only for the creation of new children's museums in communities where no such museum currently exists. For this purpose, a children's museum targets 2-12 years olds for 90% of its educational events, displays, and other activities.

General Revenue funds provided in Specific Appropriation 2646C shall be transferred to the Children's Museum Facility Account within the Cultural Institutions Trust Fund. Private sector contributions to match the state appropriation shall also be deposited to the account and made available for grant awards. State funding shall be matched by private sector contributions on a 1:1 match basis prior to any expenditure from the account. The Department may process a budget amendment under the legislative notice and review requirements set forth in s. 216.177,

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Florida Statutes, to request budget authority for any private sector contributions. Applications for future projects shall be accepted annually as long as funds remain available in the trust fund account.

TOTAL: CULTURAL SUPPORT AND DEVELOPMENT GRANTS
FROM GENERAL REVENUE FUND 26,753,059
FROM TRUST FUNDS 12,527,496

TOTAL ALL FUNDS 39,280,555

PROGRAM: LICENSING

From the funds in Specific Appropriations 2647 through 2650, the Licensing Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to protect the public's health, safety and welfare through the licensing, regulation and enforcement of the private security, private investigative and recovery industries; the regulation of game promotions conducted in Florida; and the issuance of licenses to citizens wishing to carry concealed weapons or firearms for lawful defense.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Percent of Security, Investigative and Recovery licenses issued within 90 days of receipt of an application	83%
Percent of license revocations or suspensions initiated within 20 days of receipt of disqualifying information (all license types)	60%
Percent/number of Concealed Weapon/Firearm licenses issued within 90 day statutory timeframe without fingerprint results	7%/1,978

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2647 through 2647C shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

COMPLIANCE AND ENFORCEMENT

2647 SALARIES AND BENEFITS POSITIONS 136
FROM DIVISION OF LICENSING TRUST FUND . . 5,037,191

2647A OTHER PERSONAL SERVICES
FROM DIVISION OF LICENSING TRUST FUND . . 262,233

2647B EXPENSES
FROM DIVISION OF LICENSING TRUST FUND . . 4,537,177

2647C OPERATING CAPITAL OUTLAY
FROM DIVISION OF LICENSING TRUST FUND . . 263,236

2649 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM DIVISION OF LICENSING TRUST FUND . . 150,590

2650 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF LICENSING TRUST FUND . . 33,592

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 10,284,019

TOTAL POSITIONS 136
TOTAL ALL FUNDS 10,284,019

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HISTORIC PRESERVATION BOARDS

PROGRAM: HISTORIC PENSACOLA PRESERVATION BOARD

From the funds in Specific Appropriations 2651 through 2654, the Historic Pensacola Preservation Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to develop, implement and maintain a variety of public programs through research, historical, archaeological and architectural surveys, and administrative support, provide special and permanent exhibitions of local and regional history, maintenance and operation of historic and other public buildings, and education programs to effectively aid the citizens in the preservation of the cultural heritage and natural resources of Florida.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Number of visitors to Board managed properties	150,000

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2651 through 2653 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

HISTORIC PROPERTIES MANAGEMENT

2651 SALARIES AND BENEFITS POSITIONS 14
FROM GENERAL REVENUE FUND 499,367

2652 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 53,304

2653 EXPENSES
FROM GENERAL REVENUE FUND 22,495

2654 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 65,785

TOTAL: HISTORIC PROPERTIES MANAGEMENT

FROM GENERAL REVENUE FUND 640,951

TOTAL POSITIONS 14
TOTAL ALL FUNDS 640,951

PROGRAM: RINGLING MUSEUM OF ART

From the funds in Specific Appropriations 2655 through 2657A, the Ringling Museum of Art Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994, to carry out its duties as the official art museum of the State of Florida, including the preservation and maintenance of collections, furnishings, objects, artifacts, and objects of art and other property willed to the State by John Ringling. To provide access to and education about its holdings, and to acquire and preserve additional objects of art and artifacts of historical or cultural significance.

Performance Measures	FY 2000-2001 Standards
OUTCOMES:	
Annual number of museum visitors	251,308
Percent of visitors rating visit better than expected	77%

Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference. The performance-based program appropriations in Specific Appropriations 2655 and 2656 shall have the budget transfer flexibility provided in subsection 216.292(4), Florida Statutes.

RINGLING MUSEUM OPERATIONS

2655 SALARIES AND BENEFITS POSITIONS 60
FROM CULTURAL INSTITUTIONS TRUST FUND . . 2,048,806

2656 EXPENSES
FROM CULTURAL INSTITUTIONS TRUST FUND . . 100,000
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 31,197

2657 SPECIAL CATEGORIES
RESTORATION/CONSERVATION - ART ACQUISITION - JOHN AND MABLE RINGLING MUSEUM OF ART
FROM INVESTMENT TRUST FUND 200,000

2657A FIXED CAPITAL OUTLAY
EMERGENCY REPAIRS - DMS MGD
FROM GENERAL REVENUE FUND 3,000,000

From the funds in Specific Appropriation 2657A, $2 million is for the Ringling Museum and $1 million is for the Ca'd'zan.

TOTAL: RINGLING MUSEUM OPERATIONS
FROM GENERAL REVENUE FUND 3,000,000
FROM TRUST FUNDS 2,380,003

TOTAL POSITIONS 60
TOTAL ALL FUNDS 5,380,003

TOTAL OF SECTION 6 POSITIONS 22,370

FROM GENERAL REVENUE FUND 831,159,707

FROM TRUST FUNDS 8764,384,342

TOTAL ALL FUNDS 9595,544,049

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The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

STATE COURT SYSTEM

In the event of a General Revenue shortfall in an amount which requires the Chief Justice to make budget reductions pursuant to Chapter 216, Florida Statutes, funds in Specific Appropriations 2658 through 2730, provided to pay the salaries of judges and their personal staff, retired judges, court reporter services, juror meals and lodging, and juror and witness payments, shall be deducted from the total amount of judicial branch General Revenue monies against which an across the board percentage reduction may be applied pursuant to section 216.221 (3), Florida Statutes.

PROGRAM: SUPREME COURT

COURT OPERATIONS - SUPREME COURT

2658 SALARIES AND BENEFITS POSITIONS 104
FROM GENERAL REVENUE FUND 5,567,256

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FROM GRANTS AND DONATIONS TRUST FUND . . .		298,808
FROM FAMILY COURTS TRUST FUND		32,290
2659 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	143,278	
FROM GRANTS AND DONATIONS TRUST FUND . . .		80,000
2660 EXPENSES		
FROM GENERAL REVENUE FUND	1,153,841	
FROM GRANTS AND DONATIONS TRUST FUND . . .		420,065
FROM FAMILY COURTS TRUST FUND		4,947
2661 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	17,945	
FROM GRANTS AND DONATIONS TRUST FUND . . .		15,033
FROM FAMILY COURTS TRUST FUND		3,800
2662 SPECIAL CATEGORIES		
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE		
FROM GENERAL REVENUE FUND	5,000	

Funds in Specific Appropriation 2662 may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice.

2663 SPECIAL CATEGORIES		
SUPREME COURT LAW LIBRARY		
FROM GENERAL REVENUE FUND	339,597	
2664 SPECIAL CATEGORIES		
COMPUTER SUBSCRIPTION SERVICES		
FROM GENERAL REVENUE FUND	197,500	
TOTAL: COURT OPERATIONS - SUPREME COURT		
FROM GENERAL REVENUE FUND	7,424,417	
FROM TRUST FUNDS		854,943
TOTAL POSITIONS	104	
TOTAL ALL FUNDS		8,279,360

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2665 SALARIES AND BENEFITS POSITIONS	125	
FROM GENERAL REVENUE FUND	5,884,721	
FROM COURT EDUCATION TRUST FUND		180,952
FROM MEDIATION AND ARBITRATION TRUST FUND		284,001
FROM FAMILY COURTS TRUST FUND		129,162
2666 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	109,738	
FROM COURT EDUCATION TRUST FUND		158,500
FROM MEDIATION AND ARBITRATION TRUST FUND		265,000
FROM FAMILY COURTS TRUST FUND		14,600
2667 EXPENSES		
FROM GENERAL REVENUE FUND	1,460,470	
FROM COURT EDUCATION TRUST FUND		1,260,005
FROM MEDIATION AND ARBITRATION TRUST FUND		212,495
FROM FAMILY COURTS TRUST FUND		52,925
2668 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	977,652	
FROM FAMILY COURTS TRUST FUND		4,000
2669 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	151,712	

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2670 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	134,086	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	8,718,379	
FROM TRUST FUNDS		2,561,640
TOTAL POSITIONS	125	
TOTAL ALL FUNDS		11,280,019

ADMINISTERED FUNDS - JUDICIAL

COURT OPERATIONS - ADMINISTERED FUNDS

2670A EXPENSES		
FROM GENERAL REVENUE FUND	5,000	
2670B AID TO LOCAL GOVERNMENTS		
CONFLICT COUNSEL DEMONSTRATION PROJECT		
FROM GENERAL REVENUE FUND	2,500,000	
FROM COUNTY ARTICLE V TRUST FUND		3,207,000

Funds in Specific Appropriation 2670B are provided for criminal trial court conflict counsel pilot projects, contingent upon legislation authorizing such pilot projects becoming law, as follows:

$297,850 for Polk County;
$4,467,750 for Dade County; and
$1,191,400 for Hillsborough County.

2670C AID TO LOCAL GOVERNMENTS		
CONTINGENCY FUND FOR SMALL COUNTIES FOR EXTRAORDINARY CASE RELATED EXPENSES		
FROM COUNTY ARTICLE V TRUST FUND		2,500,000

Funds in Specific Appropriation 2670C are provided for small counties to cover extraordinary and unforeseen criminal trial case-related costs, contingent upon legislation authorizing payment of such costs becoming law.

2670D AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - ARTICLE V		
FROM COUNTY ARTICLE V TRUST FUND		7,793,268

The funds in Specific Appropriation 2670D shall be distributed as follows: counties with populations less than 85,000 shall each receive a minimum of $100,000, and the remaining funds shall be distributed among the other counties on a pro-rata basis according to the County Article V Trust Fund distribution plan developed by the Office of the State Courts Administrator. The Office of the State Courts Administrator shall provide a report to the Senate Budget Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting describing the distribution of these funds.

2670E AID TO LOCAL GOVERNMENTS		
SMALL COUNTY COURTHOUSE FACILITIES		
FROM GENERAL REVENUE FUND	3,450,000	
FROM COUNTY ARTICLE V TRUST FUND		2,249,732

From the funds in Specific Appropriation 2670E, $2,000,000 in recurring General Revenue, $1,450,000 in non-recurring General Revenue, and $2,249,732 from the County Article V Trust Fund is provided for consulting or architectural studies related to the improvement of courthouse facilities, improving court facilities to assure compliance with the Americans with Disabilities Act and other federal and state requirements, other renovations in court facilities, improvements in court security, and other costs paid by the county pursuant to sections 27.006, 34.171 or 43.28, Florida Statutes, and any other court-ordered improvements, as follows:

Bradford	200,000
Columbia	180,000

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Dixie	200,915
Gilchrist	500,000
Glades	225,000
Gulf	100,000
Hamilton	329,849
Hardee	413,186
Hendry	130,000
Highlands	1,450,000
Jackson	329,872
Lafayette	230,910
Madison	85,000
Okeechobee	700,000
Putnam	225,000
Union	300,000
Washington	100,000

2670F SPECIAL CATEGORIES
SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT
CONFLICT CASES
FROM COUNTY ARTICLE V TRUST FUND 250,000

Funds in Specific Appropriation 2670F from the County Article V Trust Fund for Sexually Violent Predator Civil Commitment conflict cases shall be used solely to compensate court appointed attorneys who are members of the Florida Bar and have been approved by the circuit's conflict committee to handle such cases. If the funds in Specific Appropriation 2670F are insufficient to meet the reasonable and necessary fees, costs and expenses of conflict attorneys in Sexually Violent Predator Civil Commitment proceedings, the funds designated for distribution to the counties pursuant to the County Article V Trust Fund distribution plan developed by the Office of the State Courts Administrator may be redirected to cover any deficit in this special appropriation category, in accordance with any applicable provisions of Chapter 216, Florida Statutes.

2671 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 2,283,293

2672 SPECIAL CATEGORIES
JUDICIAL NOMINATING COMMISSION - EXPENSES
FROM GENERAL REVENUE FUND 13,690

2673 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND
WITNESSES
FROM GENERAL REVENUE FUND 5,136,910

2674 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 215,825

2675 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND 401,785

2676 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 158,772

TOTAL: COURT OPERATIONS - ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND 14,165,275
FROM TRUST FUNDS 16,000,000

TOTAL ALL FUNDS 30,165,275

PROGRAM: DISTRICT COURTS OF APPEAL

COURT OPERATIONS - 1ST DISTRICT COURT OF APPEAL

2678 SALARIES AND BENEFITS POSITIONS 107
FROM GENERAL REVENUE FUND 7,300,269

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2679 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 76,681

2680 EXPENSES
FROM GENERAL REVENUE FUND 774,858

2681 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 53,942

2682 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 23,906

2683 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 148,963

2683A FIXED CAPITAL OUTLAY
1ST DISTRICT COURT OF APPEAL ANNEX - DUVAL
COUNTY - DMS MGD
FROM GENERAL REVENUE FUND 11,687,379

2683B FIXED CAPITAL OUTLAY
PAINTING, FIRST DISTRICT COURT OF APPEAL
LEON COUNTY - DMS MGD
FROM GENERAL REVENUE FUND 133,245

TOTAL: COURT OPERATIONS - 1ST DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 20,199,243

TOTAL POSITIONS 107
TOTAL ALL FUNDS 20,199,243

COURT OPERATIONS - 2ND DISTRICT COURT OF APPEAL

2684 SALARIES AND BENEFITS POSITIONS 98
FROM GENERAL REVENUE FUND 6,677,117

2685 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 59,629

2686 EXPENSES
FROM GENERAL REVENUE FUND 523,090

2687 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,297

2688 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,157

2689 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 148,116

2689A FIXED CAPITAL OUTLAY
CONSTRUCTION OF A STAND-ALONE COURT
FACILITY - DMS MGD
FROM GENERAL REVENUE FUND 1,000,000

TOTAL: COURT OPERATIONS - 2ND DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 8,446,406

TOTAL POSITIONS 98
TOTAL ALL FUNDS 8,446,406

COURT OPERATIONS - 3RD DISTRICT COURT OF APPEAL

2690 SALARIES AND BENEFITS POSITIONS 75
FROM GENERAL REVENUE FUND 5,362,132

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2691 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 151,050

2692 EXPENSES
FROM GENERAL REVENUE FUND 401,520

2693 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 36,845

2694 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,449

2695 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 142,822

TOTAL: COURT OPERATIONS - 3RD DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 6,107,818

TOTAL POSITIONS 75
TOTAL ALL FUNDS 6,107,818

COURT OPERATIONS - 4TH DISTRICT COURT OF APPEAL

2696 SALARIES AND BENEFITS POSITIONS 85
FROM GENERAL REVENUE FUND 5,983,436

2697 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 132,462

2698 EXPENSES
FROM GENERAL REVENUE FUND 579,209

2699 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 38,345

2700 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 23,852

2701 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 125,196

TOTAL: COURT OPERATIONS - 4TH DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 6,882,500

TOTAL POSITIONS 85
TOTAL ALL FUNDS 6,882,500

COURT OPERATIONS - 5TH DISTRICT COURT OF APPEAL

2702 SALARIES AND BENEFITS POSITIONS 70
FROM GENERAL REVENUE FUND 4,756,177

2703 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 72,792

2704 EXPENSES
FROM GENERAL REVENUE FUND 430,361

2705 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,359

2706 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,419

2707 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 110,265

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2707A FIXED CAPITAL OUTLAY
COMPLETION - FIFTH DISTRICT COURT OF
APPEAL BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 2,622,128

TOTAL: COURT OPERATIONS - 5TH DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 8,020,501

TOTAL POSITIONS 70
TOTAL ALL FUNDS 8,020,501

TRIAL COURTS

PROGRAM: COURT OPERATIONS - CIRCUIT COURTS

2708 SALARIES AND BENEFITS POSITIONS 1,684
FROM GENERAL REVENUE FUND 123,475,152
FROM GRANTS AND DONATIONS TRUST FUND . . . 849,966
FROM FAMILY COURTS TRUST FUND 4,317,434

From the funds in Specific Appropriations 2708, 2710 and 2713A, 7 positions, $314,628 in recurring General Revenue and $31,927 in non-recurring General Revenue is provided for the workload needs of the Fourth Judicial Circuit.

From the funds in Specific Appropriations 2708, 2709, 2710 and 2713A, the following is provided for Model Dependency Court programs:

$209,000 in recurring General Revenue and 3 FTE for the Fifth Judicial Circuit;
$315,000 in recurring General Revenue and 3 FTE for the Tenth Judicial Circuit; and
$500,000 in recurring General Revenue and 5 FTE for the Seventeenth Judicial Circuit.

2709 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 637,750
FROM GRANTS AND DONATIONS TRUST FUND . . . 776,816

2710 EXPENSES
FROM GENERAL REVENUE FUND 3,167,238
FROM GRANTS AND DONATIONS TRUST FUND . . . 181,760
FROM FAMILY COURTS TRUST FUND 974,079

2711 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRUANCY PROGRAM
FROM GENERAL REVENUE FUND 200,000

2712 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CIVIL TRAFFIC INFRACTION
HEARING OFFICERS
FROM GENERAL REVENUE FUND 695,000

2713 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MATCH FUNDS FOR THE
NEIGHBORHOOD JUSTICE CENTER PROGRAM
FROM GENERAL REVENUE FUND 60,000

2713A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 171,000
FROM FAMILY COURTS TRUST FUND 40,000

2713B SPECIAL CATEGORIES
GRANTS AND AIDS - FOSTER CARE CITIZEN
REVIEW PANEL
FROM GENERAL REVENUE FUND 453,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 300,000

Funds in Specific Appropriation 2713B are provided to continue the Citizen Foster Care Review Panel and/or Board contracts funded for Fiscal Year 1999-2000 in the Department of Children and Families. In addition, the Hernando County Citizen Foster Care Review Board in District Thirteen shall receive $60,000 in recurring General Revenue.

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All funds appropriated to Citizen Foster Care Review programs shall be utilized to offset the administrative, training and associated costs with the implementation and maintenance of such programs, as defined in section 39.702, Florida Statutes, as well as standards of operation which may be promulgated by the Florida Supreme Court.

2714 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT SYSTEM SERVICES
FOR CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 692,656

Funds in Specific Appropriation 2714 are provided to the Voices For Children Foundation for the Guardian Ad Litem Program and TPR Unit in Dade County.

2715 SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY COURTS
FROM FAMILY COURTS TRUST FUND 29,246

2716 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 504,356

2717 SPECIAL CATEGORIES
CIRCUIT COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 2,000

2718 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT REPORTER SERVICES
FROM GENERAL REVENUE FUND 3,525,887

Funds provided in Specific Appropriation 2718 are provided for counties to defray the costs of reporting depositions and court proceedings that are required by law to be covered at public expense. The funds shall be distributed to the counties using a pro-rata distribution based on Fiscal Year 1998-1999 felony filings per county.

2718A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS - FIXED CAPITAL
OUTLAY
PLANT CITY SATELLITE COLLABORATIVE
FROM GENERAL REVENUE FUND 465,000

Funds in Specific Appropriation 2718A are provided for the Elder Justice Center in Plant City.

TOTAL: PROGRAM: COURT OPERATIONS - CIRCUIT COURTS
FROM GENERAL REVENUE FUND 134,049,539
FROM TRUST FUNDS 7,469,301

TOTAL POSITIONS 1,684
TOTAL ALL FUNDS 141,518,840

PROGRAM: COURT OPERATIONS - COUNTY COURTS

2719 SALARIES AND BENEFITS POSITIONS 538
FROM GENERAL REVENUE FUND 47,287,429

2720 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 72,225

2721 EXPENSES
FROM GENERAL REVENUE FUND 188,446

2722 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 275,855

Funds are provided in Specific Appropriation 2722 for county judges assigned to active judiciary service in any of the courts created by Article V of the State Constitution. Such funds shall be paid as additional compensation for such service, and shall be computed based on

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the salary then currently paid to a judge of the court to which the assignment is made, and shall be computed on the basis of an eight hour day, or major fraction thereof.

2723 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 147,140

TOTAL: PROGRAM: COURT OPERATIONS - COUNTY COURTS
FROM GENERAL REVENUE FUND 47,971,095

TOTAL POSITIONS 538
TOTAL ALL FUNDS 47,971,095

PROGRAM: JUDICIAL QUALIFICATIONS COMMISSION

JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS

2725 SALARIES AND BENEFITS POSITIONS 4
FROM GENERAL REVENUE FUND 196,751

2726 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 224,522

2727 EXPENSES
FROM GENERAL REVENUE FUND 157,373

2728 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 13,206

2729 LUMP SUM
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 173,300

Funds in Specific Appropriation 2729 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

2730 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,333

TOTAL: JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS
FROM GENERAL REVENUE FUND 770,485

TOTAL POSITIONS 4
TOTAL ALL FUNDS 770,485

TOTAL OF SECTION 7 POSITIONS 2,890

FROM GENERAL REVENUE FUND 262,755,658

FROM TRUST FUNDS 26,885,884

TOTAL ALL FUNDS 289,641,542

SECTION 8. SALARIES AND BENEFITS - Fiscal Year 2000-2001

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 2000-2001 salary and benefit increases provided in Specific Appropriation 1866. All allocations and distributions of these funds are to be made in strict accordance with the provisions of this act. For the purpose of calculating and distributing allocations to agencies, all references to "base salary" in this section refer to the base rate of pay as of July 1, 1999, inclusive of the 1999-2000 Fiscal Year appropriated salary increases. References to "eligible" employees refer to employees who are, at a minimum, meeting their required performance standards. If an ineligible employee achieves performance standards

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subsequent to the salary increase implementation date, the employee may receive an increase; however, such increase shall be effective on the date the employee becomes eligible but not retroactively.

When an employee's base rate of pay is equal to or greater than the maximum of the employee's pay grade, the employee will be granted a one-time, lump-sum payment in lieu of an increase to the employee's base rate of pay. When an employee's base rate of pay is less than the maximum of the employee's pay grade, the employee's salary will be increased to the adjusted maximum and the portion of the increase that exceeds the adjusted maximum shall be granted instead in a one-time lump-sum payment.

1. SALARY INCREASES

A. CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

Funds are provided in Specific Appropriation 1866 for pay increases for all eligible employees represented by the Florida Police Benevolent Association, the International Union of Police Associations, the Florida Nurses Association, and the American Federation of State, County, and Municipal Employees, Council 79, and all other eligible Career Service employees not included in a represented collective bargaining unit. Funds are to be distributed as follows:

1) Based on the funds provided in Specific Appropriation 1866 which are different from the funds recommended for the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Security Services pay plan to receive a competitive pay adjustment of 2.5% on each employee's September 30, 2000, base rate of pay, effective October 1, 2000.

2) Based on the funds provided in Specific Appropriation 1866 which are different from the funds recommended for the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Special Agent pay plan to receive a competitive pay adjustment of 8 percent on each employee's September 30, 2000, base rate of pay, effective October 1, 2000.

3) Funds are provided in Specific Appropriation 1866 for all eligible unit and non-unit employees assigned to the Law Enforcement pay plan to receive a competitive pay adjustment of 8 percent on each employee's September 30, 2000, base rate of pay, effective October 1, 2000.

4) Based on the funds provided in Specific Appropriation 1866 which are different from the funds recommended for the negotiated collective bargaining agreement, each employee assigned to the professional health care longevity pay plan shall receive an upward competitive pay adjustment of one level on each employee's anniversary date.

5) Based on the funds provided in Specific Appropriation 1866, funds are provided to grant each employee represented by the American Federation of State, County, and Municipal Employees, Council 79, a competitive pay adjustment of 2.5% on each employee's September 30, 2000, base rate of pay. Such adjustment shall be effective the later of: (a) 20 days after a special master's recommendation on wages has been made and accepted by both parties, (b) if such recommendation is rejected by either party, 30 days after a public hearing has been conducted by the Legislature and the Legislature has resolved the issues at impasse, (c) 1 day after the parties reach an agreement, if such agreement is reached prior to the Legislative public hearing or, (d) October 1, 2000.

6) From the funds in Specific Appropriation 1866, all eligible Career Service employees not included in a represented collective bargaining unit, funds are provided for a competitive pay adjustment of 2.5% on each employee's September 30, 2000, base rate of pay, effective October 1, 2000.

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B. BOARD OF REGENTS

1) University Support Personnel (USPS)

a. Effective October 1, 2000, for all eligible USPS unit and non-unit employees, other than unit employees assigned to the professional health care and certified law enforcement pay plans, funds are provided in Specific Appropriations 161, 162, 163, 164 and 178 for a 2.5 percent competitive pay adjustment on each employee's September 30, 2000 base rate of pay.

b. Based on the funds provided in Specific Appropriations 161, 162, 163, 164 and 178 which are different from funds recommended for the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit assigned to the professional health care pay plans to receive a competitive pay adjustment of 2.5% on each employee's September 30, 2000, base rate of pay, effective October 1, 2000.

c. Based on the funds provided in Specific Appropriations 161, 162, 163, 164 and 178 which are different from funds recommended for the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Law Enforcement pay plan to receive a competitive pay adjustment of 8 percent on each employee's September 30, 2000, base rate of pay, effective October 1, 2000.

2) Administrative and Professional (A&P)

a. Effective October 1, 2000, for all eligible non-unit A&P employees, funds are provided in Specific Appropriations 161, 162, 163, 164 and 178 for a competitive pay adjustment of 2.5 percent on each employee's September 30, 2000, base rate of pay. These funds shall be distributed as prescribed by the Board of Regents.

b. Based on the funds provided in Specific Appropriations 161, 162, 163, 164 and 178, which are different from funds recommended for the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit A&P employees to receive a competitive pay adjustment of 2.5 percent on each employee's September 30, 2000, base rate of pay, effective October 1, 2000.

3) General Faculty

a. Funds are provided in Specific Appropriations 161, 162, 163, 164 and 178 for an overall average 2.5 percent increase on the September 30, 2000, base rate of pay of non-unit faculty employees, effective October 1, 2000. These funds shall be distributed as prescribed by the Board of Regents.

b. Funds are provided in Specific Appropriations 161, 162, 163, 164 and 178 for an overall average 2.5 percent increase on the September 30, 2000, base rate of pay of unit faculty employees, effective October 1, 2000. These funds shall be distributed in accordance with the negotiated collective bargaining agreement.

c. Effective October 1, 2000, for all eligible unit and non-unit graduate assistants and graduate health professions assistants, funds are provided in Specific Appropriations 161, 162, 163, 164, and 178, for a competitive pay adjustment of 2.5 percent on each employee's September 30, 2000, base rate of pay.

C. EXEMPT FROM CAREER SERVICE

1) Elected officers and full time members of Commissions: Specific Appropriation 1866 includes funding to provide salary increases on base salary, effective October 1, 2000. The following officers shall be paid at the annual rate shown below for the period indicated, however, these salaries may be reduced on a voluntary basis:

	7/1/00	10/1/00

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Governor	$ 117,240	$ 120,171
Lieutenant Governor	112,304	115,112
Secretary of State	116,056	118,957
Comptroller	116,056	118,957
Treasurer	116,056	118,957
Attorney General	116,056	118,957
Education, Commissioner of	116,056	118,957
Agriculture, Commissioner of	116,056	118,957
Supreme Court Justice	145,083	150,000
Judges-District Courts of Appeal	130,576	138,500
Judges-Circuit Courts	117,020	130,000
Judges-County Courts	104,018	117,000
Commissioner-Public Service Commission	117,020	119,946
Public Employees Relations Commission Chrm.	83,759	85,853
Public Employees Relations Commission Commissioners	79,260	81,242
Commissioner-Parole and Probation	79,260	81,242
State Attorneys	130,576	133,840
Public Defenders	125,351	128,485

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2) Senior Management Service and Selected Exempt Service:

a. For all eligible Senior Management Service and non-unit Selected Exempt Service employees, funds are provided in Specific Appropriation 1866 for a competitive pay adjustment of 2.5 percent on each employee's September 30, 2000 base rate of pay, effective October 1, 2000.

b. Based on the funds provided in Specific Appropriation 1866, funds are provided to grant each eligible Selected Exempt Service physicians bargaining unit employee a competitive pay adjustment of 2.5% on each employee's September 30, 2000, base rate of pay. Such adjustment shall be effective the later of: (a) 20 days after a special master's recommendation has been made and accepted by both parties, (b) if such recommendation is rejected by either party, 30 days after a public hearing has been conducted by the Legislature and the Legislature has resolved the issues at impasse, (c) 1 day after the parties reach agreement, if such agreement is reached prior to the Legislature's public hearing, or (d) October 1, 2000.

3) Career Service Exempt and the Florida National Guard:

Funds are provided in Specific Appropriation 1866 for a competitive pay adjustments of 2.5 percent on each employee's September 30, 2000, base rate of pay, effective October 1, 2000.

D. JUDICIAL

Funds are provided in Specific Appropriation 1866 for a competitive pay adjustment of 2.5 percent on each employee's September 30, 2000 base rate of pay, effective October 1, 2000.

E. LOTTERY

1) Funds are provided in Specific Appropriation 1866 to grant eligible unit and non-unit Lottery employee's a competitive pay adjustment of 2.5 percent on each employee's September 30, 2000, base rate of pay, effective October 1, 2000.

2) Funds are provided in Specific Appropriation 1866 to grant each unit and non-unit Lottery, Law Enforcement member an additional competitive pay adjustment of 5.5 percent of each employee's September 30, 2000, base rate of pay, effective October 1, 2000.

F. FLORIDA SCHOOL FOR THE DEAF AND THE BLIND:

1) Funds are provided in Specific Appropriation 1866 for non-career service employees of the School for the Deaf and the Blind to receive competitive pay adjustments of 2.5 percent on each employee's September

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30, 2000, base rate of pay, effective October 1, 2000. Distribution of the funds for unit employees shall be pursuant to the negotiated collective bargaining agreement, and distribution of the funds for non-unit employees shall be at the discretion of the Board of Trustees.

2) From the funds in Specific Appropriation 1866, $200,000 from the General Revenue Fund is provided to the Florida School for the Deaf and the Blind for the purpose of raising the salaries of teachers and specialists at the school to a competitive level with surrounding school districts. These funds shall be distributed subject to a collective bargaining agreement between the school and the employee organization representing the teachers and specialists.

G. SPECIAL PAY ISSUES

1) From the funds in Specific Appropriation 1866, $22,300 from the General Revenue Fund and $1,725,745 from Trust Funds are provided to the Department of Health to consolidate classes and make pay grade adjustments in the Office of Disability Determinations subject to approval by the Department of Management Services and the Executive Office of the Governor.

2) From the funds in Specific Appropriation 1866, $78,300 from the General Revenue Fund are provided to the Department of Law Enforcement to fund the Performance Based Compensation Plan as developed by the department to reward employees that exceed performance standards, effective June 1, 2001.

3) a. From the funds in Specific Appropriation 1866, $1,759,345 from the General Revenue Fund and $779,111 from Trust Funds are provided to fund competitive pay adjustments to employees assigned to the classes of attorney and senior attorney in accordance with the plan developed by the Department of Management Services dated December 2, 1999.

b. It is the intent of the Legislature that the Department of Management Services adjust the pay grades of legal classes and create a new pay grade so that the minimum annual pay for the Attorney class, class code 7736, shall be $34,199.62. It is further the intent of the Legislature that a new class of Attorney Supervisor be created within the legal classes. Each executive branch agency may allocate positions to the new class if such position meets the allocation factors for the class, subject to approval by the Department of Management Services and the Executive Office of the Governor.

c. From the funds provided in Specific Appropriation 1866, an additional $750,000 from the General Revenue Fund and $650,000 from trust funds, are provided to the Department of Legal Affairs to fund competitive pay adjustments to employees assigned to the classes of attorney, senior attorney and attorney supervisor at the discretion of the agency head.

4) From the funds in Specific Appropriation 1866, $98,696 from the General Revenue Fund and $191,587 from Trust Funds are provided to the Department of Revenue to reclassify existing clerical classes within the Child Support Enforcement Program, subject to approval by the Department of Management Services and the Executive Office of the Governor.

5) From the funds in Specific Appropriation 1866, $1,600,000 from the General Revenue Fund are provided to fund the costs attributable to providing Senior Management Service retirement benefits to assistant state attorneys, assistant public defenders and assistant statewide prosecutors, effective January 1, 2001, and contingent upon substantive legislation becoming law that would grant such retirement benefits to these employees.

6) From the funds in Specific Appropriation 1866, $59,000 from the General Revenue Fund are provided to fund the costs attributable to providing benefits to attorneys employed by the Capital Collateral Regional Counsel Offices comparable to Select Exempt Service benefits.

7) From the funds in Specific Appropriation 1866, $23,000 from the General Revenue Fund are provided to fund the costs attributable to providing Senior Management Service retirement benefits to the Capital

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Collateral Regional Counsel Offices, contingent upon substantive legislation becoming law that would grant such retirement benefits to these employees.

8) Effective January 1, 2001, the funds in Specific Appropriation 1866, $7,250,000 from the General Revenue Fund are provided to the Department of Corrections to fund the costs attributable to providing special risk retirement benefits to community-based correctional probation officers, contingent upon substantive legislation becoming law that would grant such retirement benefits to these employees.

9) From the funds in Specific Appropriation 1866, $400,520 from the General Revenue Fund are provided to the Department of Law Enforcement to fund the annualization costs associated with the Structured Crime Lab Compensation Plan as developed by the department, and initially implemented in Fiscal Year 1999-2000.

10) From the funds in Specific Appropriation 1866, $480,457 from the General Revenue Fund are provided to the Department of Law Enforcement to fund the annualization costs associated the Performance Based Compensation Plan as developed by the department, and initially implemented in Fiscal Year 1999-2000.

11) Effective October 1, 2000, from the funds in Specific Appropriation 1866, $2,747,277 from the General Revenue Fund and $4,933 from Trust Funds are provided to the Department of Juvenile Justice to grant each employee assigned to a position in the detention worker class series (class codes 5711, 5712 and 5713) in the Department of Juvenile Justice a competitive pay adjustment of 7.5 percent on each employee's September 30, 2000, base rate of pay, effective October 1,2000. This competitive pay adjustment shall be in addition to any other competitive pay adjustment granted by this Act.

12) From the funds in Specific Appropriation 1866, $116,670 from Trust Funds are provided to the Fish and Wildlife Conservation Commission to address salary inequities among senior management service and select exempt service personnel, as described in the agency's amended legislative budget request (issue code 3002A00).

13) Effective January 1, 2001, from the funds in Specific Appropriation 1866, $3,300,000 from the General Revenue Fund are provided to fund the costs attributable to providing special risk retirement benefits to select unit and non-unit employees, of the Professional Health Care Unit, contingent upon substantive legislation becoming law that would grant such retirement benefits to these employees.

14) Effective October 1, 2000, from the funds in Specific Appropriation 1866, $102,578 from the General Revenue Fund are provided to the Judicial Branch to fund a competitive pay adjustment for each trial court administrator within the state court system and additional salary increases at the discretion of the chief judge of each circuit. These competitive pay adjustments are in addition to any other competitive pay adjustment authorized by this act.

15) Effective October 1, 2000, from the funds in Specific Appropriation 1866, $305,250 from the General Revenue Fund are provided to the Judicial Branch to implement an incentive plan for trial court attorneys to be retained beyond two years of service.

16) Effective October 1, 2000, from the funds in Specific Appropriation 1866, $305,453 from the General Revenue Fund are provided to the Judicial Branch to fund a revised law clerk compensation plan designed to recruit, retain and reward experienced appellate attorneys.

17) Effective October 1, 2000, from the funds in Specific Appropriation 1866, $72,275 from the General Revenue Fund are provided to the Judicial Branch to compensate clerks and marshals at a level commensurate with the professional responsibilities of their positions.

18) Effective October 1, 2000, from the funds in Specific Appropriation 1866, $497,981 from the General Revenue Fund are provided to the Justice Administrative Commission for each employee assigned to the state attorney investigator class series (class codes 6661, 6662, 6663, 6664,

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6665, 6666) to fund a competitive pay adjustment of 5.5% on each employee's September 30, 2000, base rate of pay. This competitive pay adjustment shall be in addition to any other competitive pay adjustment granted by this Act.

19) Effective October 1, 2000, from the funds in Specific Appropriation 1866, $571,725 from the General Revenue Fund are provided to the Justice Administrative Commission to fund a $350 per month stipend for each employee assigned to the public defender investigator class series (class codes 5660, 5661, 5662, 5663, 5664,5665).

20) From the funds in Specific Appropriation 1866, $154,440 from the General Revenue Fund are provided to the Department of Law Enforcement to fund on-call fees to be paid to supervisors of special agents.

2. BENEFITS: HEALTH, LIFE AND DISABILITY INSURANCE

1) Funds are provided in each agency's budget to continue paying the current state share of life and disability insurance premiums. For the period of July 1, 2000 through June 30, 2001, the state share of the State Group Health Insurance Plan premiums and the state share of the health maintenance organizations premiums to the executive, legislative, and judicial branch agencies shall continue at $191.52 per month for individual coverage and $391.60 per month for family coverage.

2) For the period of July 1, 2000 through June 30, 2001, the employee's share of health insurance premiums shall continue at $32.30 per month for individual coverage and $116.20 per month for family coverage.

3) Under the State Employees' Prescription Drug Plan, the following shall apply:

a. Supply limits shall continue as provided in s. 110.12315, Florida Statutes.

b. For the period July 1, 2000 through December 31, 2000, co-payments shall be as follows:

1. $7 co-payment for generic drugs with card;
2. $20 co-payment for brand name drugs with card;
3. $7 co-payment for generic mail order drugs; and
4. $20 co-payment for brand name mail order drugs.

c. Effective January 1, 2001, co-payments shall be as follows:

1. $7 co-payment for generic drugs with card;
2. $20 co-payment for preferred brand name drugs with card;
3. $35 co-payment for non-preferred brand name drugs with card;
4. $10.50 co-payment for generic mail order drugs;
5. $30 co-payment for preferred brand name mail order drugs; and
6. $52.50 co-payment for non-preferred brand name mail order drugs.

d. The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the State Employee's Prescription of the State Employees' Prescription Drug Program.

4) a. Under the State Group Insurance Program, the co-payments for physician office visits with health maintenance organizations shall continue at $10.

b. Co-payments for prescription drugs with health maintenance organizations shall continue at $7 co-payment for generic drugs and $20 copayment for brand name drugs. However, such co-payments may be increased upon implementation of the pharmacy benefit options authorized in sub-sub-paragraph c., but no earlier than January 1, 2001.

c. The Department of Management Services may authorize the health maintenance organizations to develop pharmacy benefit options consistent with those available in the State Employees' Prescription Drug Program. The options developed by the health maintenance organizations shall use the same co-payment structure established for the State Employees' Prescription Drug Program.

SECTION 8. SALARIES AND BENEFITS
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5) The current pharmacy dispensing program shall remain in effect as provided in s. 110.12314, Florida Statutes.

6) Any proposed changes in the benefits provided under the State Group Health Insurance Plan shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless the Economic Estimating Conference determines that the plan modification is minor and that such a statement is not necessary.

7) The $100 per calendar year physical examination benefit shall be limited to active employees and COBRA participants covered under the State Group Health Insurance Plan.

8) All State Group Health Insurance Plan benefits as provided in the current State of Florida Employees Group Health Insurance Plan Booklet and Benefit document and other such benefits as approved by the Legislature shall remain in effect.

3. OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this Act and with the negotiated collective bargaining agreements between the Governor and the respective bargaining units:

A. Continue to provide up to six (6) credit hours of tuition-free courses per term at a State University to all full time employees on a space-available basis.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

C. 1. Continue to provide, at the current level, uniform maintenance and shoe allowances for unit and non-unit law enforcement positions.

2. From the funds in Specific Appropriations 1866, $48,375 from the General Revenue Fund are provided to the Department of Law Enforcement to fund an increase in the combined Clothing Maintenance and Shoe allowance for unit and non-unit Special Agent occupational group employees from $375 to $500 per year. The current categories of Clothing Maintenance and Shoe Allowance shall be combined into a single category of Clothing Allowance payable at $500 per year.

3. From the funds in Specific Appropriations 1866, $27,450 from the General Revenue Fund are provided to the Board of Regents to fund an increase in the combined Uniform Maintenance and Shoe allowance for unit and non-unit SUS Law Enforcement employees from $425 to $500 per year. The current categories of Uniform Maintenance and Shoe Allowance shall be combined into a single category of Uniform Allowance payable at $500 per year.

D. Continue to pay employees on-call fees at the current level.

4. COLLECTIVE BARGAINING ISSUES AT IMPASSE

A. Collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, Master Contract Units, for Career Service employees shall be resolved as follows:

1) Issues at impasse concerning Grievance Procedure, i.e., Article 6, shall be resolved herein pursuant to the State's last offer dated January 11, 2000.

2) Issues at impasse concerning Seniority, i.e., Article 15, shall be resolved herein by maintaining the status quo under the current collective bargaining agreement.

3) Issues at impasse concerning Leaves of Absence, i.e., Article 18, shall be resolved herein by maintaining the status quo under the current collective bargaining agreement.

SECTION 8. SALARIES AND BENEFITS
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4) Issues at impasse, concerning WAGES, i.e., Article 25 issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

5) Issues at impasse, concerning Insurance Benefits, i.e., Article 27, issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "2. BENEFITS."

B. Collective bargaining issues at impasse between the State of Florida and the International Union of Police Associations, Law Enforcement Unit, for Career Service employees shall be resolved as follows:

1) Issues at impasse concerning WAGES, i.e., Article A issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES." The Law Enforcement Step Pay Plan, Pay Programs, shall be administered by maintaining the status quo.

2) Issues at impasse, concerning Insurance Benefits, i.e., Article B, issues shall be resolved herein pursuant to the instructions provided in this Section under Item "2. BENEFITS."

C. Collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists, SES Physicians Unit, for Selected Exempt Service employees shall be resolved as follows:

1) Issues at impasse concerning Termination Due to a Reduction in Force and Recall, i.e., Article 8, shall be resolved herein by maintaining the status quo under the current collective bargaining agreement.

2) Issues at impasse concerning Reassignment, i.e., Article 9, shall be resolved herein by maintaining the status quo under the current collective bargaining agreement.

3) Issues at impasse concerning Classification Review and Professional Practice Scope, i.e., Article 11 issues, shall be resolved herein by maintaining the status quo under the current collective bargaining agreement.

4) Issues at impasse concerning WAGES, i.e., Article 18 issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

5) Issues at impasse concerning Insurance Benefits, i.e., Article 19 issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "2. BENEFITS."

D. Collective bargaining issues at impasse between the Board of Regents and AFSCME Council 79 shall be resolved as follows:

1) Issues at impasse concerning WAGES, i.e., Article 23, shall be resolved herein pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

2) Issues at impasse concerning benefits, i.e., Article 24, shall be resolved herein pursuant to the Board of Regents' last offer to maintain the status quo under the language of the current collective bargaining agreement.

E. Collective bargaining issues at impasse between the Board of Regents and the GAU/UFF at FAMU, UF, and USF shall be resolved as follows:

1) Issues at impasse concerning minimum stipends, i.e., Article 23, shall be resolved pursuant to the Board of Regents' last offer.

2) Issues at impasse concerning health insurance, i.e., Article 18, shall be resolved herein pursuant to the Board of Regents' last offer to maintain the status quo under the language of the current collective bargaining agreements.

F. All other collective bargaining issues at impasse for the 2000-2001 Fiscal Year which are not contained in this act shall be resolved by maintaining the status quo under the language of the current collective bargaining agreements.

SECTION 8. SALARIES AND BENEFITS
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5. STUDIES AND REPORTS AND OTHER PROVISIONS

A. All state branches, departments, and agencies which have established or approved personnel policies for employees relating to the payment of accumulated and unused annual leave shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

B. Upon termination of employees in the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, payment for unused annual leave credits accrued on the member's last anniversary date shall be prorated at the rate of one-twelfth (1/12) of the last annual amount credited for each month, or portion thereof, worked subsequent to the member's last anniversary date.

C. The approved annual salary rate for the Division of Administrative Hearings is $5,466,060 and is inclusive of rate for the competitive pay adjustment to each employee's September 30, 2000, base rate of pay, effective and provided October 1, 2000.

SECTION 9. The unexpended balance of funds provided to Palm Beach Community College in the Specific Appropriation 38 of Chapter 97-152, Laws of Florida, relating to General Renovation/Remodeling funding for $1,615,000 and other local funds pursuant to section 240.327, Florida Statutes, is hereby re-appropriated and authorized to provide additional space needs in the Business Administration Building #112, Central Campus.

SECTION 10. The unexpended balance of funds provided to Palm Beach Community College in the Specific Appropriation 51 of Chapter 98-422, Laws of Florida, relating to General Renovation/Remodeling funding for $1,372,930 and other local funds pursuant to section 240.327, Florida Statutes, is hereby re-appropriated and authorized to provide additional space needs in the Continuing Education Building #510, Central Campus.

SECTION 11. The unexpended balance of funds provided to Palm Beach Community College in the Specific Appropriation 37 of Chapter 99-226, Laws of Florida, relating to the Remodeling/ Renovation Bldgs 103, 104, & 208 - Central for $1,029,587 and other local funds pursuant to section 240.327, Florida Statutes, is hereby re-appropriated and authorized to provide additional space needs in the Student Services Building # 103, Central Campus.

SECTION 12. Pursuant to section 240.327, Florida Statutes, the specified community colleges are authorized to acquire or construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide General Revenue funds to operate and maintain these facilities. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated community college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Community Colleges, the Postsecondary Education Planning Commission, and the State Board of Education must be received before any funds may be expended to acquire the property.

1. Miami-Dade Community College - Build facilities for the Aviation Training Center at the Homestead Campus instead of the Homestead Park of Commerce as stated in Section 33 of Chapter 99-226, Laws of Florida.

2. Hillsborough Community College - Acquire land and possible facilities in Northwest Hillsborough County for future development.

3. Santa Fe Community College - Acquire 9.24 acres of land on the northernmost border of the Northwest Campus in accordance with their Master Plan.

SECTION 13. The Board of Regents of the State University System is hereby authorized to construct the following projects which are to be financed entirely or partially from revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution or s. 240.2093, Florida

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Statutes, and are hereby authorized to be subsequently refinanced through the issuance of refunding bonds:

1. University of Florida - Ben Hill Griffin Stadium Skybox Addition - Phase I & Skybox and Pressbox Renovation - Phase II
2. University of Florida - Hume Hall Renovation or Replacement (Reauthorization)
3. University of Florida - Diamond Village Renovation (Reauthorization)
4. University of Florida - Murphree Residence Hall Electrical Upgrade (Reauthorization)
5. Florida State University - Parking Improvements
6. Florida State University - New Residence Hall
7. Florida State University - Renovate/Remodel Cawthon Hall
8. Florida State University - Research Facility
9. Florida Agricultural & Mechanical University - Housing, Phase IV (Reauthorization)
10. University of South Florida - Parking Structure II (Reauthorization)
11. University of South Florida - Residence Life Enhancement Program - Phase IB (Student Apartment Facilities and Renovation of Dormitory)
12. Florida Atlantic University - Student Housing Phase I
13. University of Central Florida - Academic Villages (Reauthorization)
14. University of Central Florida - Orlando Technology Center
15. University of Central Florida - Parking Garage IV
16. University of Central Florida - Intercollegiate Athletics Building
17. Florida International University - Student Housing Complex and Support Services
18. University of North Florida - Housing Phase V
19. Florida Gulf Coast - North Lake Housing Phase III

Section 14. Funds appropriated within item 209-A of Chapter 99-226, Laws of Florida, for the FAU Library Remodeling project may be expended for remodeling and expansion of the FAU Library Building. Supplemental funding from Palm Beach Community College may also be applied to the project.

Section 15. Funds appropriated within item 2001 of Chapter 94-357, Laws of Florida, for the FAU Building Repairs - Buildings 10, T-13 & BC-04 project may be expended for partial construction of a Campus Support Services Facility.

Section 16. Funds appropriated within item 39 of Chapter 97-152, Laws of Florida, for the FIU Library Addition project may be expended to partially fund an Academic Learning Center facility at the FIU University Park Campus.

Section 17. Funds appropriated within item 209B of Chapter 98-422, Laws of Florida, from General Revenue funds for Florida State University Campus Safety Improvements shall not revert until February 1, 2003.

Section 18. Funds appropriated within item 52 of Chapter 98-422, Laws of Florida, from PECO for FSU Utilities/Infrastructure/Stormwater Improvements shall not revert until February 1, 2003.

Section 19. Funds appropriated within item 209C of Chapter 98-422, Laws of Florida, for the FAU Wellness Center building project may be expended for outdoor improvements and equipment which support wellness.

SECTION 20. Pursuant to s. 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide General Revenue funds to operate and maintain these facilities. If existing sites are a part of these projects, each such building and site must be certified to be free of hazardous materials before it may be accepted by the Board:

1. University of Florida - Minor Additions to IFAS Facilities in Gainesville/Alachua County and research centers and outlying units throughout the state
2. University of Florida - Offices, shops and storage for IFAS at Pine Acres Unit (Reauthorization) in Marion County

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3. University of Florida - UF/Shands Proton Beam Facility in Duval County
4. University of Florida - Pathology Diagnostic Referral Lab in Alachua County
5. University of Florida - Center for Clinical Trials Research Addition in Alachua County
6. University of Florida - Orthopaedic Surgery and Sports Medicine Institute in Alachua County
7. Florida State University - Communications Facility in Leon County
8. Florida State University - Alumni Center Complex in Leon County
9. Florida State University - Campus Landscaping Improvements in Leon County
10. Florida State University - National Weather Service (NWS) Meteorology Facility (Reauthorization) in Tallahassee/Leon County
11. Florida State University - Chemistry Building in Leon County
12. University of Central Florida - Student Support Center in Orange County
13. University of South Florida - Clean Room Facility in Hillsborough County
14. Florida Atlantic University - Presidential Home and University Meeting Space in Boca Raton/Broward County (Reauthorization)
15. Florida Atlantic University - Pine Jog Environmental Education Facility in West Palm Beach/Palm Beach County (Reauthorization)
16. Florida International University - President's Residence and Events Center (Reauthorization) in Dade County
17. Florida International University - Expansion of Center for Engineering and Applied Science in Dade County
18. Florida International University - Academic Learning Center in Dade County.
19. Florida Gulf Coast University - North Lake Olympic Pool in Lee County

SECTION 21. Pursuant to s. 240.299(5), Florida Statutes, the following facilities may be acquired by the direct support organizations indicated.

Financing, expansion and renovation of the University of Florida Ben Hill Griffin Stadium spectator seating, skyboxes, and press box by the University of Florida Athletic Association

Financing and construction of the University of Florida Basketball Practice Facility and Womens Club Annex by the University of Florida Athletic Association (reauthorization)

Financing and construction of the University of Florida Softball Locker Room Addition project by the University of Florida Athletic Association

Financing and construction of a portion of the Florida State University Communications Facility project by the Seminole Boosters

Financing and construction of the Florida State University Howser Stadium Renovation, Expansion or Replacement project by the Seminole Boosters

Financing and construction of the Florida State University Alumni Center Complex by the FSU Foundation and Alumni Association

Financing and Construction of the Florida State University Campus Landscaping Improvements project by the FSU Foundation

Financing and construction of the USF Charter School by the USF Foundation with funding provided by private donations, federal funds, and state funds

Financing and construction of a presidential home and University meeting space at Florida Atlantic University by the FAU Foundation (Reauthorization)

Financing and construction of the Pine Jog Environmental Education Facility by the Florida Atlantic University Foundation (Reauthorization)

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Financing and construction of the Co-Ed Multi-Use Indoor Athletic Facility at Florida Atlantic University by the FAU Foundation

Financing and construction of a Florida International University Multi-Function Support Complex by the FIU Foundation (Reauthorization)

Financing and construction of a Florida International University Football Stadium Fieldhouse Facility by the FIU Foundation

Financing and construction of a UCF Intercollegiate Athletics Building by the UCF Foundation.

SECTION 22. Funds provided to the Broward County School District in Chapter 98-422, Specific Appropriation 58C, for an at-risk school operated jointly by the Broward County School Board, Broward Community College and Florida Atlantic University are hereby appropriated to the Broward County School Board for planning, remodeling or construction of facilities at existing school sites which will be used as centers to train teachers to work with students in low-achieving schools. Funds must be encumbered by June 30, 2001 or be subject to reversion. The school board shall match these state funds with local funds.

SECTION 23. Funds appropriated in Specific Appropriation 43 of Chapter 99-226, Laws of Florida, and Specific Appropriation 58, Chapter 98-422, Laws of Florida, are re-appropriated to WEDU-TV for planning, construction and equipment purchases.

SECTION 24. The unexpended balance of funds provided in Specific Appropriation 54A of Chapter 99-226, Laws of Florida, for Teaching Academies shall revert on June 30, 2000 and is reappropriated for the purposes of the original appropriation.

SECTION 25. Pursuant to section 2 of Chapter 98-286, Laws of Florida, the Comptroller is directed to transfer $10,700,000 from the Tobacco Settlement Trust Fund into the General Revenue Fund. This transfer shall satisfy the requirements of Chapter 98-286, Laws of Florida.

SECTION 26. The unexpended balance of funds provided for the Carver Community Center in Specific Appropriation 1130L of Chapter 98-422, Laws of Florida, is hereby reappropriated to the Town of Century for use on agriculture facility projects unanimously approved by the City Council with the approval of the mayor.

SECTION 27. The unexpended balance of funds provided for Lost Tree Islands in Specific Appropriation 1205 of Chapter 99-226, Laws of Florida, is hereby reappropriated for the purpose of carrying out the provisions of s. 373.451 - 373.4595, Florida Statutes, within the Indian River Lagoon project area.

SECTION 28. The unexpended balance of funds provided for Closure and Restructuring of Inglis Canal Lock in Specific Appropriation 1310 of Chapter 99-226, Laws of Florida, is hereby reappropriated for the purpose of engineering, design and permitting for a smaller lock at Inglis and manatee improvements at Kirkpatrick Dam and Buckman Lock.

SECTION 29. Any funds necessary to implement the provisions of the Federal Cash Management Improvement Act of 1990 shall be provided from the Working Capital Fund. The State Treasurer is authorized to submit a voucher to the Comptroller and based thereon, the Comptroller is authorized to make payment to the federal government in an amount necessary for the payment of interest earned on federal funds.

SECTION 30. The Comptroller is hereby authorized to transfer $47,000,000 in General Revenue funds to the Budget Stabilization Fund for Fiscal Year 2000-2001, as required by s. 19(g) Article III of the Constitution of the State of Florida.

SECTION 31. The Governor's Office of Policy and Budgeting shall, for all loans not satisfied as of July 1, 2000, pursuant to requirements of s. 215.18, Florida Statutes, submit a plan to the Legislature for repayment of such loans from the funds in the state treasury. This plan shall be subject to the review and approval procedures provided in s. 216.177, Florida Statutes.

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SECTION 32. The unexpended balance of funds provided in Specific Appropriation 1670E of Chapter 99-226, Laws of Florida, for High Impact Performance Incentives shall revert and is reappropriated for the purpose of the original appropriation.

SECTION 33. The unexpended balance of funds provided in Specific Appropriation 1670C of Chapter 99-226, Laws of Florida, for Brownfields Redevelopment shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 34. The unexpended balance of funds provided in Specific Appropriation 1670G, of Chapter 99-226, Laws of Florida, for the Quick Action Closing Fund shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 35. The unexpended balance of funds provided in Specific Appropriation 1670C, of Chapter 99-226, Laws of Florida, for Front Porch Florida shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 36. The unexpended balance of funds provided in Specific Appropriation 1670E, of Chapter 99-226, Laws of Florida, for Qualified Targeted Incentives shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 37. The unexpended balance of funds provided in Section 27, of Chapter 99-378, Laws of Florida, for the Urban Infill and Redevelopment Grant shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 38. From the funds in Specific Appropriation 541 of the General Appropriations Act for 1999-2000, the entire allocation of $6,504,450 appropriated for the Tampa Children's Medical Services facility on the campus of the University of South Florida, shall be interpreted as a Board of Regents project for the purpose of reversion in accordance with s. 216.301(3) Florida Statutes, clarifying the reversion date to be February 1, 2002.

SECTION 39. There is hereby appropriated $11,500,000 to be transferred from the Insurance Commissioner's Regulatory Trust Fund to the Working Capital Fund.

SECTION 40. From funds appropriated in Fiscal Year 1999-2000, the Department of Children and Families shall contract with the Department of Corrections for the construction of a 144-bed sexually violent predator program for detainees. There is hereby appropriated $2,000,000 from the Grants and Donations Trust Fund to the Department of Corrections for the construction of said facility in DeSoto County. This section shall take effect upon becoming law.

Section 41. There is hereby appropriated $4,000,000 from the General Revenue Fund to the Department of Children and Families for the construction of an eighty-bed sexually violent predator treatment facility in DeSoto County. The Department of Children and Families shall contract with the Department of Corrections for the construction of said facility and $4,000,000 is appropriated from the Grants and Donations Trust Fund in the Department of Corrections for this purpose. This section shall take effect upon becoming a law.

SECTION 42. The unexpended balance of the $400,000 appropriated in Specific Appropriation 1221F from the Marine Resources Conservation Trust Fund for an environmental bait fish pilot program in Chapter 99-226, Laws of Florida, is hereby reappropriated.

SECTION 43. The unexpended balance of the appropriation provided in section 11 of Chapter 99-244, Laws of Florida, to offset the potential decline in revenues as a result of the expedited One-Stop Permitting system, is hereby reappropriated for FY 2000-2001.

SECTION 44. The unexpended balance of funds in Specific Appropriation 1068M of Chapter 99-226, Laws of Florida, that was authorized for the Cantonment Livestock Multi-Use Arena in Escambia County is hereby reappropriated for Fiscal Year 2000-2001 for the purpose of constructing the facilities at an alternative location in Escambia County.

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SECTION 45. The unexpended balance of funds from Section 47 of Chapter 99-226, Laws of Florida, is hereby reappropriated. A minimum of $369,422 shall be used by the Department of Environmental Protection for purposes of a pilot project in the coastal areas of Okaloosa, Walton, Escambia, Santa Rosa, and Bay counties to study and develop more cost effective and efficient methods of beach renourishment and restoration. A partnership shall be formed between the Department of Environmental Protection and those companies having submitted and been approved for experimental permits.

SECTION 46. Funds included in appropriation item 1867A of Chapter 99-226, Laws of Florida, for Article V Consultants in the amount of $800,000 are hereby reappropriated to the Joint Legislative Committee on Article V to engage private sector consultants to assist both the Article V Financial Accountability and Efficiency Workgroup and the Joint Legislative Committee on Article V in carrying out their responsibilities.

SECTION 47. The unexpended balance of funds provided in Specific Appropriation 368B, Grants and Aids to Local Governments and Nonprofit Organizations Children's Crisis Stabilization Unit - Ruth Cooper Center, in Chapter 98-422, Laws of Florida, is hereby reappropriated for the purpose of providing $250,000 in non-recurring General Revenue for fixed capital outlay for the Ruth Cooper Adult Crisis Stabilization Unit in Lee County.

SECTION 48. Of the balance of funds provided in Specific Appropriation 379 of Chapter 99-226, Laws of Florida, $10 million in Tobacco Settlement Trust Fund is hereby reappropriated for the Home and Community-Based Services Waiver for costs incurred in Fiscal Year 2000-2001 to address the needs of the 23,361 people identified on the original waiting list. The release of funds shall be contingent upon reporting the number of individuals and costs to serve them based on individual plans of care for direct client services.

SECTION 49. The Department of Children and Families, in conjunction with the Executive Office of the Governor, shall develop a plan to spend the non-recurring sum of $50,000,000 from Temporary Assistance for Needy Families (TANF) Block Grant Funds. In accordance with that plan, the department shall prepare and submit a budget amendment request in accordance with the provisions of Chapter 216, Florida Statutes, and the requirements set forth in 45 CFR, Section 260 through 265. The department shall limit the amendment request to the following non-recurring activities:

Child Care Activities
- Child Care T.E.A.C.H.
- Recruitment of Child Care Providers in Rural Areas
- Florida Partnerships for School Readiness
- Summer Care for School Age Children

Family Visitation Centers
- Family Visitation Centers

Domestic Violence and Homeless Programs
- Domestic Violence Centers
- Domestic Violence Training
- Homeless Shelters

Healthy Families
- Family Support Services
- Healthy Families Expansion

Child Health and Prevention
- Infant Brain Development Initiative
- Abstinence Education
- KidCare Outreach

Workforce Development and Incentives
- Workforce Incentives

Mental Health and Substance Abuse
- Mental Health Services
- Drug Abuse Services

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Before any funds are released by the department, each prospective provider shall certify the number of clients to be served and their eligibility under Part A, of Title IV of the Social Security Act. Funds may not be released to any provider until the department determines that the proposed expenditures meet the requirements specified in this section.

SECTION 50. The unexpended balance of funds in Specific Appropriation 578A of Chapter 99-226, Laws of Florida, shall revert and $1,500,000 is reappropriated from the Prison Industries Trust Fund for use by the corporation established pursuant to s. 946.504(1), Florida Statutes, for correctional work program facilities. These funds may be used at the discretion of the corporation for construction, renovation and major repairs of correctional work program facilities. This section is contingent upon CS/HB 1429 or similar legislation which creates a Prison Industries Trust Fund becoming law.

SECTION 51. Funds are provided in this act to allow each agency head the discretion to grant non-recurring salary incentives from the salary and benefits category in order to recruit, retain and reward quality personnel. The aggregate amount of such non-recurring salary incentives shall not exceed an amount equal to 0.25% of the agency's initial approved rate for the fiscal year.

SECTION 52. Funds in this act may be expended for bar dues and for legal education courses for attorneys employed by the State as legal staff.

SECTION 53. Any section of this act, or any Appropriation herein contained, if found to be invalid shall in no way affect other Sections or Specific Appropriations contained in this act.

SECTION 54. With the exception of Sections 40 and 41, this act shall take effect July 1, 2000, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2000, then it shall operate retroactively to July 1, 2000. Sections 40 and 41 shall take effect upon becoming a law.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS 125,082

FROM GENERAL REVENUE FUND 19899,235,506

FROM TRUST FUNDS 31020,715,907

TOTAL ALL FUNDS 50919,951,413

On motion by Rep. Pruitt, the Report of the Conference Committee on HB 2145 was accepted in its entirety.

The question recurred on the passage of HB 2145. The vote was:

Session Vote Sequence: 569

Yeas—120

The Chair	Bronson	Dockery	Green, C.
Albright	Brown	Edwards	Greene, A.
Alexander	Brummer	Effman	Greenstein
Andrews	Bucher	Eggelletion	Hafner
Argenio	Bullard	Farkas	Harrington
Argenziano	Bush	Fasano	Hart
Arnall	Byrd	Feeney	Henriquez
Bainter	Cantens	Fiorentino	Heyman
Ball	Casey	Flanagan	Hill
Barreiro	Chestnut	Frankel	Jacobs
Bense	Constantine	Fuller	Johnson
Betancourt	Cosgrove	Futch	Jones
Bilirakis	Crady	Garcia	Kelly
Bitner	Crist	Gay	Kilmer
Bloom	Crow	Goode	Kosmas
Boyd	Detert	Goodlette	Kyle
Bradley	Diaz de la Portilla, R.	Gottlieb	Lacasa
Lawson	Murman	Rojas	Starks
Lee	Ogles	Rubio	Suarez
Levine	Patterson	Russell	Sublette
Littlefield	Peaden	Ryan	Trovillion
Logan	Posey	Sanderson	Tullis
Lynn	Prieguez	Sembler	Turnbull
Maygarden	Pruitt	Smith, C.	Villalobos
Melvin	Putnam	Smith, K.	Wallace
Merchant	Rayson	Sobel	Wasserman Schultz
Miller, J.	Reddick	Sorensen	Waters
Miller, L.	Ritchie	Spratt	Wiles
Minton	Ritter	Stafford	Wilson
Morroni	Roberts	Stansel	Wise

Nays—None

So the bill passed, as amended by the Conference Committee Report. The action, together with HB 2145 and the Conference Committee Report thereon, was immediately certified to the Senate.

Disclosure of Interest

Two of my colleagues, State Representatives Jeff Miller and Durell Peaden, included an appropriation in this year's budget, HB 2145, for improvements to Jay Hospital in north Santa Rosa County. The hospital is owned by Santa Rosa County, but it is leased to, and operated by my employer, Baptist Health Care of Pensacola. Baptist has leased and managed the facility for many years. While I do not believe this appropriation will be of direct benefit to me, it could be argued that a special gain may inure to my employer. It should be noted, however, that the funds are intended for capital improvements to a facility that will continue to be the property of Santa Rosa County. I am also noting the trauma care dollars for my employer which will not be of direct benefit to me, but are included in the statewide trauma care section of HB 2145.

In order to avoid the appearance of a personal conflict, I am submitting this letter as public notice of a potential conflict of interest. It is my understanding that you will print this notice in the *Journal*.

Rep. Jerry L. Maygarden
District 2

Conference Committee Report on HB 2147

In compliance with Article III, Section 19(d) and Joint Rule 2, the necessary 72-hour waiting period having expired, on motion by Rep. Pruitt, the House took up the following Report of the Conference Committee on HB 2147:

The Honorable Toni Jennings May 2, 2000
President of the Senate

The Honorable John Thrasher
Speaker of the House of Representatives

Dear President Jennings and Speaker Thrasher:

Your Conference Committee on the disagreeing votes of the two houses on the Senate Amendments to House Bill 2147, same being:

An act making implementing appropriations;

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

1. That the Senate recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee amendment attached hereto, and by reference made a part of this report.

Carlos Lacasa, Chair *Roberto Casas, Chair*
Ken Pruitt *Locke Burt*
James E. King, Jr.
Tom Lee
Tom Rossin

Managers on the part of the Managers on the part of the

House of Representatives Senate

(Amendment Bar Code: 953043)

Conference Committee Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

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 2000-2001.*

Section 2. *In order to implement Specific Appropriation 135 of the 2000-2001 General Appropriations Act, the funds provided for workforce development shall be initially allocated to the school district or community college as designated. If, for any reason, a program in whole or in part is moved from a community college to a school district or moved from a school district to a community college, the Commissioner of Education or the Executive Director of the Division of Community Colleges shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to transfer the appropriate amount of the 2000-2001 appropriation between the affected district and community college. The amount transferred shall be as near as practicable to the actual amount appropriated for the FTE funded for that program. This section is repealed on July 1, 2001.*

Section 3. *In order to implement Specific Appropriation 2645A of the 2000-2001 General Appropriations Act, the Legislature affirms and confirms that all funds and related interest appropriated to the Instituto Patriotico v Docente San Carlos, Inc., a Florida not-for-profit corporation doing business as the San Carlos Institute between fiscal years 1986-1987 and 1992-1993, including, but not limited to, Public Education Capital Outlay (PECO) funds, were spent in accordance with legislative intent; and the Legislature affirms and confirms that all matching fund requirements have been fully met by the San Carlos Institute. Furthermore, the Legislature affirms and confirms that the appropriations to the San Carlos Institute in fiscal years 1998-1999, 1999-2000, and 2000-2001 do not require matching funds. Therefore, the requirement that interest funds be repaid to the State of Florida is hereby waived, and the Legislature directs all applicable state agencies to release to the San Carlos Institute all funds appropriated for the San Carlos Institute for fiscal years 1993-1994, 1998-1999, 1999-2000, and 2000-2001. This section is repealed on July 1, 2001.*

Section 4. In order to implement Specific Appropriation 135 of the 2000-2001 General Appropriations Act, subsection (7) is added to section 240.384, Florida Statutes, to read:

240.384 Training school consolidation pilot projects.—

(7) AUDITOR GENERAL ANALYSIS.—Notwithstanding any provision of this section to the contrary, and for the 2000-2001 fiscal year only, prior to the release of funds in Specific Appropriation 135 of the 2000-2001 General Appropriations Act for Leon and St. Johns Counties, the Auditor General shall determine, no later than August 1, 2000, that all FTEs, completions, placements, and related funds and any other funds from all state sources relating to the criminal justice training programs transferred to St. Johns River Community College and Tallahassee Community College have been correctly identified and transferred to the respective community colleges. All program funds and their sources, including, but not limited to, the entire FEFP, categorical programs, workforce development funds, performance incentives, incentive grants for expanded programs, and all other state fund sources relating to these programs shall be included in this analysis. All funds identified in this analysis for a given program under this section shall be shifted to the base appropriation for the appropriate community college before the funds in Specific Appropriation 135 are allocated. This subsection is repealed on July 1, 2000.

Section 5. In order to implement Specific Appropriation 78 of the 2000-2001 General Appropriations Act, section 236.025, Florida Statutes, is amended to read:

236.025 Revised funding model for exceptional student education programs.—

(1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models; simplify funding by utilizing *two* ~~five~~ weighted cost factors *and a guaranteed allocation*; provide fiscal support for exceptional students in general education classes; be outcome driven; ~~and~~ be revenue neutral*; and reduce the paperwork burden associated with state funding*. This funding model is designed to support both traditional and new service delivery models along the continuum of services required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.

(2)(a) The revised funding model uses *existing basic, English for Speakers of Other Languages, and vocational* ~~five~~ Florida Education Finance Program cost factors*, two exceptional education cost factors, and a guaranteed allocation* for exceptional student education programs. *Exceptional education* cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual education plan.

(b) *In order to generate funds using one of the two weighted cost factors,* a matrix of services must be completed at *the time of the student's initial placement into an exceptional student education program and at least once every 3 years* ~~least once each year~~ by ~~public school~~ personnel who have received approved training. ~~Additionally, each time an exceptional student's individual education plan, family support plan, or education plan is reviewed, the matrix of services must also be reviewed.~~ Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

(c) Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in paragraph (b) shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students shall be provided through the guaranteed allocation designated in subsection (3).

(3) For students identified as exceptional who do not have a matrix of services, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 230.23(4)(m) and rules of the state board, which shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of full-time-equivalent student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated during the year. These funds shall be used to provide special education and related services for exceptional students.

(4)~~(3)~~ The Department of Education shall revise its monitoring systems for exceptional student education programs to include a review of delivery of services as indicated on the matrix of services.

(5)~~(4)~~ The Department of Education shall *adopt* ~~promulgate~~ rules necessary to implement the revised funding model.

~~(5) The funding level in the 1997-1998 FEFP for exceptional student education shall be guaranteed for 3 years so that no district will have a financial uncertainty during the initial implementation of the revised funding model.~~

Section 6. *The amendment of section 236.025, Florida Statutes, by this act shall expire on July 1, 2001, and the text of said section shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue*

to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to said section which are necessary to give effect to the legislative intent expressed in this section.

Section 7. In order to implement Specific Appropriation 78 of the 2000-2001 General Appropriations Act, paragraphs (c) and (d) of subsection (1) of section 236.081, Florida Statutes, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of *the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional student education program, with the exception of extended school year services for students with disabilities.* ~~funding support for each exceptional student. The funding support level for each exceptional student shall fund the exceptional student's total education program.~~

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

~~a. Support Level I.~~

~~b. Support Level II.~~

~~c. Support Level III.~~

a.~~d.~~ Support Level IV.

b.~~e.~~ Support Level V.

3. Secondary career education programs.—

~~4. Students-at-risk programs.—~~

~~a. Dropout prevention and teenage parents.~~

4.~~b.~~ English for Speakers of Other Languages.—

(d) Annual allocation calculation.—

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, *English for Speakers of Other Languages* ~~students-at-risk~~ programs, all basic programs other than the programs in group 1, and all vocational programs in grades 7-12.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3. This adjustment shall be calculated beginning with the third calculation of the 1998-1999 FEFP.

Section 8. *The amendment of paragraphs (c) and (d) of subsection (1) of section 236.081, Florida Statutes, by this act shall expire on July 1, 2001, and the text of said paragraphs shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this act. The Division of*

Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to said paragraphs which are necessary to give effect to the legislative intent expressed in this section.

Section 9. In order to implement Specific Appropriation 78 of the 2000-2001 General Appropriations Act, paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 237.34, Florida Statutes, are amended to read:

237.34 Cost accounting and reporting.—

(2) COST REPORTING.—

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program funded in s. 236.081(1)(c)~~, except that programs for exceptional students shall be reported on an aggregate basis~~.

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) Each district shall expend at least the percent of the funds generated by each of the programs listed herein on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.

2. Grades 4, 5, 6, 7, and 8, 80 percent.

3. Grades 9, 10, 11, and 12, 80 percent.

4. Programs for exceptional students, on an aggregate program basis, *90* ~~80~~ percent.

5. Grades 7 through 12 vocational education programs, on an aggregate program basis, 80 percent.

6. Students-at-risk programs, on an aggregate program basis, 80 percent.

7. Juvenile justice programs, on an aggregate program basis, 80 percent.

8. Any new program established and funded under s. 236.081(1)(c), that is not included under subparagraphs 1. through 6., on an aggregate basis as appropriate, 80 percent.

Section 10. *The amendment of paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 237.34, Florida Statutes, by this act shall expire on July 1, 2001, and the text of said paragraphs shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to said paragraphs which are necessary to give effect to the legislative intent expressed in this section.*

Section 11. In order to implement Specific Appropriation 78 of the 2000-2001 General Appropriations Act, paragraph (d) of subsection (4) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(d) Exclusion.—

1. In those instances in which:

a.~~1.~~ There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll, and

b.~~2.~~ The assessed value of the property in contest involves more than 6 percent of the total nonexempt assessment roll, *the plaintiff shall provide to the district school board of the county in which the property is located and to the Department of Education a certified copy of the petition and receipt for the good faith payment at the time they are filed with the court.*

~~the assessed value of the property in contest shall be excluded from the taxable value for school purposes for purposes of computing the district required local effort.~~

2. For purposes of computing the required local effort for each district affected by such petition, the Department of Education shall exclude from the district's total nonexempt assessment roll the assessed value of the property in contest and shall add the amount of the good faith payment to the district's required local effort.

Section 12. *The amendment of paragraph (d) of subsection (4) of section 236.081, Florida Statutes, by this act shall expire on July 1, 2001, and the text of said paragraph shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to said paragraph which are necessary to give effect to the legislative intent expressed in this section.*

Section 13. In order to implement Specific Appropriation 246 of the 2000-2001 General Appropriations Act, subsection (3) of section 409.9115, Florida Statutes, is amended to read:

409.9115 Disproportionate share program for mental health hospitals.—The Agency for Health Care Administration shall design and implement a system of making mental health disproportionate share payments to hospitals that qualify for disproportionate share payments under s. 409.911. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for patients.

(3) For the *2000-2001* ~~1999-2000~~ fiscal year only, the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals on a monthly basis. If the amounts appropriated for the Medicaid disproportionate share program for mental health hospitals are increased or decreased during the fiscal year pursuant to the requirements of chapter 216, the required adjustment shall be prorated over the remaining payment periods. This subsection is repealed on July 1, *2001* ~~2000~~.

Section 14. *In order to implement Specific Appropriation 217 of the 2000-2001 General Appropriations Act, and for the 2000-2001 fiscal year only, the Agency for Health Care Administration shall use the 1992-1993 disproportionate share formula, the 1994 audited financial data, and the Medicaid per diem rate as of January 1, 1999, for those hospitals that qualify for the hospital disproportionate share program funded in that specific appropriation. This section is repealed on July 1, 2001.*

Section 15. In order to implement Specific Appropriation 212 of the 2000-2001 General Appropriations Act, subsection (6) of section 409.9116, Florida Statutes, is amended to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial

assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. In fiscal year 1993-1994, available funds shall be distributed in one payment, as soon as practicable after the effective date of this act. In subsequent fiscal years, funds shall be distributed quarterly in each fiscal year for which an appropriation is made. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(6) For the *2000-2001* ~~1999-2000~~ fiscal year only, the Agency for Health Care Administration shall use the following formula for distribution of the funds in Specific Appropriation *212* ~~236~~ of the *2000-2001* ~~1999-2000~~ General Appropriations Act for the disproportionate share/financial assistance program for rural hospitals.

(a) The agency shall first determine a preliminary payment amount for each rural hospital by allocating all available state funds using the following formula:

PDAER = (TAERH x TARH)/STAERH

Where:

PDAER = preliminary distribution amount for each rural hospital.

TAERH = total amount earned by each rural hospital.

TARH = total amount appropriated or distributed under this section.

STAERH = sum of total amount earned by each rural hospital.

(b) Federal matching funds for the disproportionate share program shall then be calculated for those hospitals that qualify for disproportionate share in paragraph (a).

(c) The state-funds-only payment amount is then calculated for each hospital using the formula:

SFOER = Maximum value of (1) SFOL - PDAER or (2) 0

Where:

SFOER = state-funds-only payment amount for each rural hospital.

SFOL = state-funds-only payment level, which is set at 4 percent of TARH.

(d) The adjusted total amount allocated to the rural disproportionate share program shall then be calculated using the following formula:

ATARH = (TARH - SSFOER)

Where:

ATARH = adjusted total amount appropriated or distributed under this section.

SSFOER = sum of the state-funds-only payment amount calculated under paragraph (c) for all rural hospitals.

(e) The determination of the amount of rural disproportionate share hospital funds is calculated by the following formula:

TDAERH = [(TAERH x ATARH)/STAERH]

Where:

TDAERH = total distribution amount for each rural hospital.

(f) Federal matching funds for the disproportionate share program shall then be calculated for those hospitals that qualify for disproportionate share in paragraph (e).

(g) State-funds-only payment amounts calculated under paragraph (c) are then added to the results of paragraph (f) to determine the total distribution amount for each rural hospital.

(h) This subsection is repealed on July 1, *2001* ~~2000~~.

Section 16. In order to implement Specific Appropriation 234A of the 2000-2001 General Appropriations Act, section 409.9119, Florida Statutes, is created to read:

409.9119 Disproportionate share program for specialty hospitals for children.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall develop and implement a system under which disproportionate share payments are made to those hospitals that are licensed by the state as specialty hospitals for children and were licensed on January 1, 2000, as specialty hospitals for children. This system of payments must conform to federal requirements and must distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals that serve a disproportionate share of low-income patients.

(1) The agency shall use the following formula to calculate the total amount earned for hospitals that participate in the specialty hospital for children disproportionate share program:

TAE = DSR x BMPD x MD

Where:

TAE = total amount earned by a specialty hospital for children.

DSR = disproportionate share rate.

BMPD = base Medicaid per diem.

MD = Medicaid days.

(2) The agency shall calculate the total additional payment for hospitals that participate in the specialty hospital for children disproportionate share program as follows:

$$TAP = \frac{(TAE \times TA)}{STAE}$$

Where:

TAP = total additional payment for a specialty hospital for children.

TAE = total amount earned by a specialty hospital for children.

TA = total appropriation for the specialty hospital for children disproportionate share program.

STAE = sum of total amount earned by each hospital that participates in the specialty hospital for children disproportionate share program.

(3) A hospital may not receive any payments under this section until it achieves full compliance with the applicable rules of the agency. A hospital that is not in compliance for two or more consecutive quarters may not receive its share of the funds. Any forfeited funds must be distributed to the remaining participating specialty hospitals for children that are in compliance.

(4) This section is repealed on July 1, 2001.

Section 17. In order to implement Specific Appropriations 264-435 and 462-592E of the 2000-2001 General Appropriations Act, paragraph (c) of subsection (15) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(15)

(c) For the *2000-2001* ~~1999-2000~~ fiscal year only, funds appropriated to the Department of Children and Family Services in Specific Appropriations *264-435* ~~292 through 425~~ and the Department of Health in Specific Appropriations *462-592E* ~~445 through 540~~ of the *2000-2001* ~~1999-2000~~ General Appropriations Act may be advanced, unless specifically prohibited in such General Appropriations Act, for those contracted services that were approved for advancement by the

Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit cost basis. This paragraph is repealed on July 1, *2001* ~~2000~~.

Section 18. *In order to implement Specific Appropriation 217 of the 2000-2001 General Appropriations Act, and for the 2000-2001 fiscal year only, the Agency for Health Care Administration shall include health maintenance organization recipients in the county billing for inpatient hospital stays for the purpose of shared costs with counties in accordance with the Florida Statutes. This section is repealed on July 1, 2001.*

Section 19. *In order to implement Specific Appropriations 1-182, 184-263, 264-435, 462-592E, 2248-2333, and 2402-2407 of the 2000-2001 General Appropriations Act, and for the 2000-2001 fiscal year only, the Department of Children and Family Services, the Department of Education, the Department of Management Services, the Department of Labor and Employment Security, the Department of Health, and the Agency for Health Care Administration may transfer positions and general revenue funds as necessary to comply with any provision of the 2000-2001 General Appropriations Act or Workforce Innovation Act of 2000 which requires or specifically authorizes the transfer of positions and general revenue funds between these agencies. This section is repealed on July 1, 2001.*

Section 20. In order to implement Specific Appropriations 307-310 and 312 of the 2000-2001 General Appropriations Act, section 39.3065, Florida Statutes, is amended to read:

39.3065 Sheriffs of *certain* ~~Pasco, Manatee, and Pinellas~~ counties to provide child protective investigative services; procedures; funding.—

(1) As described in this section, the Department of Children and Family Services shall, by the end of fiscal year 1999-2000, transfer all responsibility for child protective investigations for Pinellas County, Manatee County, and Pasco County to the sheriff of that county in which the child abuse, neglect, or abandonment is alleged to have occurred. Each sheriff is responsible for the provision of all child protective investigations in his or her county. Each individual who provides these services must complete the training provided to and required of protective investigators employed by the Department of Children and Family Services.

(2) During fiscal year 1998-1999, the Department of Children and Family Services and each sheriff's office shall enter into a contract for the provision of these services. Funding for the services will be appropriated to the Department of Children and Family Services, and the department shall transfer to the respective sheriffs for the duration of fiscal year 1998-1999, funding for the investigative responsibilities assumed by the sheriffs, 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, and including, but not limited to, funding for all investigative, supervisory, and clerical positions; training; all associated equipment; furnishings; and other fixed capital items. The contract must specify whether the department will continue to perform part or none of the child protective investigations during the initial year. The sheriffs may either conduct the investigations themselves or may, in turn, subcontract with law enforcement officials or with properly trained employees of private agencies to conduct investigations related to neglect cases only. If such a subcontract is awarded, the sheriff must take full responsibility for any safety decision made by the subcontractor and must immediately respond with law enforcement staff to any situation that requires removal of a child due to a condition that poses an immediate threat to the child's life. The contract must specify whether the services are to be performed by departmental employees or by persons determined by the sheriff. During this initial year, the department is responsible for quality assurance, and the department retains the responsibility for the performance of all child protective investigations. The department must identify any barriers to transferring the entire responsibility for child protective services to the sheriffs' offices and must pursue avenues for removing any such barriers by means including, but not limited to, applying for federal waivers. By January 15, 1999, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that describes any remaining barriers, including any that pertain to funding and related administrative issues. Unless the Legislature, on the basis of that report or other pertinent information, acts to block a transfer of the entire responsibility for child protective investigations to the sheriffs' offices, the sheriffs of Pasco County, Manatee County, and Pinellas County, beginning in fiscal year 1999-2000, shall assume the entire responsibility for such services, as provided in subsection (3).

(3)(a) Beginning in fiscal year 1999-2000, the sheriffs of Pasco County, Manatee County, and Pinellas County have the responsibility to provide all child protective investigations in their respective counties.

(b) The sheriffs of Pasco County, Manatee County, and Pinellas County shall operate, at a minimum, in accordance with the performance standards established by the Legislature for protective investigations conducted by the Department of Children and Family Services.

(c) Funds for providing child protective investigations in Pasco County, Manatee County, and Pinellas County must be identified in the annual appropriation made to the Department of Children and Family Services, which shall award grants for the full amount identified to the respective sheriffs' offices. Funds for the child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be maintained separately from all other records of the sheriffs' offices.

(d) Program performance evaluation shall be based on criteria mutually agreed upon by the respective sheriffs and a committee of seven persons appointed by the Governor and selected from those persons serving on the Department of Children and Family Services District 5 Health and Human Services Board and District 6 Health and Human Services Board. Two of the Governor's appointees must be residents of Pasco County, two of the Governor's appointees must be residents of Manatee County, and two of the Governor's appointees must be residents of Pinellas County. Such appointees shall serve at the pleasure of the Governor. The individuals appointed must have demonstrated experience in outcome evaluation, social service areas of protective investigation, or child welfare supervision. The committee 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, and to the Governor no later than January 31 of each year the sheriffs are receiving general appropriations to provide child protective investigations.

(e) Notwithstanding the provisions of paragraph (d), and for the 2000-2001 fiscal year only, program performance evaluation shall be based on criteria mutually agreed upon by the respective sheriffs and the Department of Children and Family Services. The program performance evaluation shall be conducted by a team of peer reviewers from the respective sheriffs' offices that perform child protective investigations and representatives from the department. The department shall submit a report regarding quality performance, outcome-measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, and the Governor no later than January 31, 2001. This paragraph is repealed on July 1, 2001.

(4) For the *2000-2001* ~~1999-2000~~ fiscal year only, the *Sheriffs* ~~Sheriff~~ of Broward County *and Seminole County* shall perform the same child protective investigative services according to the same standards as are performed by the sheriffs of Pinellas County, Manatee County, and Pasco County under this section. This subsection expires July 1, *2001* ~~2000~~.

Section 21. *In order to implement Specific Appropriation 367 of the 2000-2001 General Appropriations Act, and notwithstanding s. 394.908, Florida Statutes, all funds in excess of fiscal year 1998-1999 appropriations are to be allocated based on equity except those programs and funds specifically identified in clarifying language in the General Appropriations Act. No district shall receive an allocation of recurring funds that is less than its initial approved operating budget plus any*

distributions of lump sums for the state fiscal year 1998-1999. This section is repealed on July 1, 2001.

Section 22. In order to implement Specific Appropriation 217 of the 2000-2001 General Appropriations Act, paragraph (c) is added to subsection (5) of section 409.905, Florida Statutes, to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or 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.

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(c) The Agency for Health Care Administration shall adjust a hospital's current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if:

1. The hospital experiences an increase in Medicaid caseload by more than 25 percent in any year, primarily resulting from the closure of a hospital in the same service area occurring after July 1, 1995; or

2. The hospital's Medicaid per diem rate is at least 25 percent below the Medicaid per patient cost for that year.

No later than November 1, 2000, the agency must provide estimated costs for any adjustment in a hospital inpatient per diem pursuant to this paragraph to the Executive Office of the Governor, the House of Representatives General Appropriations Committee, and the Senate Budget Committee. Before the agency implements a change in a hospital's inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the 2001-2002 General Appropriations Act to support the increase in cost as estimated by the agency. This paragraph is repealed on July 1, 2001.

Section 23. In order to implement Specific Appropriations 264-435 of the 2000-2001 General Appropriations Act, subsection (1) of section 1 of chapter 99-219, Laws of Florida, is amended to read:

Section 1. (1) The following provisions of section 20.19, Florida Statutes, ~~1998 Supplement,~~ are waived until July 1, *2001* ~~2000~~, for the purpose of allowing the Department of Children and Family Services to organize programs, districts, and functions of the department to achieve more effective and efficient service delivery and improve accountability, notwithstanding the provisions of section 20.04, Florida Statutes:

(a) Section 20.19(2)(b) and (f), Florida Statutes, ~~1998 Supplement,~~ relating to the secretary and deputy secretary.

(b) Section 20.19(3), Florida Statutes, ~~1998 Supplement,~~ relating to the Office of Standards and Evaluation.

(c) Section 20.19(5)(a), Florida Statutes, ~~1998 Supplement,~~ relating to program offices.

(d) Section 20.19(6)(a), (c), and (d), Florida Statutes, ~~1998 Supplement,~~ relating to the Assistant Secretary for Administration.

(e) Section 20.19(8)(l), (m), (n), and (o), Florida Statutes, ~~1998 Supplement,~~ relating to health and human services boards.

(f) Section 20.19(9), Florida Statutes, ~~1998 Supplement,~~ relating to district nominee qualifications review committees.

(g) Section 20.19(10), (a), (b), (c)1.-7., (d), (e), (f), and (g), Florida Statutes, ~~1998 Supplement,~~ relating to the district administrator.

(h) Section 20.19(12)(d), Florida Statutes, ~~1998 Supplement,~~ relating to the departmental budget.

Actions taken under the authority granted by this section must be taken in consultation with the Executive Office of the Governor. The secretary shall submit a report describing actions taken and additional plans for implementing the provisions of this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by *30* ~~thirty~~ days after this *act* ~~bill~~ becomes *a* law. The department shall submit status reports ~~on a~~ monthly ~~basis~~ through December *2000* ~~1999~~.

Section 24. In order to implement Specific Appropriations 264-435 of the 2000-2001 General Appropriations Act, subsection (4) is added to section 216.177, Florida Statutes, to read:

216.177 Appropriations acts, statement of intent, violation, notice, review and objection procedures.—

(4) Notwithstanding the 14-day notice requirements of this section, and for the 2000-2001 fiscal year only, the Department of Children and Family Services is required to provide notice of proposed transfers submitted pursuant to s. 20.19(10)(c)8. to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 working days prior to their implementation.

Section 25. *In order to implement Specific Appropriations 264-435 of the 2000-2001 General Appropriations Act, notwithstanding any provision of state law to the contrary, and within the procedures, requirements, and limitations of federal law and regulation, income earned through temporary decennial census employment shall be disregarded when determining eligibility or continued eligibility for participation in programs requiring a financial determination for receipt of benefits, payments, or services, including the WAGES Program under chapter 414, Florida Statutes, subsidized child care under s. 402.3015, Florida Statutes, and any other social or economic assistance funded through the state share of Temporary Assistance for Needy Families (TANF) block grant funds. For purposes of this section, "temporary decennial census employment" means employment for 120 days or less, within the period January 1, 2000, to December 31, 2000, with the United States Department of Commerce as a census-taker or block canvasser. This section is repealed on July 1, 2001.*

Section 26. In order to implement Specific Appropriation 217 of the 2000-2001 General Appropriations Act, subsection (7) is added to section 409.915, Florida Statutes, to read:

409.915 County contributions to Medicaid.—Although the state is responsible for the full portion of the state share of the matching funds required for the Medicaid program, in order to acquire a certain portion of these funds, the state shall charge the counties for certain items of care and service as provided in this section.

(7) Notwithstanding any provision of this section to the contrary, counties are exempt from contributing toward the increased cost of hospital inpatient services due to the elimination of ceilings on Medicaid inpatient reimbursement rates paid to teaching hospitals, specialty hospitals, and community health education program hospitals and for special Medicaid reimbursements to hospitals for which the Legislature has specifically appropriated funds. This subsection is repealed on July 1, 2001.

Section 27. *In order to implement Specific Appropriations 217 and 220 of the 2000-2001 General Appropriations Act, the Agency for Health Care Administration shall not adjust a premium paid to a health maintenance organization or a prepaid health care plan to reflect an increase in such premium because of specifically appropriated funds in the General Appropriations Act to eliminate ceilings on Medicaid reimbursement rates paid to teaching hospitals, specialty hospitals, and community health education program hospitals and for making special Medicaid payments to hospitals. This section is repealed on July 1, 2001.*

Section 28. *(1) In order to implement Specific Appropriations 361-364 of the 2000-2001 General Appropriations Act, and for the 2000-2001 fiscal year only, the Department of Children and Family Services may continue to contract with existing providers of treatment and detention services until completion of the 600-bed facility near DeSoto County to house and rehabilitate sexually violent predators.*

(2)(a) The Correctional Privatization Commission created under chapter 957, Florida Statutes, in consultation with the Department of Children and Family Services, shall develop and issue a request for proposals on or before September 1, 2000, for the financing, design, construction, acquisition, ownership, leasing, and operation of a secure facility of at least 600 beds to house and rehabilitate sexual predators committed under part V of chapter 394, Florida Statutes, the Jimmy Ryce Act of 1998. The Secretary of Children and Family Services shall provide final approval of the request for proposal, the successful bidder, and the contract.

(b) This constitutes specific legislative authorization for the Correctional Privatization Commission to enter into a contract with a provider for the financing, design, construction, acquisition, ownership, leasing, and operation of a secure facility to house and rehabilitate sexual predators to be constructed in Desoto County, Florida.

(c) The selected contractor is authorized to enter into a lease arrangement or other private financing or to sponsor the issuance of tax exempt bonds, certificates of participation, or other public or private means to finance the facility. The state is authorized to enter into all such agreements as are necessary, including lease alternatives, to bring the facility to an operational state and to commence leasing of the facility.

(d) Upon completion of the sexual predator secure treatment facility in Desoto County, the Martin Sexually Violent Predator Treatment and Retaining Program shall be phased out, to be terminated within 1 year after completion of the facility.

(3) This section is repealed on July 1, 2001.

Section 29. In order to implement Specific Appropriations 204A-240, 250, and 251 of the 2000-2001 General Appropriations Act, paragraph (k) is added to subsection (2) of section 409.9122, Florida Statutes, to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)

(k)1. Notwithstanding the provisions of paragraph (f), and for the 2000-2001 fiscal year only, when a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an equal enrollment of 50 percent in MediPass and provider service networks and 50 percent in managed care plans is achieved. Once equal enrollment is achieved, the assignments shall be divided in order to maintain an equal enrollment in MediPass and managed care plans. When making assignments, the agency shall take into account the following criteria:

a. A managed care plan has sufficient network capacity to meet the need of members.

b. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

c. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

d. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

e. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

2. This paragraph is repealed on July 1, 2001.

Section 30. *Consistent with the provisions of s. 216.163, Florida Statutes, in accordance with performance-based program budgeting requirements, and notwithstanding the provisions of s. 216.181, Florida Statutes, the Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 1150, 1160A, 1161, 1165, 1171, 1175, 1178, 1183, 1186, and 1190C of the 2000-2001 General Appropriations Act for salary bonuses for departmental employees at the discretion of the executive director, provided that such bonuses are given only to selected employees for meritorious performance, instead of being given as across-the-board bonuses for all employees. The department, after consultation with the Executive Office of the Governor, shall provide a plan to the chairs of the legislative appropriations committees responsible for producing the General Appropriations Act for review before awarding such bonuses. This section is repealed on July 1, 2001.*

Section 31. In order to implement Specific Appropriations 1150, 1160A, 1161, 1165, 1171, 1175, 1178, 1183, 1186, and 1190C of the 2000-2001 General Appropriations Act, subsection (17) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(17) Notwithstanding any other provision of this section to the contrary, and for the *2000-2001* ~~1999-2000~~ fiscal year only, the Florida Department of Law Enforcement may transfer up to 20 positions and associated budget between budget entities, provided the same funding source is used throughout each transfer. The department may also transfer up to 10 percent of the initial approved salary rate between budget entities, provided the same funding source is used throughout each transfer. The department must provide notice to the Executive Office of the Governor, the chair of the Senate Budget Committee, and the chair of the House Committee on Criminal Justice Appropriations for all transfers of positions or salary rate. This subsection is repealed on July 1, *2001* ~~2000~~.

Section 32. *In order to implement Specific Appropriation 1137 of the 2000-2001 General Appropriations Act, the Correctional Privatization Commission may expend appropriated funds to assist in defraying the costs of impacts that 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 is repealed on July 1, 2001.*

Section 33. *In order to implement Specific Appropriation 1226 of the 2000-2001 General Appropriations Act, the Department of Legal Affairs may transfer up to $1,054,632 between trust funds. This section is repealed on July 1, 2001.*

Section 34. *In order to implement the proviso immediately preceding Specific Appropriation 925 of the 2000-2001 General Appropriations Act, the public defender of any judicial circuit in this state may reimburse any employee who purchased, at his or her own expense, additional retirement credit in the Florida Retirement System Elected Officers' Class, for time spent as an employee of the public defender, up to the amounts actually spent by the employee. This section is repealed on July 1, 2001.*

Section 35. *In order to implement Specific Appropriation 1144A of the 2000-2001 General Appropriations Act, notwithstanding the provisions of s. 216.192, Florida Statutes, and pursuant to s. 216.345, Florida Statutes, funds in Specific Appropriation 1144A shall not be*

allocated or released until the Department of Juvenile Justice develops a plan to ensure that the use of funds is in accordance with lawfully established priorities and conditions for the use of juvenile justice prevention funds and the plan is approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7. This section is repealed on July 1, 2001.

Section 36. In order to implement Specific Appropriation 2713B of the 2000-2001 General Appropriations Act, paragraph (i) is added to subsection (2) of section 318.21, Florida Statutes, as amended by subsection (1) of section 4 of chapter 97-235, Laws of Florida, and section 135 of chapter 98-403, Laws of Florida, to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.702.

(i) For fiscal year 2000-2001 only, and in lieu of the provisions of paragraph (a), five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the state courts system for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.702. This paragraph is repealed on July 1, 2001.

Section 37. In order to implement Specific Appropriation 2670B of the 2000-2001 General Appropriations Act, subsection (8) is added to section 925.037, Florida Statutes, to read:

925.037 Reimbursement of counties for fees paid to appointed counsel; circuit conflict committees.—

(8) Notwithstanding any other provision of this section to the contrary, and for the 2000-2001 fiscal year only, funds allocated pursuant to this section shall be distributed to the counties in the designated circuits by the state courts system. This subsection is repealed on July 1, 2001.

Section 38. In order to implement Specific Appropriation 625 of the 2000-2001 General Appropriations Act, subsection (4) is added to section 216.262, Florida Statutes, to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the 2000-2001 fiscal year only, 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 Criminal Justice Estimating Conference on March 2, 2000, 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. Such request is subject to the budget amendment and consultation provisions of this chapter. This subsection is repealed on July 1, 2001.

Section 39. In order to implement Specific Appropriations 297-301, 1149B-1149P, and 1160A-1160C of the 2000-2001 General Appropriations Act, subsection (1) of section 938.01, Florida Statutes, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess $3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, $3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement ~~and the Department of Community Affairs~~ for distribution as follows:

1. Two dollars and seventy-five cents of each $3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the *Department of Law Enforcement* Operating Trust Fund and shall be disbursed to the ~~Bureau of Public Safety Management of the~~ Department of *Law Enforcement* ~~Community Affairs~~.

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the *Department of Law Enforcement* Operating Trust Fund and shall be disbursed to the ~~Bureau of Public Safety Management of the~~ Department of *Law Enforcement* ~~Community Affairs~~.

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the *Department of Law Enforcement* Operating Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund until the following year.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with s. 943.25(9).

Section 40. *The amendment of subsection (1) of section 938.01, Florida Statutes, by this act shall expire on July 1, 2001, and the text of said subsection shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to said subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 41. In order to implement Specific Appropriations 297-301, 1149B-1149P, and 1160A-1160C of the 2000-2001 General Appropriations Act, subsection (1) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(1) The Department of *Law Enforcement* ~~Community Affairs~~ may approve, for disbursement from the *Department of Law Enforcement* Operating Trust Fund ~~established pursuant to s. 290.034~~, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds may not be made without specific legislative appropriation.

Section 42. *The amendment of subsection (1) of section 943.25, Florida Statutes, by this act shall expire on July 1, 2001, and the text of said subsection shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are*

not dependent upon the portions of said text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to said subsection which are necessary to give effect to the legislative intent expressed in this section.

Section 43. *(1) In order to implement Specific Appropriations 297-301, 1149B-1149P, and 1160A-1160C of the 2000-2001 General Appropriations Act, and for the 2000-2001 fiscal year only, the Criminal Justice Program shall be transferred from the Department of Community Affairs to the Department of Law Enforcement by a type two transfer, pursuant to s. 20.06(2), Florida Statutes. The Criminal Justice Program so transferred is comprised of the Byrne State and Local Law Enforcement Assistance Program, Local Law Enforcement Block Grants, Drug-Free Communities Program, Residential Substance Abuse Treatment for State Prisoners, the Bulletproof Vest Program, the Guantanamo Bay Refugee and Entrant Assistance Program, the National Criminal History Improvement Program, and the Violent Offender Incarceration and Truth-in-Sentencing Program.*

(2)(a) In order to implement Specific Appropriations 297-301, 1149B-1149P, and 1160A-1160C of the 2000-2001 General Appropriations Act, and for the 2000-2001 fiscal year only, the Prevention of Domestic and Sexual Violence Program is transferred from the Department of Community Affairs to the Department of Children and Family Services by a type two transfer, pursuant to s. 20.06(2), Florida Statutes. The Domestic and Sexual Violence Program so transferred is comprised of the Governor's Task Force on Domestic and Sexual Violence and the Violence Against Women Program.

(b) From the funds deposited into the Department of Law Enforcement Operating Trust Fund pursuant to s. 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law Enforcement shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program transferred from the Department of Community Affairs. The amount of the transfer for fiscal year 2000-2001 shall be determined by the Governor's Office of Planning and Budgeting, in consultation with the Department of Community Affairs, the Department of Law Enforcement, and the Department of Children and Family Services, and shall be based on the historic use of these funds and current needs of the Prevention of Domestic and Sexual Violence Program.

(3) This section is repealed on July 1, 2001.

Section 44. In order to implement Specific Appropriations 2128-2132 of the 2000-2001 General Appropriations Act, subsection (4) of section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited.—

(4) A law enforcement officer ~~or license inspector or supervisor, as authorized in s. 320.58(1)(a),~~ may cause to be removed at the owner's expense any motor vehicle found upon a public street, public parking lot, other public property, or private property, where the public has the right to travel by motor vehicle, which is in violation of subsection (1). Every written notice issued pursuant to this section shall be affixed in a conspicuous place upon a vehicle by a law enforcement officer ~~or license inspector or supervisor~~. Any vehicle found in violation of subsection (1) within 10 days after a previous violation and written notice shall be subject to immediate removal without an additional waiting period.

Section 45. *The amendment of subsection (4) of section 316.1951, Florida Statutes, by this act shall expire on July 1, 2001, and the text of said subsection shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to said subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 46. In order to implement Specific Appropriations 2128-2132 of the 2000-2001 General Appropriations Act, paragraph (b) of subsection (1) of 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)

(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, 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, 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 *or its agent* has conducted the physical examination of the vehicle to assure the identity of the vehicle.

Section 47. *The amendment of paragraph (b) of subsection (1) of section 319.14, Florida Statutes, by this act shall expire on July 1, 2001, and the text of said paragraph shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to said paragraph which are necessary to give effect to the legislative intent expressed in this section.*

Section 48. In order to implement Specific Appropriations 2128-2132 of the 2000-2001 General Appropriations Act, subsection (14) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(14)~~(a) The license inspectors appointed by the department pursuant to s. 320.58 are empowered to issue a notice of violation on a form prescribed by the department to unattended motor vehicles that reasonably appear to such examiners to be required to be registered under this chapter and that are not so registered. The notice of violation shall include a summary of the provisions of this section and shall contain such other information as the department in its discretion shall determine.~~

~~(b) The owner or person in charge of any vehicle that is issued a notice of violation pursuant to this section shall, within 30 days of the date of issuance shown on the notice, register the vehicle as required by this chapter or provide proof satisfactory to the department that the vehicle is exempt from such registration. If the vehicle is not registered or the proof is not provided on or after the 31st day following the date of issuance shown on the notice, the department is authorized to immobilize the vehicle by use of an immobilization device. Upon proof of registration of the vehicle or proof satisfactory to the department that the vehicle is exempt from such registration, the department shall remove the immobilization device. The department shall immediately remove, at no charge, any immobilization device that has been placed on any vehicle in error.~~

~~(c) The license inspectors appointed by the department pursuant to s. 320.58 are empowered to enter upon both publicly owned and privately owned property in order to carry out the provisions of this section.~~

~~(d)~~ Any person who, without the authorization of the department, disables, removes, tampers with, damages, or unlocks an immobilization device placed on a vehicle pursuant to this section, or who attempts to do so, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 49. *The amendment of subsection (14) of section 320.02, Florida Statutes, by this act shall expire on July 1, 2001, and the text of said subsection shall revert to that in existence on June 30, 2000, except*

that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to said subsection which are necessary to give effect to the legislative intent expressed in this section.

Section 50. In order to implement Specific Appropriations 2128-2132 of the 2000-2001 General Appropriations Act, section 320.58, Florida Statutes, is amended to read:

320.58 *Compliance examiners* ~~License inspectors~~; powers, appointment.—

~~(1)(a)~~ The department shall appoint as many *compliance examiners* ~~license inspectors~~ and supervisors as it deems necessary to enforce the provisions of this chapter ~~and chapters 319, 322, and 324. In order to enforce the provisions of these laws, the inspectors are empowered to enter on both publicly owned and privately owned property and to issue uniform traffic citations to persons found in violation thereof. The department is further empowered to delegate the power to issue uniform traffic citations to persons acting as its agents for the purpose of enforcing the registration provisions of this chapter, which may include, but not be limited to, personnel employed by district school boards as agreed to by the school board and the county tax collector.~~

~~(b) License inspectors appointed pursuant to this section and agents delegated by the department are not to be considered for membership in the state high-risk retirement program.~~

~~(2) Any person who fails or refuses to surrender his or her driver's license, registration certificate, and license plate upon lawful demand of an inspector, supervisor, or authorized agent of the department is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083~~.

Section 51. *The amendment of section 320.58, Florida Statutes, by this act shall expire on July 1, 2001, and the text of said section shall revert to that in existence on June 30, 2000, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services shall include in an appropriate reviser's bill any amendments to said section which are necessary to give effect to the legislative intent expressed in this section.*

Section 52. In order to implement Specific Appropriations 1807-1864 of the 2000-2001 General Appropriations Act, subsection (18) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(18) Notwithstanding any other provision of this chapter to the contrary, the Florida Department of Transportation, in order to facilitate the transfer of personnel to the new turnpike headquarters location in Orange County, may transfer salary rate to the turnpike budget entity from other departmental budget entities. The department must provide documentation of all transfers to the Executive Office of the Governor, the Chairman of the Senate Budget Committee, and the Chairman of the House of Representatives Committee on Transportation and Economic Development Appropriations. This subsection expires July 1, *2001* ~~2000~~.

Section 53. In order to implement Specific Appropriation 2627 of the 2000-2001 General Appropriations Act, subsection (4) is added to section 257.17, Florida Statutes, to read:

257.17 Operating grants.—A political subdivision that has been designated by a county as the single library administrative unit is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that political subdivision during the second preceding fiscal year for the operation and maintenance of a library, under the following conditions:

(4)(a) A municipality with a population of 200,000 or more that establishes or maintains a library is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that municipality during the second preceding fiscal year for the operation and maintenance of a library, under the following conditions:

1. The municipal library is operated under a single administrative head and expends its funds centrally;

2. The municipal library has an operating budget of at least $20,000 per year from local sources; and

3. The municipal library provides free library service to all residents of the municipality.

(b) This subsection is repealed on July 1, 2001.

Section 54. In order to implement Specific Appropriations 1406Q and 1406R of the 2000-2001 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.~~(a)~~ 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.~~(b)~~ 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.~~(c)~~ 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* ~~paragraph~~ may be used for administrative expenses.

(b) Notwithstanding the provisions of paragraph (a), and for the 2000-2001 fiscal year only, up to $4 million of the unencumbered balance of the Emergency Management, Preparedness, and Assistance Trust Fund shall be utilized to improve, and increase the number of, disaster shelters within the state and improve local disaster preparedness. This paragraph is repealed on July 1, 2001.

Section 55. In order to implement Specific Appropriations 2408-2411 of the 2000-2001 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 *2000-2001* ~~1999-2000~~ 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, *2001* ~~2000~~.

Section 56. In order to implement Specific Appropriations 1476, 1591G, 1591J, and 1591K of the 2000-2001 General Appropriations Act, subsection (7) of section 212.20, Florida Statutes, is amended to read:

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

(7) For the *2000-2001* ~~1999-2000~~ fiscal year only, the use of funds allocated to the Solid Waste Management Trust Fund shall be as provided in the General Appropriations Act. There is transferred *$15* ~~$15.5~~ million for surface water improvement and management projects and *$6.5* ~~$10~~ million for the aquatic weed control program from revenues provided by this section. This subsection is repealed on July 1, *2001* ~~2000~~.

Section 57. In order to implement Specific Appropriation 1609D of the 2000-2001 General Appropriations Act, subsections (8) and (9) of section 403.7095, Florida Statutes, are amended to read:

403.7095 Solid waste management grant program.—

(8) For fiscal year *2000-2001 only* ~~1999-2000~~, the department shall provide counties with populations under 100,000 with at least 80 percent of the level of funding they received in fiscal year 1997-1998 for solid waste management and recycling grants. *This subsection is repealed on July 1, 2001.*

(9) For fiscal year *2000-2001 only* ~~1999-2000~~, the department shall provide *25* ~~10~~ percent of the total funds available after the requirements of subsection (8) are met for recycling *and waste reduction* grants available to all counties on a competitive basis for innovative programs. *Because the Legislature recognizes that input from the recycling industry is essential to the success of this funding program, the department shall cooperate with affected organizations to develop a process and define specific criteria for evaluating proposals and selecting programs for funding that comply with the following general guidelines. Programs selected for funding shall* ~~The department may consider one or more of the following criteria in determining whether a grant proposal is innovative~~:

(a) Demonstrate ~~advanced~~ technologies or processes *that are not in common use in Florida, that represent a novel application of an existing technology or process, or that overcome obstacles to recycling in new or innovative ways.*

(b) Collect and recycle *or reduce* materials targeted by the department *and the recycling industry.*

(c) Demonstrate *the potential economic and environmental benefits of the proposed recycling program and the cost-effectiveness of the program's approach* ~~substantial improvement in program cost-effectiveness and efficiency as measured against statewide average costs for the same or similar programs~~.

(d) Demonstrate transferability of technology and processes used in *the* program *and specify how the program will promote transferability.*

(e) Demonstrate *local support for the proposed program by the commitment of cash or in-kind matching funds* ~~and implement multicounty or regional recycling programs~~.

(f) This subsection is repealed on July 1, 2001.

Section 58. In order to implement Specific Appropriations 1490E and 1591G of the 2000-2001 General Appropriations Act, subsection (11) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(11) Notwithstanding any provision of this section to the contrary, *and for the 2000-2001 fiscal year only,* the governing board of a water management district may request, and the Secretary of Environmental Protection shall release upon such request, moneys allocated to the districts pursuant to subsection (8) for the purpose of carrying out the purposes of s. 373.0361, s. 375.0831, s. 373.139, or ss. 373.451-373.4595 *and for legislatively authorized land acquisition and water restoration initiatives.* No funds may be used pursuant to this subsection until necessary debt service obligations, requirements for payments in lieu of taxes, and land management obligations that may be required by this chapter are provided for. *This subsection is repealed on July 1, 2001.*

Section 59. *In order to implement Specific Appropriation 1983 of the 2000-2001 General Appropriations Act, the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation shall transfer title to all tangible personal property owned by the department that is currently in use by the College of Veterinary Medicine at the University of Florida in Gainesville, Florida, to the college. This section is repealed on July 1, 2001.*

Section 60. *In order to implement Specific Appropriation 1262C of the 2000-2001 General Appropriations Act, and notwithstanding the provisions of ss. 496.405(4)(c), 496.409(7), 496.410(15), and 496.419(9), Florida Statutes, the moneys received and deposited into the General Inspection Trust Fund may be used by the Department of Agriculture and Consumer Services to defray the expenses of the department in the discharge of any and all of its administrative and regulatory powers and duties as prescribed by law. This section is repealed on July 1, 2001.*

Section 61. In order to implement Specific Appropriation 1641A of the 2000-2001 General Appropriations Act, subsection (15) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(15) For fiscal year *2000-2001* ~~1999-2000~~ only, moneys credited to the fund may be appropriated to provide grants to qualified local governmental entities pursuant to the provisions of s. 375.075. This subsection is repealed on July 1, *2001* ~~2000~~.

Section 62. In order to implement section 8 of the 2000-2001 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~~, effective October 1, 1999,~~ copayments must be made as follows:

(a) For the period July 1, 2000, through December 31, 2000:

1. For generic drug with card . . . . . $7.

2. For brand name drug with card . . . . . $20.

3. For generic mail order drug with card . . . . . $7.

4. For brand name mail order drug with card . . . . . $20.

(b) 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 with card . . . . . $10.50.

5. For preferred brand name mail order drug with card . . . . . $30.

6. For nonpreferred brand name drug with card . . . . . $52.50.

(c) 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.

~~(a) Twenty-dollar copayment for brand name drug with card;~~

~~(b) Seven-dollar copayment for generic drug with card;~~

~~(c) Seven-dollar copayment for generic mail order drug;~~

~~(d) Twenty-dollar copayment for brand name mail order drug.~~

This subsection expires July 1, *2001* ~~2000~~.

Section 63. In order to implement section 8 of the 2000-2001 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—For the *2000-2001* ~~1999-2000~~ 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 is repealed on July 1, *2001* ~~2000~~.

Section 64. *In order to implement the revised budget structure contained in the 2000-2001 General Appropriations Act for reorganizations approved by the Legislature but not appropriated in the General Appropriations Act, the effective date for necessary budget restructuring and account code conversion of financial, personnel, purchasing, and similar system and data issues in systems, including, but not limited to, FLAIR, LAS/PBS, COPES, and SPURS, associated with such reorganizations may be extended to October 1, 2000, unless a later date is specified in such legislation.*

Section 65. *A section of this act that implements a specific appropriation or specifically identified proviso language in the 2000-2001 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 2000-2001 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 66. *If any other act passed during the 2000 Regular Session of the Legislature or any extension thereof contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.*

Section 67. *The performance measures and standards established in this section for individual programs in education agencies shall be applied to those programs for the 2000-2001 fiscal year. These performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for Fiscal Year 2000-2001, as required by the Government Performance and Accountability Act of 1994.*

(1) DEPARTMENT OF EDUCATION.—

(a) For the Private Colleges and Universities Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 11, 15-27, 29-32, and 35-41 are as follows:

1. FLORIDA RESIDENT ACCESS GRANT OUTCOME MEASURES.—

a. Retention rate of First Time in College (FTIC) award recipients, using a 6-year rate . . . . . FY 2001-2002 LBR

b. Graduation rate of FTIC award recipients, using a 6-year rate . . . . . FY 2001-2002 LBR

2. FLORIDA RESIDENT ACCESS GRANT OUTPUT MEASURE.—

a. Number of degrees granted by level for FRAG recipients and contract program recipients . . . . . FY 2001-2002 LBR

3. ACADEMIC CONTRACTS OUTCOME MEASURES.—

a. Retention rate of award recipients . . . . . FY 2001-2002 LBR

b. Graduation rate of award recipients . . . . . FY 2001-2002 LBR

c. Of those graduates remaining in Florida, the percent employed at $22,000 or more 1 year following graduation . . . . FY 2001-2002 LBR

d. Of those graduates remaining in Florida, the percent employed at $22,000 or more 5 years following graduation . . . . FY 2001-2002 LBR

e. Licensure/certification rates of award recipients (where applicable) . . . . . FY 2001-2002 LBR

4. ACADEMIC CONTRACTS OUTPUT MEASURES.—

a. Number of prior year's graduates . . . . . FY 2001-2002 LBR

b. Number of prior year's graduates remaining in Florida . . . . . FY 2001-2002 LBR

5. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES OUTCOME MEASURES.—

a. Retention rate of students, using a 6-year rate . . . . . FY 2001-2002 LBR

b. Graduation rate of students, using a 6-year rate . . . . . FY 2001-2002 LBR

6. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES OUTPUT MEASURE.—

a. Number of FTIC students, disaggregated by in-state and out-of-state . . . . . FY 2001-2002 LBR

(b) For the Financial Aid Programs, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2 and 55 are as follows:

1. BRIGHT FUTURES SCHOLARSHIP OUTCOME MEASURES.—

a. Percent of high school graduates who successfully completed the 19 core credits 60%

b. Retention rate of FTIC award recipients, by delivery system, using a 4-year rate for community colleges and a 6-year rate for universities . . . . . FY 2001-2002 LBR

c. Graduation rate of FTIC award recipients, by delivery system . . . . . FY 2001-2002 LBR

d. Percent of high school graduates eligible for awards who enrolled in a Florida postsecondary institution 84%

e. Percent of high school graduates attending Florida postsecondary institutions 51%

2. BRIGHT FUTURES SCHOLARSHIP OUTPUT MEASURE.—

a. Number of Bright Futures recipients 73,406

3. FLORIDA STUDENT ASSISTANCE GRANTS (FSAG) OUTCOME MEASURES.—

a. Retention rate of FTIC award recipients, by delivery system . . . . . FY 2001-2002 LBR

b. Graduation rate of FTIC award recipients, by delivery system . . . . . FY 2001-2002 LBR

4. CRITICAL TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM OUTCOME MEASURE.—

a. Percent of recipients who, upon completion of the program, work in fields in which there are shortages . . . . . FY 2001-2002 LBR

(c) For the Public Schools Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 3-7 and 59-121 are as follows:

1. KINDERGARTEN - GRADE TWELVE (K-12) OUTCOME MEASURES.—

a. Number and percent of teachers with National Teacher's Certification, reported by district 1,046/0.8%

b. Number/percent of "A" schools, reported by district 254/10%

c. Number/percent of "D" or "F" schools, reported by district 494/20%

d. Number/percent of schools declining one or more letter grades, reported by district . . . . . FY 2001-2002 LBR

e. Number/percent of schools improving one or more letter grades, reported by district . . . . . FY 2001-2002 LBR

2. STATE OVERSIGHT AND ASSISTANCE TO PUBLIC SCHOOLS OUTCOME MEASURES.—

a. Percent of teacher certificates issued within 30 days after receipt of application 84%

b. Number of districts that have implemented a high-quality professional development system, as determined by the Department of Education, based on its review of student performance data and the success of districts in defining and meeting the training needs of teachers 12

c. Percent of current fiscal year competitive grants initial disbursement made by December 1 of current fiscal year 100%

3. STATE OVERSIGHT AND ASSISTANCE TO PUBLIC SCHOOLS OUTPUT MEASURE.—

a. Number of certification applications processed 56,000

(d) For the Workforce Development Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 123-135 are as follows:

1. WORKFORCE DEVELOPMENT OUTCOME MEASURES.—

a. Number/percent of vocational certificate program completers who are found placed according to the following definitions:

(I) Level III - Completed a program identified as high wage/high skill on the Occupational Forecasting Conference list and found employed at $4,680 or more per quarter 12,227/42.6%

(II) Level II - Completed a program identified for new entrants on the Occupational Forecasting Conference list and found employed at $3,900 or more per quarter, or found continuing education in a college-credit-level program 4,369/15.2%

(III) Level I - Completed any program not included in Levels II or III and found employed, enlisted in the military, or continuing their education at the vocational certificate level 10,801/37.6%

b. Number/percent of associate in science degree and college-credit certificate program completers who are found placed according to the following definitions:

(I) Level III - Completed a program identified as high wage/high skill on the Occupational Forecasting Conference list and found employed at $4,680 or more per quarter 6,897/57.9%

(II) Level II - Completed a program identified for new entrants on the Occupational Forecasting Conference list and found employed at $3,900 or more per quarter, or found continuing education in a college-credit-level program 1,351/11.3%

(III) Level I - Completed any program not included in Levels II or III and found employed, enlisted in the military, or continuing their education at the vocational certificate level 1,661/13.9%

c. Number/percent of workforce development programs which meet or exceed nationally recognized accrediting standards for those programs which teach a subject matter for which there is a nationally recognized accrediting body . . . . . FY 2001-2002 LBR

d. Number/percent of students attending workforce development programs which meet or exceed nationally recognized accrediting standards . . . . . FY 2001-2002 LBR

e. Number/percent of students completing workforce development programs which meet or exceed nationally recognized accrediting standards . . . . . FY 2001-2002 LBR

2. WORKFORCE DEVELOPMENT OUTPUT MEASURE.—

a. Number of adult basic education, including English as a Second Language, and adult secondary education completion point completers who are found employed or continuing their education . FY 2001-2002 LBR

(e) For the Community Colleges Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 8 and 137-152 are as follows:

1. COMMUNITY COLLEGE OUTCOME MEASURES.—

a. Percent of Associate in Arts (AA) degree graduates who transfer to a state university within 2 years 67%

b. Percent of AA degree transfers to the State University System who earn a 2.5 or above in the SUS after 1 year 75%

c. Of the AA graduates who are employed full time rather than continuing their education, the percent which are in jobs earning at least $9 an hour 59%

d. Of the AA students who complete 18 credit hours, the percent of whom graduate in 4 years, disaggregating the data by the following groups: ethnic, disabled, limited English speaking, and economically disadvantaged 30%

e. Percent of students graduating with total accumulated credit hours that are less than or equal to 120 percent of the degree requirement 36%

f. Percent of students exiting the college-preparatory program who enter college-level course work associated with the AA, Associate in Science (AS), Postsecondary Vocational Certificate, and Postsecondary Adult Vocational programs 66%

g. Percent of AA degree transfers to the State University System who started in College Prep and who earn a 2.5 in the SUS after 1 year 75%

h. Number/percent of AA partial completers transferring to the State University System with at least 40 credit hours . . . FY 2001-2002 LBR

i. Number/FTEs of AA students who do not complete 18 credit hours within 4 years . . . . . FY 2001-2002 LBR

j. Of the economically disadvantaged AA students who complete 18 credit hours, the number and percent who graduate with an AA degree within 4 years . . . . . FY 2001-2002 LBR

k. Of the disabled AA students who complete 18 credit hours, the number and percent who graduate with an AA degree within 4 years . . . . . FY 2001-2002 LBR

l. Of the black male AA students who complete 18 credit hours, the number and percent who graduate with an AA degree within 4 years . . . . . FY 2001-2002 LBR

m. Of the English as Second Language (college prep) or English for Non-Speaker (college credit) students who complete 18 credit hours, the number and percent who graduate with an AA degree within 4 years . . . . . FY 2001-2002 LBR

n. Of the AA graduates who have not transferred to the State University System, the number and percent who are found placed in an occupation identified as high wage/high skill on the Occupational Forecasting Conference list and found employed at $4,680 per quarter or more . . . . . FY 2001-2002 LBR

2. COMMUNITY COLLEGE OUTPUT MEASURES.—

a. Number of AA degrees granted 29,000

b. Number of students receiving college preparatory instruction 94,000

c. Number of students enrolled in baccalaureate programs offered on community college campuses . . . . . FY 2001-2002 LBR

(f) For the Postsecondary Education Planning Commission (PEPC) Program, the outcome measures and associated performance standards with respect to funds provided in Specific Appropriations 153-158 are as follows:

1. PEPC OUTCOME MEASURE.—

a. Completed studies required by statute or the General Appropriations Act 100%

(g) For the State University System Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 9A-9D and 160-182 are as follows:

1. STATE UNIVERSITY SYSTEM OUTCOME MEASURES.—

a. Graduation rate for First Time in College (FTIC) students, using a 6-year rate 61%

b. Retention rate for FTIC students, using a 6-year rate 71%

c. Graduation rate for AA transfer students, using a 4-year rate 69%

d. Retention rate for AA transfer students, using a 4-year rate 80%

e. Percent of students graduating with total accumulated credit hours that are less than or equal to 115 percent of the degree requirement, disaggregating the data by FTIC and AA transfers 61%

f. Pass rate on licensure/certification exams, for the first sitting . . . . . FY 2001-2002 LBR

g. Of the prior year graduates remaining in Florida, the percent employed at $22,000 or more 1 year following graduation 60%

h. Of those graduates remaining in Florida, the percent employed at $22,000 or more 5 years following graduation 90%

i. Percent of undergraduate students enrolled in graduate school upon completion of the baccalaureate degree 16%

j. Externally generated research and training grant funds (federal, state, local, business, and industry) per state-funded ranked faculty full-time equivalent . . . . . FY 2001-2002 LBR

k. Average number of articles in Institute for Scientific Information Publication Count per ranked faculty . . . . . FY 2001-2002 LBR

l. For IFAS only, the percent of public service projects where the beneficiary is satisfied or highly satisfied with the extension assistance 98%

m. Of the total instructional effort by level, the percent of effort provided by faculty:

(I) Lower level 35%

(II) Upper level 50%

(III) Graduate 55%

n. Number and percent of qualified Florida students, those applicants meeting BOR admission standards, admitted as FTIC students . . . . . FY 2001-2002 LBR/95%

o. Percent of FTIC students admitted as student profile assessments 10%

p. Percent of student profile assessments who are out-of-state students 10%

q. Of total faculty effort allocated for public service, the percent devoted to public schools 25%

2. STATE UNIVERSITY SYSTEM OUTPUT MEASURES.—

a. Number of degrees granted, baccalaureate 37,982

b. Number of degrees granted, masters 11,008

c. Number of degrees granted, doctoral 1,255

d. Number of degrees granted, professional 1,170

(h) For the Vocational Rehabilitation Program, the purpose of which is to empower individuals with disabilities to maximize their employment, economic self-sufficiency, and independence, the outcome measures, output measures, and associated performance standards with respect to funds in Specific Appropriations 10E-10N are as follows:

1. VOCATIONAL REHABILITATION OUTCOME MEASURES.—

a. Percent/number of customers gainfully employed (rehabilitated) at least 90 days: 63%/10,500

(I) Of VR severely disabled 63.5%/4,100

(II) Of VR most severely disabled 56.5%/4,600

(III) Of all other VR disabled 76%/1,600

b. Percent/number of VR customers placed in competitive employment 97.5%/10,237

c. Percent/number of VR customers retained in employment after 1 year 62.5%/5,500

d. Average annual earnings of VR customers at placement $13,900

e. Average annual earnings of VR customers after 1 year $14,400

f. Percent of case costs covered by third-party payers 20%

g. Average cost of case life (to division):

(I) For severely disabled VR customers $3,311

(II) For most severely disabled VR customers $3,175

(III) For all other disabled VR customers $400

h. Maintain the annual rate and number of rehabilitation customers gainfully employed at least 90 days at 68.3% and 847 customers, or more 68.3%/847

2. VOCATIONAL REHABILITATION OUTPUT MEASURES.—

a. Number of customers reviewed for eligibility 26,500

b. Number of individualized written plans for services 22,500

c. Number of customers served 72,000

d. Customer caseload per counseling/case management team member 161

e. Percent of eligibility determinations completed in compliance with federal law 92.5%

Section 68. *The performance measures and standards established in this section for individual programs in human services agencies shall be applied to those programs for the 2000-2001 fiscal year. These performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for Fiscal Year 2000-2001, as required by the Government Performance and Accountability Act of 1994.*

(1) AGENCY FOR HEALTH CARE ADMINISTRATION.—

(a) For the Administration and Support Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 184-190 are as follows:

1. OUTCOME MEASURES.—

a. Administrative cost as a percent of total agency costs 1.2%

b. Information technology costs as a percent of agency administrative costs 9.6%

2. OUTPUT MEASURE.—

a. Number of information technology service hours 165,460

(b) For the Health Care Services Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 191-251 are as follows:

1. CHILDREN SPECIAL HEALTH CARE (KIDCARE PROGRAM) OUTCOME MEASURES.—

a. Percent of eligible uninsured children who receive health benefits coverage 100%

b. Percent of children enrolled with up-to-date immunizations 80%

c. Percent of compliance with the standards established in the Guidelines for Health Supervision of Children and Youth as developed by the American Academy of Pediatrics for children eligible under the program 80%

d. Percent of families satisfied with the care provided under the program 90%

2. CHILDREN SPECIAL HEALTH CARE (KIDCARE PROGRAM) OUTPUT MEASURES.—

a. Total number of uninsured children enrolled in KidCare 400,982

b. Number of uninsured children enrolled in Florida Healthy Kids 261,927

c. Number of uninsured children enrolled in Medikids 30,994

d. Number of uninsured children enrolled in Children's Medical Services Network 6,326

e. Number of uninsured children enrolled in the Medicaid Expansion 16,735

f. Number of uninsured children enrolled in Medicaid as a result of outreach efforts 85,000

3. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTCOME MEASURE.—

a. Administrative cost as a percent of total program costs . . . 1.2%

4. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTPUT MEASURES.—

a. Average number of days between receipt of clean Medicaid claim and payment 16

b. Number of Medicaid claims received 115,612,455

c. Number of Medicaid claims paid 75,319,381

5. MEDICAID SERVICES TO INDIVIDUALS OUTCOME MEASURES.—

a. Percent of women receiving adequate prenatal care 85%

b. Neonatal mortality rate per 1,000 . . . . . 4.7

c. Average number of months between pregnancies for those receiving family planning services 37.4

d. Percent of eligible children who received all required components of EPSDT screen 72%

e. Percent of child hospitalizations for conditions preventable with good ambulatory care 7.5%

f. Percent of nondisabled working age adult hospitalizations for conditions preventable with good ambulatory care 12.5%

g. Percent of disabled working age adult hospitalizations for conditions preventable with good ambulatory care 13.5%

h. Percent of elder hospitalizations for conditions preventable with good ambulatory care 13%

6. MEDICAID SERVICES TO INDIVIDUALS OUTPUT MEASURES.—

a. Number of women receiving prenatal care 143,852

b. Number of vaginal deliveries 58,225

c. Number of women receiving family planning services 256,496

d. Number of children ages 1-20 enrolled in Medicaid 1,179,147

e. Number of children receiving EPSDT services 193,031

f. Number of hospital inpatient services provided to children 44,353

g. Number of physician services provided to children 3,927,330

h. Number of prescribed drugs provided to children 3,101,827

i. Percent of nondisabled adults receiving a service 76%

j. Percent of enrolled disabled adults receiving a service . . . 87.6%

k. Percent of hospital stays for elder recipients exceeding length of stay criteria 9.5%

l. Number of elders enrolled in long-term care waivers 13,614

m. Number of hospital inpatient services provided to elders 111,883

n. Number of physician services provided to elders 3,042,986

o. Number of prescribed drugs provided to elders 10,044,825

7. MEDICAID LONG TERM CARE OUTCOME MEASURES.—

a. Percent of elder hospitalizations for conditions preventable with good ambulatory care 13%

b. Percent of developmentally disabled hospitalizations for conditions preventable with good ambulatory care 15%

8. MEDICAID PREPAID HEALTH PLAN OUTCOME MEASURES.—

a. Percent of elder and disabled hospitalizations for conditions preventable with good ambulatory care 15%

b. Percent of women and child hospitalizations for conditions preventable with good ambulatory care 14.2%

(c) For the Health Care Regulation Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 252-263 are as follows:

1. HEALTH FACILITIES AND PRACTITIONER REGULATION OUTCOME MEASURES.—

a. Percent of Priority I practitioner investigations resulting in emergency action 25%

b. Average number of days to take emergency action on Priority I practitioner investigations 60

c. Percent of cease and desist orders issued to unlicensed practitioners in which another complaint of unlicensed activity is subsequently filed against the same practitioner 6%

d. Percent of initial investigations and recommendations as to the existence of probable cause completed within 180 days after receipt of complaint 85%

e. Percent of investigations of alleged unlicensed facilities and programs that have been previously issued a cease and desist order, that are confirmed as repeated unlicensed activity 8%

f. Percent of Priority I consumer complaints about licensed facilities and programs that are investigated within 48 hours 100%

g. Percent of accredited hospitals and ambulatory surgical centers cited for not complying with life safety, licensure, or emergency access standards 9%

h. Percent of validation surveys that are consistent with findings noted during the accreditation survey 98%

i. Percent of nursing home facilities with deficiencies that pose a serious threat to the health, safety, or welfare of the public 2%

j. Percent of assisted living facilities with deficiencies that pose a serious threat to the health, safety, or welfare of the public 2%

k. Percent of home health facilities with deficiencies that pose a serious threat to the health, safety, or welfare of the public 0%

l. Percent of clinical laboratories with deficiencies that pose a serious threat to the health, safety, or welfare of the public 0%

m. Percent of ambulatory surgical centers with deficiencies that pose a serious threat to the health, safety, or welfare of the public 2%

n. Percent of hospitals with deficiencies that pose a serious threat to the health, safety, or welfare of the public 2%

o. Percent of hospitals that fail to report serious incidents (agency identified) 5%

p. Percent of hospitals that fail to report peer review disciplinary actions (agency identified) 2%

q. Percent of new recipients voluntarily selecting managed care plan 71%

r. Administrative cost as a percent of total program costs . . . 6.4%

2. HEALTH FACILITIES AND PRACTITIONER REGULATION OUTPUT MEASURES.—

a. Number of practitioner complaints determined legally sufficient 6,836

b. Number of legally sufficient practitioner complaints resolved by findings of no probable cause (nolle prosse) 1,182

c. Number of legally sufficient practitioner complaints resolved by findings of no probable cause (letters of guidance) 1,095

d. Number of legally sufficient practitioner complaints resolved by findings of no probable cause (notice of noncompliance) 3

e. Number of legally sufficient practitioner complaints resolved by findings of probable cause - issuance of citation for minor violations 62

f. Number of legally sufficient practitioner complaints resolved by findings of stipulations or informal hearings 1,023

g. Number of legally sufficient practitioner complaints resolved by findings of formal hearings 37

h. Average number of practitioner complaint investigations per FTE 227

i. Number of inquiries to the call center regarding practitioner licensure and disciplinary information 115,230

j. Number of facility emergency actions taken 89

k. Total number of full facility quality-of-care surveys conducted 4,980

l. Number of nursing home full facility quality-of-care surveys conducted 712

m. Number of assisted living facility full facility quality-of-care surveys conducted 762

n. Number of home health agency full facility quality-of-care surveys conducted 1,221

o. Number of clinical laboratory full facility quality-of-care surveys conducted 1,163

p. Number of hospital full facility quality-of-care surveys conducted 37

q. Number of other full facility quality-of-care surveys conducted 1,084

r. Average processing time (in days) for Statewide Provider and Subscriber Assistance Panel cases 165

s. Number of nursing home plans and construction reviews performed 1,100

t. Number of hospital plan and construction reviews performed 2,500

u. Number of ambulatory surgical center plans and construction reviewed 200

v. Average number of hours for a nursing home plans and construction review 30

w. Average number of hours for a hospital plans and construction review 35

x. Average number of hours for an ambulatory surgical center plans and construction review 25

y. Number of new enrollees provided choice counseling 191,582

(2) DEPARTMENT OF CHILDREN AND FAMILY SERVICES.—

(a) For the Executive Leadership Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 264-268 are as follows:

1. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTCOME MEASURE.—

a. Administrative cost as a percent of total agency costs 0.3%

(b) For the Support Services Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 269-293 are as follows:

1. INFORMATION TECHNOLOGY OUTCOME MEASURE.—

a. Information technology costs as a percent of total agency costs 3.5%

2. INFORMATION TECHNOLOGY OUTPUT MEASURES.—

a. Number of computer programs supported 22,485

b. Number of computer programs designed and developed 22,485

3. ASSISTANT SECRETARY FOR ADMINISTRATION OUTCOME MEASURE.—

a. Administrative cost as a percent of total agency costs 1%

4. DISTRICT ADMINISTRATION OUTCOME MEASURE.—

a. Administrative cost as a percent of total agency costs 1.6%

(c) For the Family Safety Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 294-325B are as follows:

1. CHILD CARE REGULATION AND INFORMATION OUTCOME MEASURE.—

a. Percent of licensed child care facilities and homes with no class 1 (serious) violations during their licensure year 97%

2. CHILD CARE REGULATION AND INFORMATION OUTPUT MEASURE.—

a. Number of facilities and homes licensed 5,692

3. ADULT PROTECTION OUTCOME MEASURES.—

a. Percent of protective supervision cases in which no report alleging abuse, neglect, or exploitation is received while the case is open (from beginning of protective supervision for a maximum of 1 year) . . . 97%

b. Ratio of domestic violence incidents reported resulting in injury or harm to clients as a result of inadequate security procedures per 1,000 shelter days . . . . . FY 2001-2002 LBR

c. Percent of adult and child victims in shelter more than 72 hours having a plan for family safety and security when they leave shelter 95%

4. ADULT PROTECTION OUTPUT MEASURES.—

a. Number of investigations 32,281

b. Number of persons receiving protective supervision services 628

c. Number of persons referred to other agencies 1,700

d. Number of individuals served in emergency shelters 13,578

e. Number of individuals counseled 97,343

5. CHILD ABUSE PREVENTION AND INTERVENTION OUTCOME MEASURE.—

a. Percent of children in families who complete intensive child abuse prevention programs of 3 months or more who are not abused or neglected within 12 months after program completion 96%

b. Per capita child abuse rate 23/1,000

c. Number of children in families served 53,500

6. CHILD PROTECTION AND PERMANENCY OUTCOME MEASURES.—

a. Percent of children who have no findings of child maltreatment within 1 year after case closure from services 95%

b. Percent of children reunified with family who return to foster care within 1 year after case closure 3%

c. Percent of children not abused or neglected during services 97%

d. Percent of children who exited out-of-home care by the 12th month 30%

e. Percent of cases reviewed by supervisors in accordance with department timeframes for early warning system 100%

f. Percent of alleged victims seen within 24 hours 100%

g. Percent of investigations completed within 30 days 100%

h. Percent of children removed from a home who are placed with a relative as a result of a child protective investigation . . FY 2001-2002 LBR

i. Percent of children removed from a home who are placed in out-of-home care (excluding relative placements) as a result of a child protective investigation . . . . . FY 2001-2002 LBR

j. Percent of foster homes that exceed their licensed capacity without a current waiver . . . . . FY 2001-2002 LBR

k. Percent of case plans completed within 60 days after the child is removed from the home . . . . . FY 2001-2002 LBR

l. Percent of children who are adopted of the number of children legally available for adoption 90%

7. CHILD PROTECTION AND PERMANENCY OUTPUT MEASURES.—

a. Reports of child abuse/neglect 177,196

b. Children identified as abused/neglected during year 75,000

c. Children receiving adoptive services 4,500

d. Children receiving adoption subsidies 13,209

8. FLORIDA ABUSE HOTLINE OUTCOME MEASURE.—

a. Percent of calls made to the Florida Abuse Hotline that were abandoned 7%

9. FLORIDA ABUSE HOTLINE OUTPUT MEASURE.—

a. Calls answered 441,000

10. PROGRAM MANAGEMENT AND COMPLIANCE OUTCOME MEASURE.—

a. Administrative cost as a percent of total program costs . . . 6.4%

(d) For the Persons with Disabilities Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 326-360 are as follows:

1. DEVELOPMENTAL SERVICES PUBLIC FACILITIES OUTCOME MEASURES.—

a. Annual number of significant reportable incidents per 100 persons with developmental disabilities living in developmental services institutions 24

b. Percent of people with improved quality of life 40%

2. DEVELOPMENTAL SERVICES PUBLIC FACILITIES OUTPUT MEASURES.—

a. Adults incompetent to proceed provided competency training and custodial care in the Mentally Retarded Defendants Program 141

b. Adults receiving services in developmental services institutions 1,419

3. HOME AND COMMUNITY SERVICES OUTCOME MEASURES.—

a. Percent of people receiving home and community services with improved quality of life (waiver and nonwaiver) 53%

b. Percent of people receiving private ICF/DD with improved quality of life 40%

c. Percent of people who have a quality-of-life score of 19 out of 25 or greater on the Outcome Based Performance Measures Assessment at annual reassessment 18%

d. Percent of people who are employed in integrated settings 26%

4. HOME AND COMMUNITY SERVICES OUTPUT MEASURES.—

a. Children and adults provided residential care 5,330

b. Number of people served in the community (not in private ICF/DDs) 27,891

c. Number of people served in private facilities 2,084

5. IN-HOME SERVICES FOR DISABLED ADULTS OUTCOME MEASURE.—

a. Percent of adults with disabilities receiving services who are not placed in a nursing home 99%

6. IN-HOME SERVICES FOR DISABLED ADULTS OUTPUT MEASURE.—

a. Number of disabled adults provided in-home supports 4,302

7. PROGRAM MANAGEMENT AND COMPLIANCE OUTCOME MEASURE.—

a. Administrative cost as a percent of total program costs . . 0.12%

(e) For the Mental Health Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 361-390 are as follows:

1. VIOLENT SEXUAL PREDATOR OUTPUT MEASURES.—

a. Number of sexual predators served 4,750

b. Number of people served who are committed 89

c. Number of people served who are noncommitted 60

2. ADULT COMMUNITY MENTAL HEALTH SERVICES OUTCOME MEASURES.—

a. Average annual number of days spent in the community (not in institutions or other facilities) for adults with a serious and persistent mental illness 344

b. Average functional level based on Global Assessment of Functioning score for adults with a serious and persistent mental illness 50

c. Average annual days worked for pay for adults with a serious and persistent mental illness 40

d. Percent of clients with a serious and persistent mental illness who worked during the year . . . . . FY 2001-2002 LBR

e. Percent of community partners (serious and persistent mental illness) satisfied based on survey 90%

f. Average Global Assessment of Functioning scale change score for adults in mental health crisis 8

g. Percent of adults in mental health crisis not readmitted within 30 days 97%

h. Percent of community partners (adults in mental health crisis) satisfied based on survey 90%

i. Average functional level based on Global Assessment of Functioning score for adults with forensic involvement 45

j. Percent of adults with forensic involvement who violate their conditional release under chapter 916, Florida Statutes, and are recommitted 4%

k. Percent of community partners (adults in mental health crisis) satisfied based on survey 90%

l. Average annual number of days spent in the community (not in institutions or other facilities) for adults with forensic involvement 310

3. ADULT COMMUNITY MENTAL HEALTH SERVICES OUTPUT MEASURES.—

a. Number of adults with a serious and persistent mental illness in the community served 53,736

b. Number of adults in mental health crisis served 34,382

c. Number of adults with forensic involvement served 896

4. CHILDREN'S MENTAL HEALTH SERVICES OUTCOME MEASURES.—

a. Percent of children with mental illness restored to competency and recommended to proceed with a judicial hearing 90%

b. Percent of children with mental retardation restored to competency and recommended to proceed with a judicial hearing 68%

c. Percent of community partners satisfied with program (children incompetent to proceed in Juvenile Justice) based upon a survey 90%

d. Projected annual days serious emotionally disturbed (SED) children (excluding those in juvenile justice facilities) spend in the community 333

e. Percent of available school days SED children attended during the last 30 days 86%

f. Percent of SED community partners satisfied based on a survey 90%

g. Average functional level score SED children will have achieved on the Children's Global Assessment of Functioning scale 50

h. Percent of improvement of the emotional condition or behavior of the child or adolescent evidenced by resolving the presented problem and symptoms of the serious emotional disturbance recorded in the initial assessment . . . . . FY 2001-2002 LBR

i. Projected annual days emotionally disturbed (ED) children (excluding those in juvenile justice facilities) spend in the community 349

j. Percent of available days ED children attended school during the last 30 days 89%

k. Percent of ED community partners satisfied based on a survey 90%

l. Percent of improvement of the emotional condition or behavior of the child or adolescent evidenced by resolving the presented problem and symptoms of the emotional disturbance recorded in the initial assessment . . . . . FY 2001-2002 LBR

m. Average functional level score ED children will have achieved on the Children's Global Assessment of Functioning scale 57

5. CHILDREN'S MENTAL HEALTH SERVICES OUTPUT MEASURES.—

a. Number served who are incompetent to proceed 226

b. Number of SED children to be served 32,817

c. Number of ED children to be served 18,272

d. Number of at-risk children to be served 2,000

6. ADULT MENTAL HEALTH TREATMENT FACILITIES OUTCOME MEASURES.—

a. Percent of civil commitment patients who improve mental health based on the Positive and Negative Syndrome Scale 64%

b. Average civil commitment scores on community readiness/ability survey . . . . . FY 2001-2002 LBR

c. Percent of civil commitment patients readmitted within 1 year . . . . . FY 2001-2002 LBR

d. Percent of civil commitment community partners satisfied based on survey . . . . . FY 2001-2002 LBR

e. Percent of people in civil commitment served who are discharged to the community 40%

f. Annual number of harmful events per 100 residents in civil commitment in each mental health institution 15

g. Average number of days to restore competency for adults in forensic commitment 174

h. Percent of forensic residents restored to competency within 12 months . . . . . FY 2001-2002 LBR

i. Annual number of harmful events per 100 residents in forensic commitment in each mental health institution 5

j. Percent of forensic commitment community partners satisfied based on survey 90%

7. ADULT MENTAL HEALTH TREATMENT FACILITIES OUTPUT MEASURES.—

a. Number of people in civil commitment served 2,700

b. Number of civil commitment adult abuse reports confirmed or proposed confirmed . . . . . FY 2001-2002 LBR

c. Number of forensic commitment adult abuse reports confirmed or proposed confirmed . . . . . FY 2001-2002 LBR

d. Number of adults in forensic commitment served 1,605

8. PROGRAM MANAGEMENT AND COMPLIANCE OUTCOME MEASURE.—

a. Administrative cost as a percent of total program costs . . . 1.6%

(f) For the Substance Abuse Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 391-398A are as follows:

1. PROGRAM MANAGEMENT AND COMPLIANCE OUTCOME MEASURE.—

a. Administrative cost as a percent of total program costs . . . 3.8%

2. CHILD SUBSTANCE-ABUSE-PREVENTION, EVALUATION, AND TREATMENT SERVICES OUTCOME MEASURES.—

a. Percent of children with substance abuse who complete treatment 72%

b. Percent of children with substance abuse who are drug free during the 12 months following completion of treatment 52%

c. Percent of children with substance abuse under the supervision of the state receiving substance-abuse treatment who are not committed to the Department of Juvenile Justice during the 12 months following treatment completion 85%

d. Percent of community partners satisfied based on survey . . 85%

e. Percent of children at risk of substance abuse in targeted prevention programs who achieve expected level of improvement in reading 75%

f. Percent of children at risk of substance abuse in targeted prevention programs who achieve expected level of improvement in math 75%

g. Percent of children at risk of substance abuse who receive targeted prevention services who are not admitted to substance-abuse services during the 12 months after completion of prevention services . . . 95%

3. CHILD SUBSTANCE-ABUSE-PREVENTION SERVICES OUTPUT MEASURES.—

a. Number of children with substance-abuse problems served 55,000

b. Number of children with substance abuse completing treatment 5,429

c. Number of children receiving aftercare/follow-up 2,004

d. Number of at-risk children served in targeted prevention 7,000

e. Number of prevention services to children at risk 7,483

4. ADULT SUBSTANCE-ABUSE-PREVENTION, EVALUATION, AND TREATMENT SERVICES OUTCOME MEASURES.—

a. Percent of adults who are drug free during the 12 months following completion of treatment 54%

b. Percent of adults employed upon discharge from treatment services 65%

c. Percent change in the number of clients with arrests within 90 days following discharge compared to number with arrests within 90 days prior to admission 55%

d. Percent of community partners satisfied based on survey . . 82%

e. Percent of adults in child welfare protective supervision who have case plans requiring substance-abuse treatment who are receiving treatment 53%

f. Percent of clients who complete treatment 68%

5. ADULT SUBSTANCE-ABUSE-PREVENTION, EVALUATION, AND TREATMENT SERVICES OUTPUT MEASURES.—

a. Number of adults served 124,400

b. Number of adults in child welfare protective supervision who have case plans requiring substance-abuse treatment who are receiving treatment 5,000

c. Number of adults provided detoxification and crisis supports 23,000

d. Number of at-risk adults provided prevention services . . 53,000

e. Number of adults provided treatment 20,213

f. Number of adults in need given aftercare/follow-up 14,826

(g) For the Economic Self-Sufficiency Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 399-435 are as follows:

1. COMPREHENSIVE ELIGIBILITY SERVICES OUTCOME MEASURE.—

a. Percent of all applications processed within time standards 98%

2. COMPREHENSIVE ELIGIBILITY SERVICES OUTPUT MEASURE.—

a. Total number of applications 2,890,790

3. PROGRAM MANAGEMENT AND COMPLIANCE OUTCOME MEASURE.—

a. Administrative cost as a percent of total program costs . . . 2.7%

4. FRAUD PREVENTION AND BENEFIT RECOVERY OUTCOME MEASURES.—

a. Percent of Food Stamp benefits determined accurately . . . 90.7%

b. Percent of cash assistance benefits determined accurately 93.89%

c. Percent of dollars collected for established benefit recovery claims 64.1%

d. Percent of suspected fraud cases referred that result in front-end fraud prevention savings 70%

5. FRAUD PREVENTION AND BENEFIT RECOVERY OUTPUT MEASURES.—

a. Dollars collected through benefit recovery $14,725,000

b. Number of front-end fraud prevention investigations completed 25,230

c. Dollars saved through front-end fraud prevention $18,929,800

6. SPECIAL ASSISTANCE PAYMENTS OUTCOME MEASURE.—

a. Percent of Optional State Supplementation (OSS) applications processed within time standards 98%

7. SPECIAL ASSISTANCE PAYMENTS OUTPUT MEASURE.—

a. Number of applications processed for Optional State Supplementation payments 5,640

8. WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) AND EMPLOYMENT SUPPORTS OUTCOME MEASURES.—

a. Percent of 4-year-old children placed with contracted providers in care for 9 months who enter kindergarten ready to learn as determined by the Florida Partnership for School Readiness 83%

b. Percent of cash and welfare-transition clients who need child care who receive subsidized child care services 100%

c. Percent of working poor clients (nonwelfare-transition) who receive subsidized child care services 71%

9. WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) AND EMPLOYMENT SUPPORTS OUTPUT MEASURES.—

a. Number of cash assistance participants referred to the regional workforce development boards 121,000

b. Number of children who received subsidized child care services 147,085

10. REFUGEES OUTCOME MEASURE.—

a. Percent of Refugee Assistance cases accurately closed at 8 months or less 98%

11. REFUGEES OUTPUT MEASURE.—

a. Number of refugee cases closed 5,840

(3) DEPARTMENT OF ELDERLY AFFAIRS.—

(a) For the Services to Elders Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 436-461 are as follows:

1. COMPREHENSIVE ELIGIBILITY SERVICES OUTCOME MEASURES.—

a. Percent of elders CARES determined to be eligible for nursing home placement who are diverted 16.8%

b. Percent of CARES imminent-risk referrals served 90%

2. COMPREHENSIVE ELIGIBILITY SERVICES OUTPUT MEASURE.—

a. Total number of CARES assessments 64,356

3. HOME AND COMMUNITY SERVICES OUTCOME MEASURES.—

a. Percent of Adult Protective Services (APS) referrals who are in need of immediate services to prevent further harm who are served within 72 hours 95%

b. Costs of home and community-based care (including non-DOEA programs) is less than nursing home care for comparable client groups . . . . . FY 2001-2002 LBR

c. Percent of elders assessed with high or moderate-risk environments who improved their environment score 70%

d. Percent of new service recipients with high-risk nutrition scores whose nutritional status improved 60%

e. Percent of new service recipients whose ADL assessment score has been maintained or improved 60.6%

f. Percent of new service recipients whose IADL assessment score has been maintained or improved 60%

g. Percent of family and family-assisted caregivers who self-report they are very likely to provide care 92%

h. Percent of Community Care for the Elderly clients defined as "probable Medicaid eligibles" who remain in state-funded programs 15%

4. HOME AND COMMUNITY SERVICES OUTPUT MEASURES.—

a. Number of people served 139,331

b. Number of congregate meals provided 4,709,932

5. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTCOME MEASURES.—

a. Administrative and support cost as a percent of total agency costs 4%

b. Increase the percent of participants passing the competency test 80%

c. Agency information technology cost as a percent of total agency costs 0.6%

6. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTPUT MEASURE.—

a. Number of Assisted Living Facility and Adult Family Care Home proprietors and staff trained 7,000

7. CONSUMER ADVOCATE SERVICES OUTCOME MEASURE.—

a. Percent of complaint investigations initiated within 5 working days 90%

8. CONSUMER ADVOCATE SERVICES OUTPUT MEASURES.—

a. Number of judicially approved guardianship plans 340

b. Number of complaint investigations completed 8,500

(4) DEPARTMENT OF HEALTH.—

(a) For the Executive Direction and Administration Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 462-474 are as follows:

1. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTCOME MEASURES.—

a. Administrative costs as a percent of total agency costs 1%

b. Percent of middle and high school students who report using tobacco products in the last 30 days 25.5%

2. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTPUT MEASURE.—

a. Number of middle and high school students provided comprehensive tobacco prevention education 121,185

3. INFORMATION TECHNOLOGY OUTCOME MEASURE.—

a. Percent of hardware, software, and networks meeting department standards 98%

4. INFORMATION TECHNOLOGY OUTPUT MEASURES.—

a. Number of custom and in-house applications supported 42

b. Number of personal computers, servers, and e-mail users supported 19,588

(b) For the Community Public Health Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 475-544B are as follows:

1. FAMILY HEALTH SERVICES OUTCOME MEASURES.—

a. Total infant mortality rate per 1,000 live births 6.9

b. Nonwhite infant mortality rate per 1,000 nonwhite births 10.7

c. Percent of low-birth-weight births among prenatal Women, Infants, and Children program clients 7.9%

d. Live births to mothers age 15-19 per 1,000 females 15-19 . . . . . 55.4

e. Percent of mothers 15-19 having a repeat birth 16%

f. Percent of targeted low-income population receiving dental health services from a county health department 10.5%

g. Percent of students who visit the health clinic and are able to return to class rather than leaving school 90%

2. FAMILY HEALTH SERVICES OUTPUT MEASURES.—

a. Number of women and infants receiving Healthy Start services 145,000

b. Average monthly participants in Women, Infants, and Children program 339,000

c. Number of clients served in county health department Family Planning programs 162,000

d. Number of teens age 15-19 served in county health department Family Planning programs 43,725

e. Number of adults and children receiving county health department sponsored professional dental care 79,400

f. Number of children served in the county health department Child Health program 168,000

g. Number of School Health nursing assessments provided 885,000

h. Number of women, infants, and children provided food and nutrition services (WIC and Child Care Food) 443,100

i. Number of KidCare outreach services 1,680,000

3. INFECTIOUS-DISEASE PREVENTION AND CONTROL OUTCOME MEASURES.—

a. AIDS case rate per 100,000 population 35.5

b. HIV/AIDS resident total deaths per 100,000 population . . . 9.6

c. Chlamydia case rate per 100,000 population 195

d. Tuberculosis case rate per 100,000 population 8

e. Immunization rate among 2-year-olds 90%

f. Vaccine-preventable disease rate per 100,000 population . . 3.26

4. INFECTIOUS-DISEASE PREVENTION AND CONTROL OUTPUT MEASURES.—

a. Number of HIV/AIDS counseling and testing services provided annually 220,000

b. Number of HIV partner notification services provided annually 8,500

c. Number of clients served in county health department sexually transmitted disease programs 78,000

d. Number of tuberculosis medical management services provided 25,245

e. Number of patients who complete tuberculosis therapy at the A.G. Holley tuberculosis hospital 90

f. Number of immunization services provided by county public health departments 1,629,815

g. Number of HIV/AIDS patient care services provided to individuals 28,193

5. ENVIRONMENTAL HEALTH SERVICES OUTCOME MEASURES.—

a. Food and waterborne disease cases per 1,000 facilities regulated by the department 4.4

b. Overall sanitation and safety score in department regulated facilities 97.2%

c. Septic tank failure rate per 1,000 within 2 years after system installation 2.4

6. ENVIRONMENTAL HEALTH SERVICES OUTPUT MEASURES.—

a. Number of department regulated facilities inspected 122,527

b. Number of onsite sewage disposal system inspections completed 295,000

c. Control of radiation threats as measured by the number of x-ray machines inspected 37,800

d. Number of water systems and storage tanks inspected 218,000

7. STATEWIDE HEALTH SUPPORT SERVICES OUTCOME MEASURES.—

a. Percent saved on prescription drugs compared to market price 30%

b. Percent of laboratory samples passing standardized proficiency testing 100%

c. Percent of vital statistics records completed within established timeframes 99%

(c) For the Children's Medical Services (CMS) Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 545-571 are as follows:

1. CHILDREN'S SPECIAL HEALTH CARE OUTCOME MEASURES.—

a. Percent of families in Children's Medical Services (CMS) Program Network indicating a positive perception of care 95%

b. Percent of CMS Network enrollees in compliance with the periodicity schedule for well-child care 90%

c. Percent of eligible infants/toddlers provided CMS program Early Intervention program services 90%

d. Percent of Child Protection Team (CPT) team assessments provided to Family Safety and Preservation program within established timeframes 90%

2. CHILDREN'S SPECIAL HEALTH CARE OUTPUT MEASURES.—

a. Number of children enrolled in CMS program Network (Medicaid and Non-Medicaid) 37,500

b. Number of clients receiving services in the CMS program Early Intervention program 29,000

c. Number of children receiving Child Protection Team (CPT) assessments 27,500

(d) For the Health Care Practitioner and Access Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 572-592B are as follows:

1. MEDICAL QUALITY ASSURANCE OUTCOME MEASURES.—

a. Number of unlicensed individuals identified and referred to State Attorneys 36

b. Percent of health care practitioners' applications for licensure completed within 90 days 100%

2. MEDICAL QUALITY ASSURANCE OUTPUT MEASURES.—

a. Number of unlicensed individuals investigated 364

b. Number of initial health care practitioner licenses processed 48,946

c. Number of initial health care practitioner licenses issued 43,531

d. Number of licenses issued and renewed by mail 314,688

3. COMMUNITY HEALTH RESOURCES OUTCOME MEASURES.—

a. Percent of emergency medical service providers found to have a significant deficiency during licensure inspection 8.5%

b. Age-adjusted injury death rate per 100,000 57

c. Number of emergency medical service providers licensed annually 249

d. Number of medical students who do a rotation in a medically underserved area 715

e. Number of persons who receive continuing education services through Work Force Development 16,400

4. COMMUNITY HEALTH RESOURCES OUTPUT MEASURES.—

a. Number of providers recruited for underserved areas 46

b. Number of brain and spinal cord injury victims reintegrated to the community 3,384

c. Number of emergency medical services providers licensed and emergency medical technicians and paramedics certified 31,930

(e) For the Disability Determinations Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 592C-592E are as follows:

1. DISABILITY BENEFITS DETERMINATIONS OUTCOME MEASURE.—

a. Percent of Title II and XVI disability decisions completed accurately as measured by the Social Security Administration . . 92%

2. DISABILITY BENEFITS DETERMINATIONS OUTPUT MEASURE.—

a. Number of Title II and XVI disability decisions completed 212,489

(5) DEPARTMENT OF VETERANS' AFFAIRS.—

(a) For the Services to Veterans Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 593-611 are as follows:

1. VETERANS' HOMES OUTCOME MEASURES.—

a. Occupancy rate for veterans homes in operation for 2 years or longer 75%

b. Percent of veterans' homes that received gold-star certification by AHCA . . . . . FY 2001-2002 LBR

2. VETERANS' HOMES OUTPUT MEASURE.—

a. Number of veterans' homes beds available 390

3. VETERANS' CLAIMS OUTCOME MEASURE.—

a. Percent of "ready to rate" claims submitted to USDVA compared to total claims submitted 2%

4. VETERANS' CLAIMS OUTPUT MEASURES.—

a. Number of veterans served 195,000

b. Number of claims processed 15,500

5. VETERANS' FIELD SERVICES OUTCOME MEASURE.—

a. Value of cost avoidance because of issue resolution $4,680,000

6. VETERANS' FIELD SERVICES OUTPUT MEASURE.—

a. Number of veterans served (benefited) by issue resolution 240,000

7. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTCOME MEASURES.—

a. Administrative cost as a percent of total agency costs 8%

b. Percent of time computer network is available for use or response time 85%

c. Number of veterans or eligible dependents enrolled in certified educational programs 27,000

d. Percent of veterans, families, and survivors aware of FDVA services 43%

e. Percent of schools certified after submission of application 100%

8. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTPUT MEASURES.—

a. Number of constituents served 559,000

b. Value of veterans' education benefits paid . . . . . $110 million

c. Number of Florida education institution programs certified 3,000

d. Number of staff supported by the information technology service through networking, software, and hardware support 540

Section 69. *The performance measures and standards established in this section for individual programs in public safety and judiciary agencies shall be applied to those programs for the 2000-2001 fiscal year. These performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for Fiscal Year 2000-2001, as required by the Government Performance and Accountability Act of 1994.*

(1) DEPARTMENT OF CORRECTIONS.—

(a) For the Security and Institutional Operations Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 625-700 are as follows:

1. OUTCOME MEASURES.—

a. Number of escapes from the secure perimeter of major institutions 0

b. Percent of inmates who did not escape when assigned outside a secure perimeter 99.9%

c. Number of batteries committed by inmates on one or more persons per 1,000 inmates . . . . . FY 2001-2002 LBR

d. Number of inmates receiving major disciplinary reports per 1,000 inmates 375

e. Percent of random inmate drug tests that are negative . . . 98.5%

f. Percent of reported criminal incidents investigated by the Inspector General's Office 100%

g. Percent of victim notifications that meet the statutory time period requirements 100%

h. Percent of available inmates who work 83.5%

i. Number of available work assignments 35,203

j. Number of inmates available for work assignments . . . . . FY 2001-2002 LBR

k. Percent of those available for work who are not assigned . . 1.4%

l. Annual cost savings to the state for using inmate labor for maintenance of state rights-of-way . . . . . FY 2001-2002 LBR

m. Percent of inmates placed in a facility that provides at least one of inmate's primary program needs . . . . . FY 2001-2002 LBR

2. OUTPUT MEASURE.—

a. Number of new inmates received and oriented 26,831

(b) For the Health Care Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 737-750 are as follows:

1. INMATE HEALTH SERVICES OUTCOME MEASURES.—

a. Health care grievances that are upheld:

(I) Number 60

(II) Percent 3%

b. Number of suicides per 100,000 inmates compared to the national average for correctional facilities/institutions:

(I) Within DOC . . . . . FY 2001-2002 LBR

(II) National average . . . . . FY 2001-2002 LBR

c. Comparison of per diems for General Medical Services:

(I) DOC . . . . . FY 2001-2002 LBR

(II) HMO . . . . . FY 2001-2002 LBR

(III) Medicaid HMO . . . . . FY 2001-2002 LBR

d. Comparison of per diems for Mental Health Services:

(I) DOC . . . . . FY 2001-2002 LBR

(II) HMO . . . . . FY 2001-2002 LBR

(III) Medicaid HMO . . . . . FY 2001-2002 LBR

e. Comparison of per diems for hospitalization contracts:

(I) DOC . . . . . FY 2001-2002 LBR

(II) HMO . . . . . FY 2001-2002 LBR

(III) Medicaid HMO . . . . . FY 2001-2002 LBR

f. Comparison of per diems for hospitalization contracts:

(I) DOC . . . . . (to be reported by the department)

(II) HMO . . . . . (to be reported by the department)

(III) Medicaid HMO . . . . . (to be reported by the department)

(c) For the Community Corrections Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 701-736 are as follows:

1. OUTCOME MEASURES.—

a. Status of offenders 2 years after the period of supervision was imposed:

(I) Revoked:

(A) Number . . . . . FY 2001-2002 LBR

(B) Percent . . . . . FY 2001-2002 LBR

(II) Absconded:

(A) Number . . . . . FY 2001-2002 LBR

(B) Percent . . . . . FY 2001-2002 LBR

b. Percent of offenders that successfully complete their sentence or are still under supervision at the end of a 2-year measurement period 56.9%

c. Percent of offenders who successfully complete supervision and are not subsequently recommitted to DOC for committing a new crime within 2 years:

(I) To prison 98.9%

(II) To supervision 94.4%

d. Percent of court-ordered amounts collected from offenders on community supervision only by DOC for restitution . . . . . FY 2001-2002 LBR

e. Percent of court-ordered amounts collected from offenders on community supervision only by DOC for other court-ordered costs . . . . . FY 2001-2002 LBR

f. Percent of court-ordered amounts collected from offenders on community supervision only by DOC for costs of supervision . FY 2001-2002 LBR

g. Percent of court-ordered amounts collected for subsistence from offenders/inmates in community correctional centers . . FY 2001-2002 LBR

h. Percent of court-ordered amounts collected for subsistence from offenders/inmates in probation and restitution centers . FY 2001-2002 LBR

2. OUTPUT MEASURES.—

a. Number of monthly personal contacts with offenders supervised in the community compared to the department standard:

(I) Administrative 0.2

(II) Basic risk 1.3

(III) Enhanced risk 1.5

(IV) Intensive risk 1.9

(V) Close risk 2.5

(VI) Community Control 6.5

b. Substance abuse tests administered to offenders being supervised in the community . . . . . FY 2001-2002 LBR

c. Score sheets processed 122,722

(d) For the Correctional Education and Rehabilitation Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 751-766 are as follows:

1. OUTCOME MEASURES.—

a. Percent of inmates completing mandatory literacy programs who score at or above 9th grade level on next Test for Adult Basic Education (TABE) 16%

b. Percent of inmates who successfully complete mandatory literacy programs 52%

c. Percent of inmates who successfully complete GED education programs 14%

d. Percent of inmates who need special education programs who participate in special education (federal law) programs . FY 2001-2002 LBR

e. Percent of inmates who successfully complete vocational education programs 32%

f. Percent of community supervision offenders who have completed drug treatment without subsequent recommitment to community supervision or prison within 24 months after release 93.2%

g. Percent of inmates who have completed drug treatment without subsequent recommitment to community supervision or prison within 24 months after release 72.9%

h. Percent of inmates who need programs and successfully complete Drug Abuse Education/Treatment programs 46%

i. Average increase in grade level achieved by inmates participating in educational programs per instructional period 0.6

j. Percent of community supervision offenders who successfully complete transition, rehabilitation, or support programs without subsequent recommitment to community supervision or prison for 24 months after release 85.5%

k. Percent of inmates who successfully complete transition, rehabilitation, or support programs without subsequent recommitment to community supervision or prison for 24 months after release 72.9%

2. OUTPUT MEASURES.—

a. Number of transition plans completed for inmates released from prison . . . . . FY 2001-2002 LBR

b. Percent of transition plans completed for inmates released from prison . . . . . FY 2001-2002 LBR

c. Percent of inmates participating in religious programming . . . . . FY 2001-2002 LBR

Additional measures and standards as contained in reviews required by ss. 11.513 and 216.0166, Florida Statutes, shall be included in the agency fiscal year 2001-2002 legislative budget request. Measures for which data are unavailable should be included with an explanation as to the utility of the measure.

(2) JUSTICE ADMINISTRATIVE COMMISSION.—The Justice Administrative Commission shall recommend standards for the following outcomes and outputs for fiscal year 2000-2001 to the appropriate legislative committees. For each outcome and output, or for each group of integrally related outcomes and outputs, the commission shall identify total associated costs for producing that outcome or output, based on the fiscal year 1999-2000 budget, in order to improve the Legislature's ability to appropriate funds, compare activities, and evaluate commission activities for efficiency:

(a) For the Justice Administrative Commission Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 774-781B are as follows:

1. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTCOME MEASURES.—

a. Number of material/substantial audit findings related to areas of direct JAC responsibility to its customers.

b. Percent of invoices processed within statutory timeframes.

2. BUDGET SERVICES OUTPUT MEASURE.—

a. Number of budget amendments processed and agency transfers processed.

3. ACCOUNTING SERVICES OUTPUT MEASURES.—

a. Number of accounting transactions (FLAIR) processed.

b. Number of financial reports produced.

4. HUMAN RESOURCES OUTPUT MEASURE.—

a. Number of reports prepared.

5. PAYROLL SERVICES OUTPUT MEASURE.—

a. Number of employee and position transactions (COPES) processed by type.

6. TECHNOLOGY SERVICES OUTPUT MEASURES.—

a. Number of JAC staff users directly supported.

b. Number of JAC computer devices directly supported.

c. Number of IRM reports provided to the State Technology Office.

7. ADMINISTRATION OUTPUT MEASURE.—

a. Number of public records requests.

(3) STATE ATTORNEYS.—Each state attorney shall recommend standards for the following outcomes and outputs for fiscal year 2000-2001 to the appropriate legislative committees. For each outcome and output, or for each group of integrally related outcomes and outputs, the state attorney shall identify total associated costs for producing that outcome or output, based on the fiscal year 1999-2000 budget, in order to improve the Legislature's ability to appropriate funds, compare activities, and evaluate state attorney activities for efficiency:

(a) For the Criminal Prosecutions and Civil Actions Program, the outcome measures, output measures, and associated performance standards with respect to funds provided to each State Attorney Office in Specific Appropriations 782-924A are as follows:

1. OUTCOME MEASURES.—

a. Offenders who qualify for enhanced sentencing for whom state attorneys requested enhanced sentencing and the number for whom judges ordered enhanced sentencing. "Enhanced sentencing" includes Habitual Offender, Violent Habitual Offender, Violent Career Criminal, Prison Releasee Reoffender, 10-20-Life, and Three-Strikes statutes:

(I) Number.

(II) Percent.

b. Number of dispositions by trial verdicts, pleas, nontrial, and otherwise disposed of.

c. Percent of dispositions by trial verdicts, pleas, nontrial, and otherwise disposed of.

d. Number of Baker Act hearings in which the recommendation of the state attorney was supported by the court.

e. Cases in which restitution was recommended and ordered:

(I) Number.

(II) Percent.

f. Number of substantiated Bar grievances filed annually.

g. Percent of substantiated Bar grievances filed annually.

h. Cases in which child support was requested and ordered:

(I) Number.

(II) Percent.

i. Annual attorney turnover rates.

2. CRIMINAL PROSECUTION OUTPUT MEASURES.—

a. Number of criminal case referrals:

(I) Misdemeanor.

(II) Felony.

(III) Juvenile.

b. Number of filings:

(I) Misdemeanor.

(II) Felony.

(III) Juvenile.

c. Average number of referrals per attorney:

(I) Misdemeanor.

(II) Felony.

(III) Juvenile.

d. Average number of filings per attorney:

(I) Misdemeanor.

(II) Felony.

(III) Juvenile.

e. Average paid attorney hours worked in office per case.

f. Average paid attorney hours worked in court per case.

3. INVESTIGATION SERVICES OUTPUT MEASURE.—

a. Number of cases investigated and reviewed.

4. VICTIM/WITNESS SERVICES OUTPUT MEASURES.—

a. Number of victim contacts and notifications.

b. Number of witness contacts and notifications.

c. Number of restitution actions for victims.

5. CHILD WELFARE LEGAL SERVICES OUTPUT MEASURES.—

a. Number of child welfare referrals received and acted upon.

b. Percent of child welfare referrals received and acted upon.

6. POSTCONVICTION RELIEF SERVICES OUTPUT MEASURES.—

a. Number of postconviction relief responses.

b. Number of habeas corpus responses.

7. CIVIL ACTION SERVICES OUTPUT MEASURES.—

a. Number of child support enforcement referrals handled.

b. Number of sexual predator civil commitment proceedings.

c. Number of truancy interventions.

d. Number of citizen dispute mediations.

e. Number of worthless check diversions.

f. Number of domestic violence diversions.

g. Number of statutory pretrial interventions.

h. Number of cases referred to drug court.

i. Number of actions for the following:

(I) Public records requests.

(II) Bond validations.

(III) Expungements.

(IV) Forfeiture.

(V) Baker Act hearings.

(VI) Bond estreatures.

(4) PUBLIC DEFENDERS.—Each public defender shall recommend standards for the following outcomes and outputs for fiscal year 2000-2001 to the appropriate legislative committees. For each outcome and output, or for each group of integrally related outcomes and outputs, the public defender shall identify total associated costs for producing that outcome or output, based on the fiscal year 1999-2000 budget, in order to improve the Legislature's ability to appropriate funds, compare activities, and evaluate public defender activities for efficiency:

(a) For the Public Defender Trial Program, the outcome measures, output measures, and associated performance standards with respect to funds provided to each Trial Public Defender Office in Specific Appropriations 925-1044A are as follows:

1. OUTCOME MEASURES.—

a. Percent of public defender clients in custody contacted within 72 hours after appointment.

b. Number of felony and misdemeanor cases resolved within speedy rule limit, unless dismissed.

c. Percent of felony and misdemeanor cases resolved within speedy rule limit, unless dismissed.

d. Number of substantiated Bar grievances filed annually.

e. Percent of substantiated Bar grievances filed annually.

f. Annual attorney turnover rates.

2. OUTPUT MEASURES.—

a. Number of criminal cases closed.

b. Number of civil cases closed.

c. Number of pleas.

d. Number of trials.

e. Number of cases nolle prossed or dismissed.

f. Number of clients represented.

g. Number of cases closed.

h. Number of contested violation-of-probation hearings.

i. Number of conflict hearings.

j. Number of initial interviews for assigned cases.

(5) APPELLATE PUBLIC DEFENDERS.—Each appellate public defender shall recommend standards for the following outcomes and outputs for fiscal year 2000-2001 to the appropriate legislative committees. For each outcome and output, or for each group of integrally related outcomes and outputs, the appellate public defender shall identify total associated costs for producing that outcome or output, based on the fiscal year 1999-2000 budget, in order to improve the Legislature's ability to appropriate funds, compare activities, and evaluate appellate public defender activities for efficiency:

(a) For the Public Defender Appellate Program, the outcome measures, output measures, and associated performance standards with respect to funds provided to each Appellate Public Defender Office in Specific Appropriations 1045-1069A are as follows:

1. OUTCOME MEASURES.—

a. Percent of appeals resolved.

b. Number of substantiated Bar grievances filed annually.

c. Percent of substantiated Bar grievances filed annually.

d. Annual attorney turnover rates.

2. OUTPUT MEASURES.—

a. Number of clients represented.

b. Number of briefs filed.

c. Number of writs filed.

d. Number of cases closed.

(6) CAPITAL COLLATERAL REGIONAL COUNSELS.—Each capital collateral regional counsel shall recommend standards for the following outcomes and outputs for fiscal year 2000-2001 to the appropriate legislative committees. For each outcome and output, or for each group of integrally related outcomes and outputs, the counsel shall identify total associated costs for producing that outcome or output, based on the fiscal year 1999-2000 budget, in order to improve the Legislature's ability to appropriate funds, compare activities, and evaluate counsel activities for efficiency:

(a) For the Capital Collateral Regional Counsels Program, the outcome measures, output measures, and associated performance standards with respect to funds provided to each Capital Collateral Regional Counsel office in Specific Appropriations 1070-1092 are as follows:

1. OUTCOME MEASURES.—

a. Percent of cases in which postconviction motion, postconviction appeal, federal habeas corpus motion, or federal appeal is timely filed, without extension.

b. Number of decisions by the court to release a death row inmate.

c. Number of new trials granted to death row inmates.

d. Number of new sentencing hearings granted.

e. Number of other appeals granted.

f. Percent of substantiated Bar grievances filed annually.

g. Annual attorney turnover rates.

h. Number/percent of final decisions from the courts:

(I) Number of decisions by the court to release death row inmates.

(II) Number of new trials granted to death row inmates.

(III) Number of new sentencing hearings granted.

(IV) Number of other appeals granted.

2. REQUESTS FOR PUBLIC RECORDS AND ANALYSIS SERVICES OUTPUT MEASURES.—

a. Number of death row case requests for public records made.

b. Number of formal legal and background death row case record analyses made.

c. Average number of hours per public records analysis.

3. DEATH ROW CASE INVESTIGATION SERVICES OUTPUT MEASURES.—

a. Number of death row cases investigated.

b. Average number of hours per death row case investigated.

c. Number of witnesses and experts interviewed.

4. DEATH PENALTY LEGAL SERVICES OUTPUT MEASURES.—

a. Number of death penalty inmate contacts made.

b. Average number of hours per inmate contact made.

c. Number of evidentiary hearings on actions which are authorized by statute.

d. Number of appellate actions which are authorized by statute.

e. Average number of hours per evidentiary hearing.

f. Average number of hours per appellate action.

g. Number of issues raised by CCRC that are formally considered by the courts which were not ruled procedurally barred or without merit.

h. Percent of issues raised by CCRC that are formally considered by the courts which were not ruled procedurally barred or without merit.

i. Number of requested extensions of time granted following court considerations.

j. Percent of requested extensions of time granted following court considerations.

k. Number of CCRC court issues not ruled on by the courts due to merit of at least one issue.

l. Number of issues raised by CCRC that are summarily dismissed by the courts or, if formally considered by the courts, ruled to be procedurally barred or without merit.

m. Percent of issues raised by CCRC that are summarily dismissed by the courts or, if formally considered by the courts, ruled to be procedurally barred or without merit.

n. Number of postconviction actions which contain a request by the CCRC for the court to grant leave to amend a postconviction action.

5. ADDITIONAL MEASURES.—Additional measures and standards as contained in reviews required by ss. 11.513 and 216.0166, Florida Statutes, shall be included in the agency fiscal year 2001-2002 legislative budget request. Measures for which data are unavailable should be included with an explanation as to the utility of the measure. Specifically, the following data should be reported:

a. Number of CCRC active state court cases in total and number/percent by procedural stage:

(I) Number/percent in Stage One (cases where the capital defendant's fully pled postconviction action is filed in the trial court).

(II) Number/percent in Stage Two (cases where there is a final order granting or denying the capital defendant's motion for postconviction relief).

(III) Number/percent in Stage Three (cases where the capital defendant's brief or briefs that address the trial court's final order granting or denying the motion for postconviction relief has been filed with the Supreme Court).

(IV) Number/percent in Stage Four (cases where the appeal of the trial court's denial of the capital defendant's motion for postconviction relief is completed).

(V) Number/percent in Stage Five (cases where a petition has been filed for writ of certiorari in the Supreme Court of the United States).

b. Number of CCRC active federal court system cases in total and percent of the cases by procedural stage:

(I) Number/percent in Stage One (cases where the capital defendant's complete original motion for habeas corpus is filed in federal court).

(II) Number/percent in Stage Two (cases where there is a final order granting or denying the capital defendant's motion for post-habeas corpus relief).

(III) Number/percent in Stage Three (cases where the capital defendant's brief or briefs that address the federal court's final order granting or denying the capital defendant's motion for habeas corpus postconviction relief has been filed with the Circuit Court of Appeals).

(IV) Number/percent in Stage Four (cases where the appeal of the federal court's denial of the capital defendant's motion for habeas corpus relief is completed).

(V) Number/percent in Stage Five (cases where a petition has been filed for writ of certiorari in the Supreme Court of the United States).

(7) DEPARTMENT OF JUVENILE JUSTICE.—

(a) For the Juvenile Detention Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1093-1101 are as follows:

1. SECURE DETENTION OUTCOME MEASURES.—

a. Number of escapes from secure detention facilities 0

b. Number of batteries per 1,000 youth based on average daily population in secure detention:

(I) Youth on youth 84

(II) Youth on staff 20

c. Percent of youth who remain crime free while in secure detention 97%

2. SECURE DETENTION OUTPUT MEASURE.—

a. Number of admissions to secure detention facilities 61,844

3. HOME/NONSECURE DETENTION OUTCOME MEASURE.—

a. Percent of successful completions without committing a new law or contract violation, failure to appear, an abscond, or contempt of court 73%

4. HOME DETENTION OUTPUT MEASURES.—

a. Number of admissions into home detention 35,549

b. Average daily population for home detention . . . . . FY 2001-2002 LBR

(b) For the Residential Corrections Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1122-1139 are as follows:

1. RESIDENTIAL SERVICES OUTCOME MEASURES.—

a. Percent of youth who remain crime free 1 year after release 53%

b. Number of escapes from residential commitment programs . . . . . FY 2001-2002 LBR

c. Number of youth-on-youth batteries per 1000 youth . . . . . FY 2001-2002 LBR

d. Number of youth-on-staff batteries per 1000 youth . . . . . FY 2001-2002 LBR

e. Percent of residential commitment program reviews conducted by Quality Assurance, which indicate satisfactory or higher ratings on overall quality (calendar year) . . . . . FY 2001-2002 LBR

f. Total collections of statutorily mandated maintenance fees . . . . . FY 2001-2002 LBR

2. RESIDENTIAL SERVICES OUTPUT MEASURES.—

a. Youth served in residential commitment:

(I) Total number of youth served . . . . . FY 2001-2002 LBR

(II) Average daily population of youth served . . . . . FY 2001-2002 LBR

b. Number of residential commitment beds on line . . . . . FY 2001-2002 LBR

c. Number of youth receiving substance abuse treatment . . . . . FY 2001-2002 LBR

(c) For the Probation and Community Corrections Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1102-1111 are as follows:

1. OUTCOME MEASURES.—

a. Percent of youth who remain crime free during aftercare supervision . . . . . FY 2001-2002 LBR

b. Percent of juveniles who remain crime free 1 year after release from aftercare . . . . . FY 2001-2002 LBR

c. Percent of youth who remain crime free 1 year after release from nonresidential commitment . . . . . FY 2001-2002 LBR

d. Percent of youth who remain crime free 1 year after release from probation . . . . . FY 2001-2002 LBR

e. Average time in days to make recommendations to the State Attorney once the law enforcement report is received 9

2. OUTPUT MEASURES.—

a. Youth received at intake . . . . . FY 2001-2002 LBR

b. Number of youth under aftercare supervision . . . . . FY 2001-2002 LBR

c. Number of youth under probation supervision . . . . . FY 2001-2002 LBR

d. Number of youth receiving nonresidential delinquency rehabilitation services . . . . . FY 2001-2002 LBR

e. Average annual community supervision caseload 40:1

f. Average annual intake and assessment caseload . . . . . FY 2001-2002 LBR

(d) For the Prevention and Victim Services Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1140-1149A are as follows:

1. OUTCOME MEASURE.—

a. Percent of youth who remain crime free 6 months after receiving prevention services 85%

2. OUTPUT MEASURE.—

a. Number of youth served with prevention services 121,264

Additional measures and standards as contained in reviews required by ss. 11.513 and 216.0166, Florida Statutes, shall be included in the agency fiscal year 2001-2002 legislative budget request. Measures for which data are unavailable should be included with an explanation as to the utility of the measure.

(8) DEPARTMENT OF LAW ENFORCEMENT.—

(a) For the Criminal Justice Investigations and Forensic Science Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1161-1174 are as follows:

1. LABORATORY SERVICES OUTCOME MEASURES.—

a. Lab service requests completed:

(I) Number 75,505

(II) Percent 95%

b. Average number of days to complete lab service requests by lab discipline:

(I) Toxicology 30

(II) Chemistry . . . . . FY 2001-2002 LBR

(III) Crime Scene 39

(IV) Firearms . . . . . FY 2001-2002 LBR

(V) Documents 50

(VI) Automated Fingerprint Identification System (AFIS) . . . . . FY 2001-2002 LBR

(VII) Latents . . . . . FY 2001-2002 LBR

(VIII) Serology/DNA 150

(IX) Computer Evidence Recovery (CER) . . . . . FY 2001-2002 LBR

(X) Microanalysis 85

2. LABORATORY SERVICES OUTPUT MEASURES.—

a. Number of crime scenes processed 600

b. Number of DNA samples added to DNA database 24,000

c. Number of expert witness appearances in court proceedings 1,815

3. INVESTIGATION AND SUPPORT SERVICES OUTCOME MEASURES.—

a. Percent of closed criminal investigations resolved 87%

b. Number of closed criminal investigations resolved 1,038

c. Criminal investigations closed resulting in an arrest:

(I) Number 826

(II) Percent 67%

4. INVESTIGATIVE SERVICES OUTPUT MEASURES.—

a. Number of criminal investigations worked 2,878

b. Number of criminal investigations commenced 1,549

c. Number of criminal investigations closed 1,314

d. Percent of criminal investigations closed 47.5%

e. Number of short-term investigative assists worked 1,578

5. MUTUAL AID & PROTECTIVE SERVICES OUTPUT MEASURES.—

a. Number of background investigations performed 3,500

b. Number of dignitaries provided with FDLE protective services 52

(b) For the Criminal Justice Information Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1175-1182 are as follows:

1. INFORMATION NETWORK SERVICES OUTCOME MEASURES.—

a. Percent of responses from FCIC hot files that contain substantive information within defined timeframes 96%

b. Percent of time FCIC is running and accessible 99.5%

c. Percent response to criminal history record check customers within defined timeframes 92%

d. Percent of criminal history information records compiled accurately 83%

2. INFORMATION NETWORK SERVICES OUTPUT MEASURE.—

a. Percent of criminal arrest information received electronically (through AFIS) for entry into the criminal history system 80%

b. Number of FCIC work stations networked 18,000

c. Number of agencies networked 855

d. Number of agencies connected to the Criminal Justice Network 853

e. Number of responses to requests from criminal history record checks 1,580,000

f. Number of registered sexual predators/offenders identified to the public 16,603

g. Number of missing children cases worked through MCIC . . 625

h. Arrest/identification records created and maintained . . . . . FY 2001-2002 LBR

(c) For the Criminal Justice Professionalism Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1183-1190B are as follows:

1. TRAINING AND CERTIFICATION SERVICES OUTCOME MEASURE.—

a. Percent of individuals who pass the basic professional certification examination for law enforcement officers, corrections officers, and correctional probation officers 75%

b. Number of individuals who pass the basic professional certification examination for law enforcement officers, corrections officers, and correctional probation officers 5,140

c. Percent of training schools in compliance with standards 100%

2. TRAINING AND CERTIFICATION SERVICES OUTPUT MEASURES.—

a. Number of course curricula and examinations developed or revised 109

b. Number of examinations administered 7,000

c. Number of individuals trained by the Florida Criminal Justice Executive Institute 604

d. Number of law enforcement officers trained by DARE 155

e. Number of discipline referrals processed for state and local LEOs, COs, and CPOs pursuant to chapter 120, Florida Statutes 1,500

f. Number of criminal justice officer disciplinary actions 452

g. Number of program and financial compliance audits performed 3,155

h. Number of records audited to validate the accuracy and completeness of ATMS2 record information 3,000

i. Breath-testing instruments tested 648

(d) For the Public Assistance Fraud Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1190C-1190G are as follows:

1. OUTCOME MEASURE.—

a. Amount of fraudulent benefits withheld as a result of public assistance fraud investigations $27.8M

2. OUTPUT MEASURE.—

a. Public assistance fraud investigations conducted 11,476

Additional measures and standards as contained in reviews required by ss. 11.513 and 216.0166, Florida Statutes, shall be included in the agency fiscal year 2001-2002 legislative budget request. Measures for which data are unavailable should be included with an explanation as to the utility of the measure.

(9) DEPARTMENT OF LEGAL AFFAIRS.—

(a) For the Office of Attorney General Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1191-1231 are as follows:

1. OUTCOME MEASURES.—

a. Average number of days for opinion response 29

b. Percent of mediated open government cases resolved in 3 weeks or less 75%

c. Percent of lemon law cases resolved in less than 1 year 99%

d. Average number of days from application to eligibility determination (victim services) 51

e. Percent of counties receiving motor vehicle theft grant funds that experienced a reduction in motor vehicle theft incidents below 1994 levels compared to the statewide average 70%

f. Annual attorney turnover rates . . . . . FY 2001-2002 LBR

2. OUTPUT MEASURES.—

a. Cases opened 7,000

b. Cases closed 4,700

c. Number of capital briefs/state and federal responses/oral arguments 270

d. Number of active capital criminal cases . . . . . FY 2001-2002 LBR

e. Number of noncapital briefs/state and federal responses/oral arguments 11,289

f. Number of active noncapital cases . . . . . FY 2001-2002 LBR

g. Number of active antitrust cases . . . . . FY 2001-2002 LBR

h. Number of antitrust cases closed 20

i. Number of economic crime cases closed 400

j. Number of active Medicaid fraud cases . . . . . FY 2001-2002 LBR

k. Number of active Children's Legal Services (uncontested disposition orders entered) cases . . . . . FY 2001-2002 LBR

l. Number of active ethics cases . . . . . FY 2001-2002 LBR

m. Number of opinions issued 255

n. Number of disputes resolved through mediation 105

o. Percent of disputes resolved through mediation 76%

p. Number of active lemon law cases . . . . . FY 2001-2002 LBR

q. Number of active consumer fraud cases . . . . . FY 2001-2002 LBR

r. Number of active child support enforcement cases . . . . . FY 2001-2002 LBR

s. Number of active civil rights cases . . . . . FY 2001-2002 LBR

t. Number of active eminent domain cases . . . . . FY 2001-2002 LBR

u. Number of active tax cases . . . . . FY 2001-2002 LBR

v. Number of active civil appellate cases . . . . . FY 2001-2002 LBR

w. Number of active inmate cases . . . . . FY 2001-2002 LBR

x. Number of active state employment cases . . . . . FY 2001-2002 LBR

y. Number of active tort cases . . . . . FY 2001-2002 LBR

z. Number of victim compensation claims paid 7,000

aa. Number of victim compensation final orders issued 170

bb. Number of sexual battery examination claims paid 5,200

cc. Number of appellate services provided 800

dd. Number of VOCA grants funded 250

ee. Number of victims served through contract grants 175,000

ff. Number of motor vehicle theft grants funded 40

gg. Number of people attending training (crime prevention) 4,918

hh. Number of minority communities served with crime prevention education and awareness programs 8

(b) For the Statewide Prosecution Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1232-1234 are as follows:

1. OUTCOME MEASURES.—

a. Of the defendants who reached disposition, the number of those convicted 325

b. Conviction rate for defendants who reached final adjudication . . . . . FY 2001-2002 LBR

c. Annual attorney turnover rates . . . . . FY 2001-2002 LBR

2. OUTPUT MEASURES.—

a. Number of law enforcement agencies assisted 88

b. Ratio of request to number of intake prosecutors . . . . . FY 2001-2002 LBR

c. Ratio of investigations to number of prosecutors . . . . . FY 2001-2002 LBR

d. Ratio of total filed cases to total number of prosecutors . . . . . FY 2001-2002 LBR

e. Total number of active cases, excluding drug cases . . . . . FY 2001-2002 LBR

f. Total number of drug related multi-circuit organized criminal cases 50

(c) For the Florida Elections Commission Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1235-1237A are as follows:

1. OUTCOME MEASURE.—

a. Percent of cases that are closed within 12 months 75%

2. OUTPUT MEASURE.—

a. Number of election complaints and automatic fine cases . . . 485

Additional measures and standards as contained in reviews required by ss. 11.513 and 216.0166, Florida Statutes, shall be included in the agency fiscal year 2001-2002 legislative budget request. Measures for which data are unavailable should be included with an explanation as to the utility of the measure.

(10) PAROLE COMMISSION.—

(a) For the Post-Incarceration Enforcement and Victims-Rights Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1238-1244 are as follows:

1. OUTCOME MEASURES.—

a. Parolees who have successfully completed their supervision without revocation within the first 2 years:

(I) Number . . . . . FY 2001-2002 LBR

(II) Percent . . . . . FY 2001-2002 LBR

b. Percent of revocation cases completed within 90 days after final hearing . . . . . FY 2001-2002 LBR

c. Percent of cases placed before the Parole Commission/Clemency Board containing no factual errors 80%

2. OUTPUT MEASURES.—

a. Number of conditional release cases handled 5,311

b. Number of supervision reviews 468

c. Number of revocation determinations 3,005

d. Number of Clemency Board decisions supported 2,686

e. Number of parole release decisions . . . . . (to be reported by the commission)

f. Number of victims contacted . . . . . (to be reported by the commission)

Section 70. *The performance measures and standards established in this section for individual programs in natural resources, environment, growth management, and transportation agencies shall be applied to those programs for the 2000-2001 fiscal year. These performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for Fiscal Year 2000-2001, as required by the Government Performance and Accountability Act of 1994.*

(1) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.—

(a) For the Office of the Commissioner and Division of Administration, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1245-1262C are as follows:

1. AGRICULTURAL LAW ENFORCEMENT OUTCOME MEASURE.—

a. Criminal investigations closure rate 76%

2. AGRICULTURAL WATER POLICY COORDINATION OUTPUT MEASURE.—

a. Number of water policy assists provided to agricultural interests 266

3. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTCOME MEASURE.—

a. Administrative cost as a percent of total agency costs 6.17%

(b) For the Forest and Resource Protection Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1263-1279 are as follows:

1. LAND MANAGEMENT OUTCOME MEASURE.—

a. Percent of State Forest timber producing acres adequately stocked and growing 32%

2. LAND MANAGEMENT OUTPUT MEASURES.—

a. Number of forest acres and other lands managed by the department and purchased by the state with approved management plans 907,860

b. Number of forest-related technical assists provided to nonindustrial private land owners 39,800

c. Number of person-hours spent responding to emergency incidents other than wildfires 8,000

d. Number of acres of cooperative forest lands managed 600,000

3. WILDFIRE PREVENTION AND MANAGEMENT OUTCOME MEASURES.—

a. Percent of acres of protected forest and wildlands not burned by wildfires 98.1%

b. Percent of threatened structures not burned by wildfires 99.7%

c. Percent of wildfires caused by humans 80%

4. WILDFIRE PREVENTION AND MANAGEMENT OUTPUT MEASURES.—

a. Number of wildfires detected and suppressed 3,800

b. Number of acres burned through prescribed burning . . . . . 2 million

c. Number of person-hours of firefighting training provided 50,000

d. Number of acres of forest land protected from wildfires 25,100,000

(c) For the Food Safety and Quality Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1285-1295 are as follows:

1. DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT OUTCOME MEASURES.—

a. Percent of dairy establishments meeting food safety and sanitation requirements 80.77%

b. Percent of milk and milk products analyzed that meet standards 90.7%

2. DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT OUTPUT MEASURES.—

a. Number of milk and milk product analyses conducted 70,000

b. Number of dairy establishments inspections 16,500

3. FOOD SAFETY INSPECTION AND ENFORCEMENT OUTCOME MEASURES.—

a. Percent of food establishments meeting food safety and sanitation requirements 91.2%

b. Percent of food products analyzed that meet standards . . 91.4%

c. Percent of produce or other food samples analyzed that meet pesticide residue standards 97.7%

4. FOOD SAFETY INSPECTION AND ENFORCEMENT OUTPUT MEASURES.—

a. Number of inspections of food establishments, dairy establishments, and water vending machines 65,500

b. Number of food analyses conducted 43,000

c. Number of pesticide residue analyses conducted 265,000

d. Number of food-related consumer assistance investigations or actions 3,500

e. Tons of poultry and shell eggs graded 430,000

(d) For the Consumer Protection Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1296-1313B are as follows:

1. AGRICULTURAL ENVIRONMENTAL SERVICES OUTCOME MEASURES.—

a. Percent of licensed pest control applicators inspected that are in compliance with regulations 78%

b. Percent of feed, seed, and fertilizer inspected products in compliance with performance/quality standards 83%

c. Percent of licensed pesticide applicators inspected that are in compliance 76%

d. Number of reported human/equine disease cases caused by mosquitoes 2/40

2. AGRICULTURAL ENVIRONMENTAL SERVICES OUTPUT MEASURES.—

a. Number of feed, seed, and fertilizer inspections 12,500

b. Number of pest control inspections 1,818

c. Number of pesticide inspections 2,500

d. Number of complaints investigated/processed relating to all entities regulated by the Division of Agricultural Environmental Services (excluding pesticide) 875

e. Number of pesticide complaints investigated 350

f. Number of laboratory analyses performed on seed and fertilizer and pesticide product and residue samples 217,591

g. Number of people served by mosquito control activities 14,500,000

3. CONSUMER PROTECTION SERVICES OUTCOME MEASURE.—

a. Percent of regulated entities found operating in compliance with the consumer protection laws 91%

4. CONSUMER PROTECTION SERVICES OUTPUT MEASURES.—

a. Number of assists provided to consumers, not including lemon law 780,600

b. Number of lemon law assists made to consumers 21,000

c. Number of complaints investigated/processed relating to all entities regulated by the Division of Consumer Services in the Consumer Protection Program 12,190

d. Number of "no sales solicitation calls" subscriptions processed 103,000

e. Number of registered entities licensed by the division . . . 35,607

5. STANDARDS AND PETROLEUM QUALITY INSPECTION OUTCOME MEASURES.—

a. Percent of LP Gas facilities found in compliance with safety requirements on first inspection 20%

b. Percent of amusement attractions found in full compliance with safety requirements on first inspection 40%

c. Percent of regulated weighing and measuring devices, packages, and businesses with scanners in compliance with accuracy standards during initial inspection/testing 95%

d. Percent of petroleum products meeting quality standards 99.2%

6. STANDARDS AND PETROLEUM QUALITY INSPECTION OUTPUT MEASURES.—

a. Number of LP Gas facility inspections and reinspections conducted 5,830

b. Number of petroleum field inspections conducted 185,000

c. Number of petroleum lab test analyses performed 172,000

d. Number of amusement ride safety inspections conducted 9,205

e. Number of weights and measures inspections conducted 64,000

(e) For the Agricultural Economic Development Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1314-1355C are as follows:

1. FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT OUTCOME MEASURE.—

a. Dollar value of fruit and vegetables that are shipped to other states or countries that are subject to mandatory inspection $1,443,648,000

2. FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT OUTPUT MEASURE.—

a. Number of tons of fruits and vegetables inspected 13,781,717

3. AGRICULTURAL PRODUCTS MARKETING OUTCOME MEASURES.—

a. Total sales of agricultural and seafood products generated by tenants of state farmers markets $202,206,000

b. Dollar value of federal commodities and recovered food distributed $50,246,102

c. Florida agricultural products as a percent of the national market 3.7%

4. AGRICULTURAL PRODUCTS MARKETING OUTPUT MEASURES.—

a. Number of buyers reached with agricultural promotion campaign messages . . . . . 1.73 billion

b. Number of marketing assists provided to producers and businesses 96,319

c. Pounds of federal commodities and recovered food distributed 75,816,366

d. Number of leased square feet at State Farmers' Markets 1,592,536

e. Number of market pricing information assists provided to producers and businesses 16,500

5. AQUACULTURE OUTCOME MEASURES.—

a. Shellfish illness reported from Florida shellfish products per 100,000 meals served 0.331

b. Percent of shellfish and crab processing facilities in significant compliance with permit and food safety regulations 80%

6. AQUACULTURE OUTPUT MEASURES.—

a. Number of shellfish processing plant inspections 700

b. Number of available acres of harvestable shellfish waters 973,321

7. AGRICULTURAL INSPECTION STATIONS OUTCOME MEASURE.—

a. Amount of revenue generated by Bills of Lading transmitted to the Department of Revenue from Agricultural Inspection stations $16,852,050

8. AGRICULTURAL INSPECTION STATIONS OUTPUT MEASURES.—

a. Number of vehicles inspected at agricultural inspection stations 12,973,040

b. Number of vehicles inspected at agricultural inspection stations transporting agricultural or regulated commodities 3,222,791

c. Number of Bills of Lading transmitted to the Department of Revenue from agricultural inspection stations 78,000

9. ANIMAL PEST AND DISEASE CONTROL OUTCOME MEASURE.—

a. Percent of livestock and poultry infected with specific transmissible diseases for which monitoring, controlling, and eradicating activities are established 0.00043%

10. ANIMAL PEST AND DISEASE CONTROL OUTPUT MEASURES.—

a. Number of animal site inspections performed 16,650

b. Number of animals tested or vaccinated 770,000

c. Number of animal-related diagnostic laboratory procedures performed 850,000

d. Number of animals covered by health certificates 930,000

11. PLANT PEST AND DISEASE CONTROL OUTCOME MEASURES.—

a. Percent of newly introduced pests and diseases prevented from infesting Florida plants to a level where eradication is biologically or economically unfeasible 80.8%

b. Percent of commercial citrus acres free of citrus canker . . 98.5%

12. PLANT PEST AND DISEASE CONTROL OUTPUT MEASURES.—

a. Number of plant, fruit fly trap and honeybee inspections performed 3,768,166

b. Number of commercial citrus acres surveyed for citrus canker 560,000

c. Millions of sterile med flies released 3,412

d. Number of acres where plant pest and disease eradication or control efforts were undertaken 100,000

e. Number of plant, soil, insect, and other organism samples processed for identification or diagnosis 407,000

f. Number of cartons of citrus certified as fly-free for export 10,014,270

(2) DEPARTMENT OF COMMUNITY AFFAIRS.—The department shall recommend standards for the following outcomes and outputs for fiscal year 2001-2002 to the appropriate legislative committees. For each outcome and output, or for each group of integrally related outcomes and outputs, the department shall identify total associated costs for producing that outcome or output, based on the fiscal year 2000-2001 budget, in order to improve the Legislature's ability to appropriate funds, compare activities, and evaluate department activities for efficiency:

(a) For the Office of the Secretary Program, the purpose of which is to provide the overall planning, coordinating, administrative, and executive direction for the Department of Community Affairs and to administer the Florida Communities Trust and Florida Coastal Management Programs, the outcome measures and output measures are as follows:

1. OFFICE OF THE SECRETARY OUTCOME MEASURES.—

a. Maximum administrative costs as compared to total agency costs.

b. Number of local governments participating in coastal management programs to protect, maintain, and develop coastal resources through coordinated management.

c. Number of improved coastal access sites.

d. Percent of local government participation in land acquisition programs.

e. Percent of local government participation in land acquisition programs that acquire open space in urban cores.

2. OFFICE OF THE SECRETARY OUTPUT MEASURES.—

a. Number of federal projects reviewed by Florida Coastal Management (FCM) that do not require problem resolution.

b. Number of federal projects reviewed by FCM that require some problem resolution.

c. Number of FCM projects funded.

d. Number of individuals trained at coastal management forums.

e. Number of land acquisition project applications reviewed.

f. Number of land acquisition project applications receiving technical assistance.

g. Number of land acquisition grants awarded.

h. Number of land acquisition active projects monitored.

i. Number of land acquisition parcels appraised, negotiated, and closed.

(b) For the Community Planning Program, the purpose of which is to help Florida's communities envision and plan their future to meet the challenges of growth; to assist them in the development and implementation of their comprehensive planning efforts aimed at ensuring the availability of public infrastructure necessary to support sound growth, preserving and conserving valuable natural, human, economic, and physical resources vital to quality of life, and mitigating or avoiding the impacts of disasters; and to help communities plan and build residential and commercial structures that are safe, affordable, accessible, and energy efficient, the outcome and output measures are as follows:

1. COMMUNITY PLANNING OUTCOME MEASURES.—

a. Percent of local governments receiving technical assistance to implement a community planning component or process impacting a community or included in a comprehensive plan that exceeds minimum requirements of chapter 163, Florida Statutes, and Administrative Rule 9J-5.

b. Number of local governments that have implemented a community planning component or process impacting its community or included in its comprehensive plan that exceeds minimum requirements of chapter 163, Florida Statutes, and Administrative Rule 9J-5.

2. COMMUNITY PLANNING OUTPUT MEASURES.—

a. Number of new plans reviewed.

b. Number of plan amendments reviewed.

c. Number of local government evaluation and appraisal reports (EARs) reviewed.

d. Number of planning grants administered.

e. Number of technical assistance initiatives undertaken.

f. Number of plans that adequately address disaster mitigation.

g. Number of developments of regional impact managed.

h. Number of area of critical state concern development orders reviewed and final orders issued.

(c) For the Emergency Management Program, the purpose of which is to help Florida's communities reduce the effects of disasters and to coordinate the state's operational duties and responsibilities prior to, during, and immediately after disasters, the outcome and output measures are as follows:

1. EMERGENCY MANAGEMENT OUTCOME MEASURES.—

a. Percent of counties with an above average capability rating to respond to emergencies.

b. Average number of months required for communities to completely recover from a disaster.

c. Percent of events in which the affected population is warned within an appropriate timeframe in relation to the disaster/event.

d. Percent of events in which the affected population is evacuated within an appropriate timeframe in relation to the disaster/event.

e. Statewide shelter deficit.

f. Percent of facilities in compliance with hazardous materials planning programs.

g. Number of dollars saved by mitigating repetitive losses.

2. EMERGENCY MANAGEMENT OUTPUT MEASURES.—

a. Number of applicants provided technical assistance.

b. Number of personnel trained in emergency preparedness.

c. Number of plans, reports, and procedures maintained.

d. Number of mutual aid signatories maintained.

e. Number of public hurricane shelters evaluated.

f. Number of organizations awarded funds.

g. Number of planning funding applications processed.

h. Number of financial agreements managed (recovery and mitigation).

i. Number of hurricane shelter spaces created.

j. Number of projects requiring National Environmental Policy Act review.

k. Number of post-disaster assessments conducted.

l. Number of outreach team members deployed.

m. Number of project inspections performed.

n. Number of days activated at Level 2 or above.

o. Number of incidents reported to the State Warning Point.

p. Number of requests for state assistance.

q. Population covered in NOAA weather radio transmission areas.

r. Number of facility files researched for compliance verification (hazardous materials).

s. Number of community right-to-know requests fulfilled (hazardous materials).

t. Number of hazardous materials facility audits completed.

u. Number of hazardous materials planning financial agreements maintained.

v. Number of applicants provided technical assistance (predisaster mitigation).

w. Number of communities audited and technical assistance provided (National Flood Insurance Program).

x. Number of Flood Mitigation Assistance Program grants awarded.

y. Number of counties that have operationalized their portion of the Regional Hurricane Evacuation Studies.

(d) The Housing and Community Development Program, the purpose of which is to help revitalize Florida's communities and neighborhoods by assisting local governments and nonprofit community organizations in their efforts to rehabilitate housing, create jobs, develop public infrastructure, and provide basic community services, the outcome and output measures are as follows:

1. HOUSING AND COMMUNITY DEVELOPMENT OUTCOME MEASURES.—

a. Number of neighborhoods assisted and improved through community development block grant programs, empowerment zone programs, urban infill programs, affordable housing programs, and long-term redevelopment programs.

b. Percent of local governments that have a building code program rated at or above a specified level of effectiveness by a recognized rating organization.

c. Number of households benefiting from services provided by community services block grant, LIHEP, weatherization, and energy programs.

d. Number of jobs created/retained through community development block grant programs.

2. HOUSING AND COMMUNITY DEVELOPMENT OUTPUT MEASURES.—

a. Number of grant awards managed.

b. Number of redevelopment plans developed.

c. Number of people trained/served.

d. Number of code amendments promulgated.

e. Number of permits issued for manufactured buildings.

(e) The Florida Housing Finance Corporation Program, the purpose of which is to administer programs to make low-cost housing available to low-income and moderate-income Florida families, the outcome and output measures are as follows:

1. FLORIDA HOUSING FINANCE CORPORATION OUTCOME MEASURES.—

a. Percent of targeted dollars that are allocated to farmworkers, elderly, and fishworkers.

b. Ratio of nonstate funding to state-appropriated dollars.

c. Percent of units exceeding statutory set-asides.

2. FLORIDA HOUSING FINANCE CORPORATION OUTPUT MEASURES.—

a. Number of applications processed.

b. Number of affordable housing loans funded.

c. Number of local governments under compliance monitoring for the State Housing Initiatives Partnership (SHIP) program.

d. Number of local governments served.

e. Provide executive direction and support services as measured by percent of total program budget.

(3) DEPARTMENT OF ENVIRONMENTAL PROTECTION.—

(a) For the Division of Administrative Services, the outcome measures, output measures, and associated performance standards with

respect to funds provided in Specific Appropriations 1463-1474 are as follows:

1. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTCOME MEASURE.—

a. Administrative costs as a percent of total agency costs . . . 5.12%

(b) For the State Lands Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1475-1505 are as follows:

1. INVASIVE PLANT CONTROL OUTCOME MEASURE.—

a. Percent of Florida's public waters where control of hydrilla, water hyacinth, and water lettuce has been achieved and sustained . . . 95%

2. INVASIVE PLANT CONTROL OUTPUT MEASURES.—

a. Number of new acres of public land where invasive, exotic, upland plants are controlled and maintained 7,000

b. Number of acres of public water bodies treated 40,165

c. Number of acres of upland plants controlled 4,285

3. LAND ADMINISTRATION OUTCOME MEASURE.—

a. Percent increase in the number of occurrences of endangered/threatened/special concern species on publicly managed conservation areas 3.6%

4. LAND ADMINISTRATION OUTPUT MEASURES.—

a. Percent of parcels acquired within the agreed upon time limit 70%

b. Appraised value as a percent of purchase price for parcels 92%

c. Number of appraisals certified 500

d. Number of maps certified 80

e. Number of appraisals completed on projects on current list (as amended) 500

f. Number of parcels (ownerships) negotiated 4,397

g. Number of parcels (ownerships) closed 1,281

5. LAND MANAGEMENT OUTCOME MEASURES.—

a. Percent of easements, leases, and other requests completed by maximum time frames prescribed 75%

b. Percent of all land management plans completed within statutory timeframes 70%

6. LAND MANAGEMENT OUTPUT MEASURE.—

a. Number of leases developed by the department 500

(c) For the Water Resource Management Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1568-1596 are as follows:

1. BEACH MANAGEMENT OUTCOME MEASURE.—

a. Percent of miles of critically eroding beaches restored or maintained 49%

2. BEACH MANAGEMENT OUTPUT MEASURES.—

a. Number of coastal construction permits processed 1,725

b. Miles of shoreline surveyed and monitored 207

c. Number of beach management plans developed and maintained 40

3. WATER RESOURCE PROTECTION AND RESTORATION OUTCOME MEASURES.—

a. Percent of rivers that meet designated uses 92%

b. Percent of lakes that meet designated uses 87%

c. Percent of estuaries that meet designated uses 95%

d. Percent of groundwater that meets designated uses 85%

e. Percent of the state's water segments that meet designated uses 89%

f. Wetland acres authorized by permit to be impacted/acres required to be created, enhanced, restored, or preserved . . . FY 2001-2002 LBR

g. Percent of mines in significant compliance with restoration plan 95%

h. Percent of public water systems with no significant public health drinking water quality problems 93.5%

4. WATER RESOURCE PROTECTION AND RESTORATION OUTPUT MEASURES.—

a. Number of mining inspections 400

b. Number of water resource permits processed 18,500

c. Number of regulatory inspections conducted 17,000

d. Number of technical assistance, public education, and outreach contacts made 4,250

e. Number of water resource protection and restoration projects funded 50

f. Percent reduction in phosphorus loadings to Lake Okeechobee . . . . . FY 2001-2002 LBR

g. Number of total maximum daily loads adopted . . . . . FY 2001-2002 LBR

5. WATER SUPPLY OUTCOME MEASURE.—

a. Reclaimed water (reuse) capacity as percent of total wastewater capacity 45%

6. WATER SUPPLY OUTPUT MEASURE.—

a. Number of alternative water supply projects funded 9

(d) For the Waste Management Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1597-1633D are as follows:

1. WASTE CLEANUP OUTCOME MEASURES.—

a. Cumulative percent of petroleum contaminated program sites with cleanup completed 19%

b. Cumulative percent of dry-cleaning contaminated sites with cleanup completed 1%

c. Cumulative percent of other contaminated sites with cleanup completed 62%

d. Percent of hazardous waste sites cleaned up 18%

2. WASTE CLEANUP OUTPUT MEASURES.—

a. Number of petroleum program contaminated sites being cleaned up 2,668

b. Number of known contaminated hazardous waste sites being cleaned up 200

3. WASTE CONTROL OUTCOME MEASURES.—

a. Percent of regulated petroleum storage tank facilities in significant compliance with state regulations 89%

b. Percent of inspected facilities that generate, treat, store, or dispose of hazardous waste in significant compliance 96%

c. Cumulative percent of petroleum contaminated non-program sites with cleanup completed 65%

d. Percent of inspected permitted solid waste facilities in significant compliance 96%

e. Percent of municipal solid waste managed by recycling/waste-to-energy/landfilling 38%/16%/46%

4. WASTE CONTROL OUTPUT MEASURES.—

a. Number of storage tank facilities inspected 16,123

b. Percent of storage tank facilities inspected 85%

c. Number of solid and hazardous waste permits, variances, exemptions, certifications, and registrations processed 331

d. Number of solid and hazardous waste compliance assurance inspections conducted 2,800

e. Number of petroleum storage systems compliance inspections conducted 16,123

f. Number of pollution prevention assessments conducted at businesses and government facilities 32

g. Number of pollution site technical reviews conducted 1,045

h. Number of known contaminated sites being cleaned up by responsible parties 1,091

(e) For the Recreation and Parks Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1634-1666D are as follows:

1. LAND MANAGEMENT OUTCOME MEASURE.—

a. Acres designated as part of the Florida Greenways and Trails system 102,970

2. LAND MANAGEMENT OUTPUT MEASURE.—

a. Number of technical assists provided to local government to promote Greenways and Trails 33

3. RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS OUTPUT MEASURE.—

a. Number of recreational grants and funding provided to local governments for recreational facilities and land acquisition . . . . . 325/$33,800,045

4. STATE PARK OPERATIONS OUTCOME MEASURE.—

a. Attendance at state parks 15,000,000

5. STATE PARK OPERATIONS OUTPUT MEASURES.—

a. Number of state park sites managed 152

b. Number of acres managed 515,111

6. COASTAL AND AQUATIC MANAGED AREAS OUTPUT MEASURE.—

a. Increase in the number of degraded acreage in state buffer enhanced or restored 7,778

(f) For the Air Resources Management Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1667-1685 are as follows:

1. AIR ASSESSMENT OUTCOME MEASURES.—

a. Percent of time that monitored population breathes good or moderate quality air 98.5%

b. Percent of population living in areas monitored for air quality 86%

2. AIR ASSESSMENT OUTPUT MEASURES.—

a. Number of monitors operated by the department and local programs 240

b. Number of emission points reviewed and analyzed 5,350

3. AIR POLLUTION PREVENTION OUTCOME MEASURES.—

a. Pounds of NOx air emissions per capita 128.72

b. Pounds of SO2 air emissions per capita 100.49

c. Pounds of CO air emissions per capita 542.51

d. Pounds of VOC air emissions per capita 108.05

e. Percent of Title V facilities in significant compliance with state regulations 95%

4. AIR POLLUTION PREVENTION OUTPUT MEASURES.—

a. Number of air permits issued 1,292

b. Number of facility inspections 6,477

5. UTILITIES SITING AND COORDINATION OUTCOME MEASURE.—

a. Percent of energy facilities certified within statutory timeframes 85%

(g) For the Law Enforcement Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1686-1715 are as follows:

1. ENVIRONMENTAL INVESTIGATION OUTPUT MEASURE.—

a. Number of investigations closed 227

2. PATROL ON STATE LANDS OUTCOME MEASURE.—

a. Criminal incidents per 100,000 state park visitors 30

3. PATROL ON STATE LANDS OUTPUT MEASURE.—

a. Number of patrol hours on state lands 71,936

4. EMERGENCY RESPONSE OUTCOME MEASURE.—

a. Gallons of pollutant discharge per capita 189,868

5. EMERGENCY RESPONSE OUTPUT MEASURES.—

a. Number of sites/spills remediated 533

b. Number of incidents reported 2,700

(4) FISH AND WILDLIFE CONSERVATION COMMISSION.—

(a) For the Executive Director and Division of Administration, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1716-1749C are as follows:

1. STANDARDS AND LICENSURE OUTCOME MEASURES.—

a. Percent change in licensed anglers 3%

b. Percent change in the number of licensed hunters 0%

2. STANDARDS AND LICENSURE OUTPUT MEASURES.—

a. Number of licensed anglers 1,712,711

b. Number of licensed hunters 167,798

3. OUTDOOR EDUCATION AND INFORMATION OUTCOME MEASURES.—

a. Percent of total students meeting minimum standards for graduation 88%

b. Number of hunting accidents 23

4. OUTDOOR EDUCATION AND INFORMATION OUTPUT MEASURES.—

a. Number of students graduating hunter education courses 10,514

b. Number of written conservation education materials provided to citizens 6,538,965

5. MARINE AND WILDLIFE HABITAT CONSERVATION OUTCOME MEASURE.—

a. Percent of critical habitat (hot spots) protected through land acquisition, lease, or management contract 38%

(b) For the Law Enforcement Program, the purpose of which is to provide patrol and protection activities to safeguard the opportunities for boating, camping, fishing, hunting, wildlife viewing, and other natural-resource-related activities in a safe and healthy environment, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1750-1765 are as follows:

1. WILDLIFE, MARINE, AND BOATING LAWS ENFORCEMENT OUTPUT MEASURES.—

a. Total number of violations 29,130

b. Total number of hours spent in preventive patrol and investigations (not including Marine Patrol) 616,566

c. Number of air contacts resulting in detection and apprehension (includes inland and marine) 3,550

d. Total number of hours spent on land (not including Marine Patrol) 536,936

e. Total number of hours spent on water (not including Marine Patrol) 71,056

f. Total number of hours spent in air (not including Marine Patrol) 8,474

g. Total number of investigations closed (not including Marine Patrol) 750

h. Number of inspections of licensed and permitted captive wildlife facilities 4,446

i. Number of vessel safety inspections (not including Marine Patrol) 154,408

j. Total number of boating accidents investigated . . . . . FY 2001-2002 LBR

k. Total number of boating fatalities investigated . . . . . FY 2001-2002 LBR

l. Number of flight hours provided 3,650

(c) For the Wildlife Management Program, the purpose of which is to maintain and enhance Florida's diverse wildlife and to provide for responsible use of this resource, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1766-1781D are as follows:

1. WILDLIFE MANAGEMENT OUTCOME MEASURES.—

a. Economic impact of wildlife-related outdoor recreation $3,675,935,000

b. Percent of satisfied hunters 75%

c. Percent of the acreage under management control which is open to the public for wildlife-related outdoor recreation 99.9%

d. Percent of wildlife species whose biological status is stable or improving 70%

2. WILDLIFE MANAGEMENT OUTPUT MEASURES.—

a. Number of acres managed for wildlife 4,750,000

b. Number of wildlife technical assists provided 325

(d) For the Fisheries Management Program, the purpose of which is to maintain, enhance, and provide for responsible use of Florida's freshwater fisheries, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1782-1789 are as follows:

1. FRESHWATER FISHERIES MANAGEMENT OUTCOME MEASURES.—

a. Percent angler satisfaction 75%

b. Number of water bodies and acres where habitat rehabilitation projects have been completed 21/177,064

c. Percent change in degraded lakes rehabilitated . . . . . +5.7%

2. FRESHWATER FISHERIES MANAGEMENT OUTPUT MEASURES.—

a. Number of water bodies managed to improve fishing 770,955

b. Number of access points established or maintained 42

c. Number of fish stocked 2,385,000

(e) For the Marine Fisheries Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1790-1798C are as follows:

1. MARINE FISHERIES OUTCOME MEASURES.—

a. Artificial reefs monitored and/or created annually 65

b. Percent of fisheries stocks that are increasing or stable . . . 79%

2. MARINE FISHERIES OUTPUT MEASURE.—

a. Number of commercial and other marine fishing licenses processed 32,600

(f) For the Marine Research Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1798B-1806C are as follows:

1. MARINE ASSESSMENT, RESTORATION, AND TECHNICAL SUPPORT OUTCOME MEASURES.—

a. Percent of research projects that provide management recommendations or support management actions 100%

b. Manatee mortality rate 7.72%

2. MARINE ASSESSMENT, RESTORATION, AND TECHNICAL SUPPORT OUTPUT MEASURES.—

a. Total number of sea turtle nests 77,864

b. Manatee population 2,399

c. Number of fish stocks assessments and data summaries conducted 170

d. Number of requests for status of endangered and threatened species completed 3,400

(5) DEPARTMENT OF TRANSPORTATION.—

(a) For the Highway and Bridge Construction Program, the purpose of which is to develop and implement the state highway system, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1807-1815 are as follows:

1. HIGHWAY BRIDGE AND CONSTRUCTION PROGRAM OUTCOME MEASURES.—

a. Number of motor vehicle fatalities per 100 million miles traveled . . . . . less than 2.05

b. Percent of state highway system pavement meeting department standards 78%

c. Percent of department-maintained bridges meeting department standards 90%

d. Percent increase in number of days required for completed construction contracts over original contract days (less weather days) . . . . . less than 30%

e. Percent increase in final amount paid for completed construction contracts over original contract amount . . . . . less than 10%

f. Percent of vehicle crashes on state highway system where road-related conditions were listed as a contributing factor . . . less than 1%

g. Average construction cost per lane mile of new capacity . . . . . $3.8 million

2. HIGHWAY BRIDGE AND CONSTRUCTION PROGRAM OUTPUT MEASURES.—

a. Number of lane miles let to contract for resurfacing 2,800

b. Number of lane miles let to contract for highway capacity improvements 176

c. Percent of construction contracts planned for letting that were actually let 95%

d. Number of bridges let to contract for repair 81

e. Number of bridges let to contract for replacement 35

f. Number of right-of-way parcels acquired 2,230

g. Number of projects certified ready for construction 81

(b) For the Public Transportation Program, the purpose of which is to develop and provide for all forms of public transportation, including transit, aviation, intermodal rail, and seaport development, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1816-1821G are as follows:

1. PUBLIC TRANSPORTATION PROGRAM OUTCOME MEASURES.—

a. Transit ridership growth compared to population growth 2%/2%

b. Tons of cargo shipped by air . . . . . 4 million

c. Average cost per requested trip for transportation disadvantaged $4.32

2. PUBLIC TRANSPORTATION PROGRAM OUTPUT MEASURES.—

a. Number of passenger enplanements . . . . . 56 million

b. Number of public transit passenger trips . . . . . 175 million

c. Number of cruise embarkations and disembarkations at Florida ports . . . . . 9.3 million

d. Number of trips provided (transportation disadvantaged) 5,768,000

(c) For the Highway Operations Program, the purpose of which is to provide routine and uniform maintenance of the state highway system, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1822-1836L are as follows:

1. HIGHWAY OPERATIONS PROGRAM OUTCOME MEASURES.—

a. Maintenance condition rating of state highway system as measured against the department's maintenance manual standards 80

b. Percent of commercial vehicles weighed that were over weight:

(I) Fixed scale weighings 0.4%

(II) Portable scale weighings 37%

2. HIGHWAY OPERATIONS PROGRAM OUTPUT MEASURES.—

a. Number of commercial vehicles weighed . . . . . 11 million

b. Number of commercial vehicle safety inspections performed 50,000

c. Number of portable scale weighings performed 45,000

(d) For the Toll Operations Program, the purpose of which is to efficiently operate and maintain state toll facilities, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1837-1846E are as follows:

1. TOLL OPERATIONS PROGRAM OUTCOME MEASURES.—

a. Operational cost per toll . . . . . less than $0.16

b. Operational cost per dollar collected . . . . . less than $0.19

2. TOLL OPERATIONS PROGRAM OUTPUT MEASURE.—

a. Number of toll transactions . . . . . 499 million

Section 71. *The performance measures and standards established in this section for individual programs in general government agencies shall be applied to those programs for the 2000-2001 fiscal year. These performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for Fiscal Year 2000-2001, as required by the Government Performance and Accountability Act of 1994.*

(1) DEPARTMENT OF BANKING AND FINANCE.—

(a) For the Financial Accountability for Public Funds Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1881-1903 are as follows:

1. RECOVERY AND RETURN OF UNCLAIMED PROPERTY OUTCOME MEASURES.—

a. Percent increase in the total number of holders reporting . . . 3%

b. Percent of previously filing holders who submit problem reports 3%

c. Percent of the total number of claims paid to the owner compared to the total number of returnable accounts reported/received 22%

d. Percent of the total dollar amount of claims paid to the owner compared to the total dollars in returnable accounts reported/received 80%

2. RECOVERY AND RETURN OF UNCLAIMED PROPERTY OUTPUT MEASURES.—

a. Number of holders reports processed 16,000

b. Number of exams of holders who have not previously filed a holder report 213

c. Number of exams conducted/processed 476

d. Dollar value collected as a result of exams . . . . . $15.5 million

e. Number/dollar value of owner accounts processed . . . . . 255,000/$101 million

f. Total cost of the program to the number of holder reports/owner accounts processed . . . . . $9/$186

g. Number/dollar value of claims paid to owners . . . . . 55,000/FY 2001-2002 LBR

h. Number of owner accounts advertised 100,000

i. Percent of claims approved/denied within 30/60/90 days from the date received (cumulative total) 50%/90%/100%

j. Percent of claims paid within 30/60/90 days from date received (cumulative total) 15%/50%/100%

3. STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING OUTCOME MEASURES.—

a. Percent of program's customers who return an overall customer service rating of good or excellent on surveys 95%

b. Percent of vendor payments issued in less than the Comptroller's statutory time limit of 10 days 100%

c. Accuracy rate of postaudited vendor payments . . . . . FY 2001-2002 LBR

d. Percent of those utilizing program provided financial information who rate the overall relevancy, usefulness, and timeliness of information as good or excellent 95%

e. Number of qualifications in the Independent Auditor's Report on the State General Purpose Financial Statements which are related to the presentation of the financial statements 0

f. Percent of vendor payments issued electronically 16%

g. Percent of payroll payments issued electronically 77%

h. Percent of retirement payments issued electronically 76%

4. STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING OUTPUT MEASURES.—

a. Number of vendor payment requests preaudited . . . . . 1 million

b. Number of vendor payment requests postaudited . . . . . FY 2001-2002 LBR

c. Percent of vendor payment requests postaudited . . . . . FY 2001-2002 LBR

d. Dollar amount of vendor payment requests postaudited . . . . . FY 2001-2002 LBR

e. Number of vendor invoices paid 4,050,000

f. Number of payroll payments issued 5,639,780

g. Number of instances during the year where as a result of inadequate cash management under this program, general revenue had a negative cash balance 0

h. Number of payments issued electronically 6,450,000

i. Number of fiscal integrity cases closed 18

j. Number of "get lean" hotline calls processed for referral to the appropriate agency 250

k. Number of fiscal integrity cases closed where criminal disciplinary and/or administrative actions were taken . . . . . FY 2001-2002 LBR

(b) For the Financial Institutions Regulatory Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1904-1926 are as follows:

1. COMPLIANCE AND ENFORCEMENT OUTCOME MEASURES.—

a. Percent of licensees examined where department action is taken against the licensee for violations:

(I) For-cause violations based on risk assessment profile or on internal/external information which indicates a violation of statute 33.05%

(II) Routine proactive exam conducted on randomly selected entities or entities on an examination cycle 16.88%

2. COMPLIANCE AND ENFORCEMENT OUTPUT MEASURES.—

a. Number of for-cause examinations completed 377

b. Number of routine examinations completed 1,435

c. Percent of total licensees examined to determine compliance with applicable regulations 5%

3. FINANCIAL SERVICES INDUSTRY REGULATION OUTCOME MEASURES.—

a. Percent of licensees sanctioned for violations . . . . . less than 1%

b. Percent of total applicants not licensed to conduct business in the state because they fail to meet substantive licensing requirements 4.3%

c. Percent of applicants not granted registration in the securities industry in Florida who subsequently are the subject of regulatory action 60%

4. FINANCIAL SERVICES INDUSTRY REGULATION OUTPUT MEASURES.—

a. Number of final actions taken against licensees 370

b. Number of applications denied or withdrawn 3,546

c. Number of applications processed 70,944

d. Amount of securities registration applications denied or withdrawn . . . . . $2.1 billion

e. Number of applicants licensed 67,398

f. Number of applicants licensed with restrictions 95

g. Number of applications denied or withdrawn with additional disciplinary information reported on the Central Registration Depository 324

h. Number/percent of filing or requests processed within a designated standard number of days by type . . . . . FY 2001-2002 LBR

5. SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM OUTCOME MEASURES.—

a. Percent of Florida state-chartered banks that exceed the median of all national/federal banks chartered in Florida on return on assets 51%

b. Percent of Florida state-chartered banks that exceed the median of all national/federal banks chartered in Florida on return on equity 51%

c. Percent of Florida state-chartered banks that exceed the median of all national/federal banks chartered in Florida on capital to asset ratio 51%

d. Percent of Florida state-chartered banks that exceed the median of all national/federal banks chartered in Florida on tier 1 capital 51%

e. Percent of Florida state-chartered credit unions that exceed the median of all national/federal credit unions chartered in Florida on return on assets 51%

f. Percent of Florida state-chartered credit unions that exceed the median of all national/federal credit unions chartered in Florida on return on equity 51%

g. Percent of Florida state-chartered credit unions that exceed the median of all national/federal credit unions chartered in Florida on capital to asset ratio 51%

h. Percent of Florida state-chartered credit unions that exceed the median of all national/federal credit unions chartered in Florida on tier 1 capital 51%

i. Percent of applications for new Florida financial institutions that seek state charters 67%

j. Unit average dollar savings in assessments paid by state-chartered banks compared to assessments that would be paid if the bank was nationally or federally chartered $10,000

k. Unit average dollar savings in assessments paid by state-chartered credit unions compared to assessments that would be paid if the credit unions were nationally or federally chartered $500

l. Percent of banks receiving an examination report within 45 days after the conclusion of their onsite state examination 75%

m. Percent of credit unions receiving an examination report within 30 days after the conclusion of their onsite state examination 75%

n. Percent of international financial institutions receiving an examination report within 45 days after the conclusion of their onsite state examination 75%

o. Percent of trust companies receiving an examination report within 60 days after the conclusion of their onsite state examination . . . 75%

p. Percent of de novo applications statutorily complete that are processed within a standard number of 90 days 67%

q. Percent of branch applications statutorily complete that are processed within 50 days 67%

r. Percent of merger/acquisition applications statutorily complete that are processed within 60 days 67%

s. Percent of financial institutions under enforcement action that are substantially in compliance with conditions imposed 90%

6. SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM OUTPUT MEASURES.—

a. Median Florida state-chartered bank return on assets . . . 0.96%

b. Median Florida state-chartered bank return on equity . . . 10.5%

c. Median Florida state-chartered bank capital to asset ratio . . 9%

d. Median Florida state-chartered bank tier 1 capital 9.1%

e. Median Florida state-chartered credit union return on assets 0.93%

f. Median Florida state-chartered credit union return on equity 7.1%

g. Median Florida state-chartered credit union capital to asset ratio 12.5%

h. Median Florida state-chartered credit union tier 1 capital 11.9%

i. Number of new Florida state-chartered banks opened 15

j. Amount of annual assessments paid by banks $6,929,900

k. Amount of annual assessments paid by credit unions $1,463,000

l. Number of banks examined by the Division of Banking receiving an examination report within 45 days 54

m. Number of credit unions examined by the Division of Banking receiving an examination report within 30 days 57

n. Number of international financial institutions examined by the Division of Banking receiving an examination report within 45 days 14

o. Number of trust companies examined by the Division of Banking receiving an examination report within 60 days 8

p. Number of statutorily complete new De Novo applications received that are processed within 90 days 7

q. Number of statutorily complete branch applications received that are processed within 15 days 14

r. Number of statutorily complete merger/acquisition applications received that are processed within 60 days 7

s. Number of institutions in substantial compliance with enforcement actions 20

t. Percent/number of financial institutions examined within statutory timeframes by type of institution:

(I) Banks 66%/144

(II) Credit Unions 66%/76

(III) International 66%/41

(IV) Trust Companies 66%/12

u. Percent/number of surveys returned that rate the Division's examination program as satisfactory or above 75%/150

v. Average change in total exam time from previous state exam by type of institution:

(I) Banks . . . . . -5%

(II) Credit Unions . . . . . -5%

(III) International . . . . . -5%

(IV) Trust Companies . . . . . -5%

w. Average percent of total exam hours conducted off-site, by type of institution:

(I) Banks 25%

(II) Credit Unions 25%

(III) International 25%

(IV) Trust Companies 25%

7. CONSUMER FINANCIAL FRAUD PREVENTION AND DETECTION OUTCOME MEASURES.—

a. Percent of investigations of licensed and unlicensed entities referred to other agencies where investigative assistance aided in obtaining criminal/civil/administrative actions:

(I) Licensed 6%

(II) Unlicensed 59%

b. Dollars returned (voluntarily or through court-ordered restitution) to victims compared to total dollars of verified loss as a result of investigative efforts of licensed and unlicensed entities . . . . . $.001/$1

c. Dollars returned (voluntarily or through court ordered restitution) to victims compared to total dollars of verified loss as a result of investigative efforts of unlicensed entities . . . . . $0.46/$1

d. Percent of written complaints processed within applicable standards 85%

e. Percent of written complaints regarding licensed entities referred for examination, investigation, or legal/criminal action resulting in formal/informal sanctions within/outside statutory authority 18.6%

f. Percent of written complaints regarding unlicensed entities referred for examination, investigation, or legal/criminal action resulting in formal/informal sanctions within/outside statutory authority 37.5%

8. CONSUMER FINANCIAL FRAUD PREVENTION AND DETECTION OUTPUT MEASURES.—

a. Number of investigations closed 450

b. Number of background investigations completed 800

c. Amount of court-ordered restitution to victims of licensed/unlicensed entities:

(I) Licensed $9,000

(II) Unlicensed . . . . . $20.8 million

d. Amount of voluntary reimbursement received from licensed/unlicensed entities:

(I) Licensed $1,200

(II) Unlicensed $434,700

e. Amount returned to victims of licensed/unlicensed entities:

(I) Licensed $10,000

(II) Unlicensed . . . . . $21.2 million

f. Amount of verified loss to victims of licensed/unlicensed entities:

(I) Licensed . . . . . $9.2 million

(II) Unlicensed . . . . . $46.14 million

g. Average number of days for initial written responses to consumers 7

h. Average number of days to resolve, refer, or close a written complaint 68

i. Number of complaints resolved, referred, or closed during the year 4,350

j. Percent of complaints remaining open beyond 90 days and less than 120 days 10%

k. Percent of complaints remaining open beyond 120 days . . . 15%

l. Number of written complaints where the department identified statutory violations 150

m. Number of complaints referred for consideration of legal/criminal action (licensed and unlicensed entities) 275

n. Number of public/consumer awareness contacts made activities with personal, direct face-to-face contact 140

o. Number of public/consumer awareness activities conducted utilizing all types of media 540

p. Number of participants at personal, direct, face-to-face public/consumer awareness activities 6,800

q. Total number of hours spent conducting public/consumer awareness activities 1,100

(2) DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.—

(a) For the Florida Boxing Commission, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1939-1957 are as follows:

1. INFORMATION TECHNOLOGY OUTCOME MEASURE.—

a. Percent increase in public access to regulatory information 10%

2. FLORIDA BOXING COMMISSION OUTCOME MEASURE.—

a. Percent of licenses suspended or revoked (primarily for medical purposes/approx 90%) in relation to fights supervised 28.8%

3. FLORIDA BOXING COMMISSION OUTPUT MEASURE.—

a. Number of scheduled boxing rounds 2,472

(b) For the Professional Regulation Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1958-1978 are as follows:

1. STANDARDS AND LICENSURE OUTCOME MEASURE.—

a. Percent of applications processed within 90 days 100%

2. STANDARDS AND LICENSURE OUTPUT MEASURES.—

a. Number of applications processed 59,263

b. Number of licensees 499,964

3. COMPLIANCE AND ENFORCEMENT OUTCOME MEASURES.—

a. Percent of cases that are resolved through alternative means (notices of noncompliance, citations or alternative dispute resolution) . . . . . FY 2001-2002 LBR

b. Percent of establishments or licensees found in violation of critical or multiple noncritical violations resulting in discipline 0.9%

4. COMPLIANCE AND ENFORCEMENT OUTPUT MEASURES.—

a. Total number of cases . . . . . FY 2001-2002 LBR

b. Number of enforcement actions 35,558

(c) For the Pari-Mutuel Wagering Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 1979-2001 are as follows:

1. COMPLIANCE AND ENFORCEMENT OUTCOME MEASURE.—

a. Percent of races and games that result in statutory or rule infractions 0.85%

2. COMPLIANCE AND ENFORCEMENT OUTPUT MEASURE.—

a. Number of races and games monitored 87,000

3. STANDARDS AND LICENSURE OUTCOME MEASURE.—

a. Percent of applications processed within 90 days 100%

4. STANDARDS AND LICENSURE OUTPUT MEASURE.—

a. Number of applications processed 23,001

5. TAX COLLECTION OUTCOME MEASURE.—

a. Total collections per dollar spent on pari-mutuel events $19.38

6. TAX COLLECTION OUTPUT MEASURE.—

a. Number of audits conducted 87,500

(d) For the Hotels and Restaurants Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2002-2013 are as follows:

1. COMPLIANCE AND ENFORCEMENT OUTCOME MEASURES.—

a. Percent of licensees in compliance with applicable laws and rules for food service and public lodging establishments 86.07%

b. Percent of licensees in compliance with applicable laws and rules for elevators, escalators, and other vertical conveyance devices 95.29%

2. COMPLIANCE AND ENFORCEMENT OUTPUT MEASURES.—

a. Number of educational packets distributed and education and training seminars/workshops conducted 283,407

b. Number of inspections for food service and public lodging establishments . . . . . FY 2001-2002 LBR

c. Number of inspections for elevators, escalators, and other vertical conveyance devices . . . . . FY 2001-2002 LBR

d. Number of call-back inspections for food service and public lodging establishments . . . . . FY 2001-2002 LBR

3. STANDARDS AND LICENSURE OUTCOME MEASURE.—

a. Percent of hotel and restaurant licenses and elevator certificates of operation processed within 30 days 90.6%

4. STANDARDS AND LICENSURE OUTPUT MEASURES.—

a. Number of licensees for public lodging and food service establishments 69,315

b. Number of licensees for elevators, escalators, and other vertical conveyance devices 43,897

(e) For the Alcoholic Beverages and Tobacco Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2014-2033 are as follows:

1. COMPLIANCE AND ENFORCEMENT OUTCOME MEASURES.—

a. Percent repeated noncomplying wholesale/retail licensees on yearly basis . . . . . FY 2001-2002 LBR

b. Percent noncomplying wholesale/retail licensees on yearly basis . . . . . FY 2001-2002 LBR

c. Percent of alcoholic beverages and tobacco retailers tested found to be in compliance with underage persons' access . . . FY 2001-2002 LBR

d. Percent of total retail alcohol and tobacco licensees and permit holders inspected 30%

2. COMPLIANCE AND ENFORCEMENT OUTPUT MEASURE.—

a. Number of licensees 64,000

3. STANDARDS AND LICENSURE OUTCOME MEASURE.—

a. Percent of license applications processed within 90 days . . 95%

4. STANDARDS AND LICENSURE OUTPUT MEASURE.—

a. Number of applications processed 12,307

5. TAX COLLECTION OUTCOME MEASURES.—

a. Total auditing expenditures compared to auditing collections . . . . . FY 2001-2002 LBR

b. Percent of retail and wholesale tax dollars identified by audit that were collected 85%

6. TAX COLLECTION OUTPUT MEASURE.—

a. Number of audits conducted 241,000

(f) For the Florida Land Sales, Condominiums, and Mobile Homes Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2034-2045 are as follows:

1. COMPLIANCE AND ENFORCEMENT OUTCOME MEASURES.—

a. Percent of administrative actions resulting in consent orders . . . . . FY 2001-2002 LBR

b. Average number of days to resolve consumer complaints not investigated . . . . . FY 2001-2002 LBR

c. Average number of days to resolve investigations . . . . . FY 2001-2002 LBR

d. Average number of days to resolve cases submitted for arbitration for condominiums . . . . . FY 2001-2002 LBR

e. Percent of parties surveyed that benefited from education provided (condominiums) . . . . . FY 2001-2002 LBR

2. COMPLIANCE AND ENFORCEMENT OUTPUT MEASURES.—

a. Number of administrative actions resolved by consent orders . . . . . FY 2001-2002 LBR

b. Number of days to close consumer complaints . . . . . FY 2001-2002 LBR

c. Number of consumer complaints closed . . . . . FY 2001-2002 LBR

d. Number of days to close investigations . . . . . FY 2001-2002 LBR

e. Number of investigations closed . . . . . FY 2001-2002 LBR

f. Number of days to close cases . . . . . FY 2001-2002 LBR

g. Number of cases closed . . . . . FY 2001-2002 LBR

h. Number of seminars conducted . . . . . FY 2001-2002 LBR

i. Number of attendees at educational seminars surveyed . . . . . FY 2001-2002 LBR

j. Number of topics covered at educational seminars . . . . . FY 2001-2002 LBR

k. Number of unit owners represented at educational seminars . . . . . FY 2001-2002 LBR

l. Number of associations represented at educational seminars . . . . . FY 2001-2002 LBR

3. STANDARDS AND LICENSURE OUTCOME MEASURE.—

a. Percent of permanent licenses issued and filings reviewed as prescribed by laws 97%

4. STANDARDS AND LICENSURE OUTPUT MEASURE.—

a. Permanent licenses and filings processed 19,161

(3) DEPARTMENT OF CITRUS.—

(a) For the Citrus Research Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2046-2048 are as follows:

1. CITRUS RESEARCH OUTCOME MEASURE.—

a. Number of new citrus product lines 2

2. CITRUS RESEARCH OUTPUT MEASURE.—

a. Number of sponsored research programs 17

(b) For the Executive Direction and Support Services Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2049-2056 are as follows:

1. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTCOME MEASURE.—

a. Administrative cost as a percent of total agency costs 7.8%

(c) For the Agricultural Products and Marketing Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2057-2059 are as follows:

1. AGRICULTURAL PRODUCTS MARKETING OUTCOME MEASURE.—

a. Percent return on investment for Florida growers 9%

2. AGRICULTURAL PRODUCTS MARKETING OUTPUT MEASURES.—

a. Number of TV Gross Rating Points 4,000

b. Number of trade incentive programs administered 2,400

(4) EXECUTIVE OFFICE OF THE GOVERNOR.—

(a) For the General Office Program, the purpose of which is to assist the Governor in the performance of his or her duties and responsibilities, helping to communicate and implement the Governor's goals, priorities, programs, and views to the citizens of Florida, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2060-2083 are as follows:

1. DRUG CONTROL COORDINATION OUTCOME MEASURE.—

a. Decrease the use of illegal drugs in Florida from 8% to 7% 7%

2. LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM OUTCOME MEASURE.—

a. Decrease the ratio of Legislative Appropriations System/Planning and Budgeting Subsystem costs to the number of users supported from $5,316,331:585 to $5,309,322:585 . . . . . $5,309,322:585

3. SCHOOL READINESS OUTCOME MEASURE.—

a. Increase the percent of kindergarten students meeting state expectations for readiness from 80% to 83% 83%

4. SCHOOL READINESS OUTPUT MEASURE.—

a. Coordinate the state's School Readiness services as measured by the number of students meeting state expectations for readiness 633,168

5. WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) OUTCOME MEASURE.—

a. Maintain the level of Work and Gain Economic Self-sufficiency (WAGES) clients who successfully leave the program at 41% or more 41%

6. WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) OUTPUT MEASURE.—

a. Oversee Work and Gain Economic Self-sufficiency State Board as measured by the number of Work and Gain Economic Self-sufficiency clients who successfully complete the program 52,966

(b) For the Office of Tourism, Trade, and Economic Development Program, the purpose of which is to maintain and improve the economic health of Florida by increasing jobs, income, and investments through promoting targeted businesses, tourism, and professional and amateur sports and entertainment and by assisting communities, residents, and businesses, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2084-2088E are as follows:

1. OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT OUTPUT MEASURES.—

a. Number/dollar amount of contracts and grants administered . . . . . 283/$290 million

b. Public expenditures per job created/retained under QTI incentive program $3,750

c. Number of state agency proposed rules reviewed which impact small businesses 70

d. Number of business leaders' meetings coordinated 1

e. Implement the revitalization of urban communities (Front Porch Florida) as measured by the number of applications and neighborhood plans reviewed; partnering activities, interactive community activities, and technical assistance activities facilitated . . . . . TBD

f. Market, promote, and provide services to the state's entertainment industry (Office of Film Commission) as measured by the number of marketing, promotion, and other services provided . . . . . TBD

2. BLACK BUSINESS INVESTMENT BOARD OUTCOME MEASURES.—

a. Number of jobs supported by financing black business:

(I) Regional BBICs 2,000

(II) Statewide BBICs 120

b. Dollar amount and procurement opportunities generated for Black businesses . . . . . $2.5 million

3. BLACK BUSINESS INVESTMENT BOARD OUTPUT MEASURES.—

a. Matching dollars leveraged by the Black Business Investment Board . . . . . $1.6 million

b. Number of businesses provided technical assistance through Statewide BBIC 200

4. FLORIDA SPORTS FOUNDATION OUTCOME MEASURES.—

a. Economic contributions from Florida Sports Foundation-sponsored regional and major sporting events grants . . . . . $150 million

b. Satisfaction of the area sports commissions with the efforts of the foundation to promote and develop the sports industry and related industries in the state 75%

c. Economic contributions to communities as a result of hosting Florida's Senior State Games and Sunshine State Games Championships . . . . . TBD

5. FLORIDA SPORTS FOUNDATION OUTPUT MEASURES.—

a. Number/amount of major and regional sports event grants awarded . . . . . 30/$700,000

b. Number of athletes competing in Florida's Senior State Games and Sunshine State Games Championships . . . . . TBD

c. Number of amateur athletic events . . . . . TBD

6. FLORIDA COMMISSION ON TOURISM OUTCOME MEASURES.—

a. Sustained growth in the number of travelers who come to and go through Florida:

(I) Out-of-state . . . . . 50.6 million

(II) Residents . . . . . 13.6 million

b. Sustained growth in the beneficial impacts that travelers in Florida have on the state's overall economy:

(I) Rental car surcharge . . . . . $141.2 million

(II) Tourism-related employment 835,156

(III) Taxable sales . . . . . $48.3 billion

(IV) Local option tax . . . . . $320 million

c. Growth in private sector contributions to VISIT Florida . . . . . $34 million

d. Satisfaction of VISIT Florida's partners and representative members of the tourism industry with the efforts of VISIT Florida to promote Florida tourism 75%

e. Facilitate the creation of an inventory of the sites identified by the state's tourism regions as nature-based and heritage tourism sites and implement procedures to maintain the inventory . . . . . TBD

f. Implement s. 288.1224(13), Florida Statutes, including the incorporation of nature-based and heritage tourism components into the Four-Year Marketing Plan . . . . . TBD

7. FLORIDA COMMISSION ON TOURISM OUTPUT MEASURES.—

a. Quality and effectiveness of paid advertising messages reaching the target audience (impressions) . . . . . 550 million

b. Number contacting VISIT Florida in response to advertising 620,146

c. Value and number of consumer promotions facilitated by VISIT Florida $13 million/155

d. Number of leads and visitor inquiries generated by VISIT Florida events and media placements 1,229,780

e. Number of private sector partners 3,462

f. Private sector partner financial contributions through direct financial investment . . . . . $2.2 million

g. Private sector partner financial contributions through strategic alliance program . . . . . $1.3 million

8. SPACEPORT FLORIDA OUTCOME MEASURES.—

a. Value of new investment in the Florida space business and programs (cumulative) . . . . . $230 million

b. Number of launches 30

c. Number of visitors to space-related tourism facilities . . . . . 2.9 million

d. Tax revenue generated by space-related tourism facilities $1,400,000

9. SPACEPORT FLORIDA OUTPUT MEASURES.—

a. Number of students in Spaceport Florida Authority (SFA) sponsored space-related classroom or research at accredited institutions of higher education 400

b. Equity in SFA industrial/research facilities . . . . . $65 million

c. Number of presentations to industry and governmental decisionmakers 35

d. Equity in SFA space-related tourist facilities . . . . . $25 million

10. ENTERPRISE FLORIDA BUSINESS EXPANSION, RETENTION, AND RECRUITMENT OUTCOME MEASURES.—

a. Number of direct full-time jobs facilitated as a result of Enterprise Florida's recruitment, expansion, and retention efforts 31,000

(I) Rural areas (subset) 2,000

(II) Urban core areas (subset) 2,000

(III) Critical industries (subset) 10,000

b. Documented export sales attributable to programs and activities . . . . . $275 million

c. Number of qualified marketing leads generated through Enterprise Florida's comprehensive marketing programs 750

(I) Trade leads (subset) 450

(II) Investment leads (subset) 300

d. Satisfaction of economic development practitioners and other appropriate entities with efforts of Enterprise Florida in providing economic development leadership in the full range of services required for state and local economic growth, including critical industries and workforce development 75%

e. Satisfaction of economic development practitioners and other appropriate entities with efforts of EFI in marketing the state, including rural communities and distressed urban communities, as a probusiness location for potential new investment 75%

11. ENTERPRISE FLORIDA BUSINESS EXPANSION, RETENTION, AND RECRUITMENT OUTPUT MEASURES.—

a. Number of trade events 32

b. Number of companies assisted by Enterprise Florida in the area of international trade 2,660

c. Number of active recruitment, expansion, and retention projects worked during the year 295

d. Number of leads and projects referred to local economic development organizations 120

e. Number of successful incentive projects worked with local economic development organizations 60

f. Number of times Enterprise Florida's information services are accessed by local economic development organizations 800

12. ENTERPRISE FLORIDA WORKFORCE DEVELOPMENT OUTCOME MEASURES.—

a. Percent of supplemental fund requests from Regional Workforce Boards acted upon in a timely fashion:

(I) Less than or equal to established fund threshold acted upon within 14 days after receipt of approvable documentation 100%

(II) Greater than the established fund threshold within 90 days 100%

b. Number/percent of agency policies to be reviewed, recommendations made, and actions taken to implement recommendations 202/70%

c. Number/percent of onsite regional workforce development board reviews completed in accordance with an established schedule by June 30, 2000 . . . . . 24/100%

d. For regions out of compliance, the percent of reviews where board staff issued the report of deficiencies and provided recommendations for corrective action within 14 days after exit 100%

e. Number/percent of individuals completing high skill/high wage programs found employed at an average hourly wage equal to or higher than $9 for the last completed reporting period 49,500/50%

f. Number/percent of WIA statewide standards met or exceeded . . . . . 12 of 17/70%

g. Number/percent of WIA regional standards met or exceeded . . . . . 300 of 408/73.5%

h. Percent of customers who found the State Board fulfilling its oversight and coordinating responsibilities determined through the use of a customer survey 75%

13. ENTERPRISE FLORIDA WORKFORCE DEVELOPMENT OUTPUT MEASURES.—

a. Number of new full-time, high skill/high wage jobs created as a result of Quick Response Training 4,500

(I) In rural areas 300

(II) In urban core areas 300

(III) In critical industries 2,700

b. QRT ratio of private funds match to state funds 3:1

c. QRT employee retention rates and earnings (at $9 or above) in quarter following completion of training 70%

d. QRT employee satisfaction rates (per survey) 75%

e. Number of permanent jobs retained as a result of Incumbent Worker Training pilot project (WIA) 1,000

(I) In rural areas 100

(II) In urban core areas 200

(III) In critical industries 250

f. IWT ratio of private funds match to federal WIA funds 2:1

g. IWT employee retention rates and earnings (at $9 or above) in quarter following completion of training 70%

h. IWT employer satisfaction rates (per survey) 75%

(5) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

(a) For the Florida Highway Patrol Program, the purpose of which is to increase highway safety in Florida through law enforcement, preventive patrol, and public education, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2100-2123 are as follows:

1. OUTCOME MEASURES.—

a. Percent of closed criminal investigation cases which are resolved 66%

b. Florida death rate on patrolled highways per 100 million vehicle miles of travel 1.9

c. National average death rate on highways per 100 million vehicle miles of travel 1.7

d. Florida death rate on all roads per 100 million vehicle miles of travel 1.9

e. National average death rate on all roads per 100 million vehicle miles of travel 1.7

f. Alcohol-related death rate per 100 million vehicle miles of travel 0.64

g. Number of crashes investigated by FHP 186,978

h. Percent change in number of crashes investigated by FHP . . . . . more than 1%

i. Annual crash rate per 100 million vehicle miles of travel on all Florida roads 177

j. Percent change in seat belt use . . . . . more than 1%

k. State seat belt compliance rate 60.7%

l. National average seat belt compliance rate (for comparison) 68%

2. OUTPUT MEASURES.—

a. Hours spent on criminal investigation cases closed 37,901

b. Actual number of criminal cases closed 1,233

c. Hours spent on professional compliance investigation cases closed 7,884

d. Actual number of professional compliance investigation cases closed 122

e. Number of hours spent on traffic homicide investigations 133,105

f. Number of cases resolved as result of traffic homicide investigations 1,647

g. Average time (hours) spent per traffic homicide investigation 80.82

h. Percent of recruits retained by FHP for 3 years after the completion of training 88%

i. Number of hours spent on investigations 63,350

j. Actual average response time (minutes) to calls for crashes or assistance 26

k. Number of law enforcement officer duty hours spent on preventive patrol 1,014,491

l. Percent of law enforcement officer duty hours spent on preventive patrol 42%

m. Number of law enforcement officer duty hours spent on crash investigation 337,801

n. Percent of law enforcement officer duty hours spent on crash investigation 14%

o. Average time (hours) to investigate crashes (long form) . . . 2.17

p. Average time (hours) to investigate crashes (short form) . . . 1.35

q. Average time (hours) to investigate crashes (nonreportable) 0.65

r. Duty hours spent on law enforcement officer assistance to motorists 102,387

s. Percent of law enforcement officer duty hours spent on motorist assistance 5%

t. Number of motorists assisted by law enforcement officers 299,924

u. Number of public traffic safety presentations made 1,563

v. Number of persons in attendance at public traffic safety presentations 83,475

w. Average size of audience per presentation 53

x. Number of training courses offered to FHP recruits and personnel 41

y. Number of students successfully completing training course 967

(b) For the Licenses, Titles, and Regulations Program, the purpose of which is to maintain an efficient and effective driver licensing program, ensuring that only drivers demonstrating the necessary knowledge, skills, and abilities are licensed to operate motor vehicles on Florida roads; to remove drivers from the highways who abuse their driving privilege or require further driver education; to ensure that drivers are financially responsible for their actions; and to maintain adequate records for driver education and administrative control, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2124-2169 are as follows:

1. OUTCOME MEASURES.—

a. Percent of customers waiting 15 minutes or less for driver license service 82%

b. Percent of customers waiting 30 minutes or more for driver license service 11%

c. Percent of DUI course graduates who do not recidivate within three years of graduation 86%

d. Average number of corrections per 1,000 driver records maintained 4

e. Percent of motorists complying with financial responsibility 83%

f. Number of driver licenses/identification cards suspended, cancelled, and invalidated as a result of fraudulent activity, with annual percent change shown 2,178/1%

g. Percent of motor vehicle titles issued without error 98%

h. Number of fraudulent motor vehicle titles identified and submitted to law enforcement 930

i. Percent change in number of fraudulent motor vehicle titles identified and submitted to law enforcement 3%

j. Ratio of warranty complaints to new mobile homes titled . . 1:61

k. Percent reduction in pollution tonnage per day in the six applicable (air quality) counties 15.5%

l. Ratio of taxes collected from international registration plans (IRP) and international fuel tax agreements (IFTA) audits to cost of audits . . . . . $1.85:$1

2. OUTPUT MEASURES.—

a. Number of driver licenses issued 4,188,819

b. Number of identification cards issued 821,349

c. Number of written driver license examinations conducted 2,213,001

d. Number of road tests conducted 525,855

e. Number of motor vehicle and mobile home registrations issued 13,923,922

f. Number of motor vehicle and mobile home titles issued . . . . . 4.7 million

g. Average cost to issue a motor vehicle title $2.05

h. Average number of days to issue a motor vehicle title 3.4

i. Number of vessel registrations issued 863,501

j. Number of vessel titles issued 224,171

k. Average cost to issue a vessel title $5.08

l. Number of motor carriers audited per auditor, with number of auditors shown 22/14

(c) For the Kirkman Data Center Program, the purpose of which is to encourage greater efficiency in all governmental programs through implementation of effective information technology initiatives, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2170-2175 are as follows:

1. KIRKMAN DATA CENTER OUTCOME MEASURE.—

a. Percent of customers who rate services as satisfactory or better as measured by survey 80%

2. KIRKMAN DATA CENTER OUTPUT MEASURE.—

a. Number of service programs maintained 3,310

(d) For the Administrative Services Program, the purpose of which is to provide policy determination and administrative support for agency operations, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2089-2099A, 2119-2123, and 2165-2169 are as follows:

1. ADMINISTRATIVE SERVICES PROGRAM OUTCOME MEASURES.—

a. Percent agency administration and support costs and positions compared to total agency costs and positions 5.02%:7.43%

b. Cost per square foot for operational maintenance of agency facilities $4.76

(6) DEPARTMENT OF INSURANCE.—

(a) For the Division of Treasury Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2195-2204 are as follows:

1. DEPOSIT SECURITY SERVICES OUTCOME MEASURE.—

a. Maximum administrative unit cost per $100,000 of securities placed for deposit security services purposes $25

2. DEPOSIT SECURITY SERVICES OUTPUT MEASURES.—

a. Number of analyses performed on the financial condition of qualified public depositories and custodians, and securities held for deposit 3,880

b. Number of account actions taken on trust deposit and collateral accounts 34,545

3. STATE FUNDS MANAGEMENT AND INVESTMENT OUTCOME MEASURES.—

a. Ratio of net rates of return to established national benchmarks for:

(I) Internal liquidity investments 1.05

(II) Internal bridge investments 1.03

(III) External investment program bridge portfolio 1.01

(IV) Medium term portfolio 1.02

(V) Investment grade convertible bonds . . . . . FY 2001-2002 LBR

4. STATE FUNDS MANAGEMENT AND INVESTMENT OUTPUT MEASURES.—

a. Number of cash management consultation services 30

b. Number of financial management/accounting transactions processed and reports produced 10,200,093

5. SUPPLEMENTAL RETIREMENT PLAN OUTCOME MEASURE.—

a. Minimum percent of state employees (excluding OPS) participating in the State Supplemental Retirement Plan (Deferred Compensation) 24%

6. SUPPLEMENTAL RETIREMENT PLAN OUTPUT MEASURES.—

a. Number of participant account actions processed by the state deferred compensation office 89,268

b. Number of educational materials distributed by the state deferred compensation office . . . . . FY 2001-2002 LBR

(b) For the Fire Marshal Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2205-2217N are as follows:

1. COMPLIANCE AND ENFORCEMENT OUTCOME MEASURES.—

a. Number of fire related deaths occurring in state owned and leased properties required to be inspected 0

b. Percent of mandated regulatory inspections completed . . . 100%

2. COMPLIANCE AND ENFORCEMENT OUTPUT MEASURES.—

a. Number of recurring inspections completed of fire code compliance in state owned/leased buildings 7,200

b. Number of high hazard inspections completed of fire code compliance in state owned/leased buildings 6,536

c. Number of construction inspections completed of fire code compliance in state owned/leased buildings 875

d. Percent of fire code inspections completed within statutory defined timeframe 100%

e. Percent of fire code plans reviews completed within statutory defined timeframe 100%

f. Number of boilers inspected by department inspectors . . . 5,500

g. Number of regulatory inspections completed 481

3. FIRE AND ARSON INVESTIGATION OUTCOME MEASURES.—

a. Percent of closed fire investigations successfully concluded, including by cause determined, suspect identified and/or arrested, or other reasons 85%

b. Percent of closed arson investigations for which an arrest was made Florida/National 29%/18%

4. FIRE AND ARSON INVESTIGATION OUTPUT MEASURES.—

a. Total number of fire investigations opened 9,458

b. Total number of fire investigations closed 6,242

5. PROFESSIONAL TRAINING AND STANDARDS OUTCOME MEASURES.—

a. Percent of challenges to examination results and eligibility determination compared to those eligible to challenge . . . less than 1%

b. Number/percent of students who rate training they received at the Florida State Fire College as improving their ability to perform assigned duties 3,500/95%

c. Percent of above satisfactory ratings by supervisors of students' job performance from post-class evaluations of skills gained through training at the Florida State Fire College 85%

6. PROFESSIONAL TRAINING AND STANDARDS OUTPUT MEASURES.—

a. Number of classes conducted by the Florida State Fire College 210

b. Number of students trained and classroom contact hours provided by the Florida State Fire College 4,200/220,000

c. Number/percent of customer requests for certification testing completed within defined timeframes 4,000/90%

d. Number of certified training centers inspected 29

e. Number of examinations administered 4,400

(c) For the Risk Management Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2220-2224 are as follows:

1. RISK REDUCTION SERVICES OUTCOME MEASURES.—

a. Number of workers' compensation claims requiring some payment per 100 FTE employees 5.7

b. Number and percent of responses indicating the risk services training they received was useful in developing and implementing risk management plans in their agencies 80/90%

c. Average cost of tort liability claims paid $3,599

d. Average cost of Federal Civil Rights liability claims paid $13,046

e. Average cost of workers' compensation claims $3,250

f. Average cost of property claims paid $3,497

g. Number/percent of liability claims closed in relation to liability claims worked during the fiscal year 4,226/51%

2. RISK REDUCTION SERVICES OUTPUT MEASURE.—

a. Risk services training and consultation as measured by the number of training units (1 unit=8 hrs.) provided and consultation contracts made 265

3. STATE SELF-INSURED CLAIMS ADJUSTMENTS OUTCOME MEASURES.—

a. Percent of indemnity and medical payments made in a timely manner in compliance with DLES Security Rule 38F-24.021, F.A.C. 95%

b. State employees' workers' compensation benefit cost rate, as defined by indemnity and medical benefits, per $100 of state employees' payroll as compared to prior years . . . . . less than $1.16

c. Percent of lawsuits, generated from a liability claim, evaluated with SEFES codes entered within prescribed timeframes 92%

d. Number/percent of trainees who indicated the training they received was useful in performing required property program processes 123/95%

e. Average operational cost of a claim worked $140.28

4. STATE SELF-INSURED CLAIMS ADJUSTMENTS OUTPUT MEASURES.—

a. Number of workers' compensation claims worked 28,500

b. Number of workers' compensation claims litigated 780

c. Number of liability claims worked 8,784

d. Number of training units (1 unit=8 hrs.) provided by the property program 40

e. Number of state property loss/damage claims worked 522

(d) For the Insurance Regulation and Consumer Protection Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2225-2247 are as follows:

1. INSURANCE COMPANY LICENSURE AND OVERSIGHT OUTCOME MEASURES.—

a. Maximum number of insurance companies entering rehabilitation or liquidation during the year . . . . . FY 2001-2002 LBR

b. A. M. Best rating for authorized domestic insurers, weighted average based on premium written:

(I) Homeowner's insurance . . . . . FY 2001-2002 LBR

(II) Workers' compensation insurance . . . . . FY 2001-2002 LBR

(III) Automobile insurance . . . . . FY 2001-2002 LBR

(IV) Life and health insurance . . . . . FY 2001-2002 LBR

c. Residual market premium written as a percentage of total premium, increase or decrease:

(I) Homeowner's (total), mobile home, dwelling fire insurance . . . . . FY 2001-2002 LBR

(II) Workers' compensation insurance . . . . . FY 2001-2002 LBR

(III) Automobile insurance . . . . . FY 2001-2002 LBR

d. Unfunded liability per residual market entity, based on 100-year probable maximum loss:

(I) Florida Residential Property and Casualty Joint Underwriting Association . . . . . FY 2001-2002 LBR

(II) Florida Windstorm Underwriting Association . . . . . FY 2001-2002 LBR

2. INSURANCE COMPANY LICENSURE AND OVERSIGHT OUTPUT MEASURES.—

a. Current number of licensed insurance entities 3,420

b. Number of market conduct examinations completed 265

c. Number of financial reviews and examinations completed 12,620

d. Number of rate and form reviews completed 22,100

e. Total number of insurance companies in rehabilitation or liquidation during the year 56

3. INSURANCE REPRESENTATIVE LICENSURE, SALES APPOINTMENTS, AND OVERSIGHT OUTCOME MEASURE.—

a. Maximum percent of insurance representatives requiring discipline or oversight 23%

4. INSURANCE REPRESENTATIVE LICENSURE, SALES APPOINTMENTS, AND OVERSIGHT OUTPUT MEASURE.—

a. Number of applications for licensure processed 71,222

b. Number of appointment actions processed 868,916

c. Number of applicants and licensees required to comply with education requirements 107,610

5. COMPLIANCE AND ENFORCEMENT OUTCOME MEASURES.—

a. Percent of arrests for insurance fraud resulting in trial or nontrial conviction 82%

b. Percent of investigative actions resulting in administrative action against agents and agencies 64%

6. COMPLIANCE AND ENFORCEMENT OUTPUT MEASURES.—

a. Number of insurance fraud investigations completed 1,599

b. Number of agent and agency investigations completed 2,428

7. INSURANCE CONSUMER ASSISTANCE OUTCOME MEASURE.—

a. Percent of consumer service requests appropriately resolved . . . . . FY 2001-2002 LBR

8. INSURANCE CONSUMER ASSISTANCE OUTPUT MEASURES.—

a. Number of consumer educational materials created and distributed 223,664

b. Number of telephone calls answered through the consumer helpline 362,393

c. Number of consumer requests and information inquiries handled 50,908

(7) DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY.—

(a) For the Blind Services Program, the purpose of which is to obtain employment outcome and maximize independence and integration into

the community for Floridians who are blind or visually impaired, the outcome measures, output measures, and associated performance standards with respect to funds in Specific Appropriations 2299-2311A are as follows:

1. BLIND SERVICES OUTCOME MEASURES.—

a. Percent/number of rehabilitation customers gainfully employed at least 90 days 68.3%/847

b. Percent/number of rehabilitation customers placed in competitive employment 64.3%/654

c. Projected average annual earnings of rehabilitation customers at placement $13,500

d. Percent/number of successfully rehabilitated older persons, nonvocational rehabilitation 55.2%/1,355

e. Percent/number of customers (children) successfully rehabilitated/transitioned from preschool to school 67.3%/36

f. Percent/number of customers (children) successfully rehabilitated/transitioned from school to work 26.5%/47

2. BLIND SERVICES OUTPUT MEASURES.—

a. Number of customers reviewed for eligibility 2,035

b. Number of written plans for services 1,425

c. Number of customers served 13,100

d. Average time lapse (in days) between application and eligibility determination for rehabilitation customers 69

e. Customer caseload per counseling/case management team member 114

f. Cost per library customer $19.65

g. Total number of food service managers 162

h. Number of existing food service facilities renovated 10

i. Number of new food service facilities constructed 5

j. Facilitate the provision of developmental services to blind and visually impaired children 890

k. Provide Braille and recorded publications to customers 45,000

(b) For the Safety/Workers' Compensation Program, the purpose of which is to keep the workplace safe and return injured employees to work at a reasonable cost to employers, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2257-2271 are as follows:

1. WORKERS' COMPENSATION OUTCOME MEASURES.—

a. Percent of injured workers returning to work at 80 percent or more of previous average quarterly wage during the four-quarter period following injury for accident 2 years prior 63.5%

b. Percent of initial payments made on time by insurance carriers 91%

c. Number of workers newly protected by workers' compensation coverage per fiscal year as a result of compliance efforts 11,145

d. Percent of investigated issues resolved by the Employee Assistance Office 7%

e. Percent of noncomplying carriers in compliance upon reaudit 78%

f. Average total cost per 4-year-old case (information only) $20,000

g. Percent of lost time cases with no petition for benefits filed 18 months after the date of accident 77%

h. Percent change in total case incidence rate for private sector job sites served . . . . . -4%

i. Percent change in total case incidence rate for public sector job sites served . . . . . -4%

j. Percent change in disabling compensable claims rate for private employers served . . . . . -25%

k. Percent change in disabling compensable claims rate for public employers served . . . . . -25%

l. Percent of employers surveyed who view services as adequately effective or above . . . . . 85% to 90%

m. Percent of permanent total supplemental benefits paid by the division to injured workers timely and accurately 100%

n. Percent of compliance enforcement actions which result in a successful outcome (positive disposition of any formal or informal review; payment in full of all penalties assessed and compliance by the employer; and/or cessation of all business operations of the employer) . . . . New

o. Percent of requests for assistance filed by attorneys . . . . . New

p. Number of investigated issues resolved by the Employee Assistance Office 25,000

2. WORKERS' COMPENSATION OUTPUT MEASURES.—

a. Number of employer investigations conducted for compliance with workers' compensation law 22,758

b. Number of program applicants provided reemployment services 2,100

c. Number of carriers audited 381

d. Number of investigated issues resolved by the Employee Assistance Office 25,000

e. Number of private sector employers (and job sites) provided OSHA 7(c)1 consultation services 549

f. Number of public sector employers (and job sites) provided consultation services 3,000

g. Number of private sector employers receiving training/other technical services 2,300/6,700

h. Number of public sector employers receiving training/other technical services 330/5,600

i. Number of requests for assistance processed by the Employee Assistance Office . . . . . New

3. SAFETY OUTCOME MEASURES.—

a. Occupational injury and illness total case incidence rate (per 100 workers) (information only) 8.1%

b. Percent change in total case incidence rate for private sector job sites served . . . . . -4%

c. Percent change in total case incidence rate for public sector job sites served . . . . . -4%

d. Percent change in disabling compensable claims rate for private employers served . . . . . -25%

e. Percent change in disabling compensable claims rate for public employers served . . . . . -25%

f. Percent of employers surveyed who view services as adequately effective or above . . . . . 85% to 90%

4. SAFETY OUTPUT MEASURES.—

a. Number of private sector employers (and job sites) provided OSHA 7(c)1 consultation services 549

b. Number of public sector employers (and job sites) provided consultation services 3,000

c. Number of private sector employers receiving training/other technical services 2,300/6,700

d. Number of public sector employers receiving training/other technical services 330/5,600

(c) For the Unemployment Compensation Program, the purpose of which is to provide prompt, accurate benefits for unemployed workers in order to expedite their reemployment while providing an equitable and cost-effective unemployment compensation system for the employers of Florida, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2272-2276 are as follows:

1. UNEMPLOYMENT COMPENSATION OUTCOME MEASURES.—

a. Percent of UC benefits paid timely 90%

b. Percent of UC benefits paid accurately 95%

c. Percent of UC appeal cases completed timely 89%

d. Percent of new UC employer liability determinations made timely 84.6%

e. Percent of current quarter UC taxes paid timely 92.5%

2. UNEMPLOYMENT COMPENSATION OUTPUT MEASURES.—

a. Number of UC claimant eligibility determinations issued 170,635

b. Number of UC benefits weeks paid 3,153,006

c. Amount of UC benefits paid $683,477,111

d. Number of appeal cases completed 52,197

e. Number of new UC employer liability determinations made 69,118

f. Amount of UC taxes collected $651,471,000

g. Number of UC employer tax/wage reports processed 1,609,450

h. Number of process claims filed by unemployed workers 481,270

(d) For the Workforce Employment Opportunities Program, the purpose of which is to provide employment services and training opportunities that promote a strong Florida economy, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2248-2250 and 2286-2298A are as follows:

1. WORKFORCE EMPLOYMENT OPPORTUNITIES OUTCOME MEASURES.—

a. Percent of job openings filled 50.2%

b. Percent of individuals referred to jobs who are placed 28%

c. Percent of food stamp clients employed 11.8%

d. Percent increase in high skill/high wage apprenticeship programs registered 5%

e. Increase the percent of customers directly placed in jobs or obtaining employment within 90 days after receiving services from Workforce and Employment Opportunities from 22% to 23% 23%

2. WORKFORCE EMPLOYMENT OPPORTUNITIES OUTPUT MEASURES.—

a. Number of individuals referred to job openings listed with J&B 540,000

b. Number of individuals placed by J&B 137,700

c. Refer customers to job training 16,964

d. Number of individuals obtaining employment after receiving specific J&B services 35,700

e. Cost per placement by J&B $230

f. Cost per individual placed in or having obtained employment $176

g. Number of recipients employed:

(I) Food stamps 14,800

(II) Cost per food stamp placement $302

h. Number of Apprenticeship Program requests meeting high skill/high wage requirements 166

i. Number of apprentices successfully completing terms of training as set by registered industry standards 2,900

3. WORKFORCE INVESTMENT ACT (WIA) OUTCOME MEASURES.—

a. WIA adult and dislocated worker placement rate (information only) 78%

b. WIA youth positive outcome rate (information only) 80%

c. Increase the number of employers in compliance or brought into compliance with labor laws as a percent of total employers monitored annually from 83% to 85% 85%

4. WORKFORCE INVESTMENT ACT (WIA) OUTPUT MEASURES.—

a. Number of WIA Adult Program completers 8,600

b. Number of WIA Youth Program completers 6,000

c. Monitor employers for compliance with child labor and migrant farmworker labor laws 3,290

(e) For the Public Employees Relations Commission Program, the purpose of which is to promote harmonious employer/employee relations at the state and local levels by resolving and mediating workplace disputes, the outcome measures, output measures, and associated performance standards with respect to the funds provided in Specific Appropriations 2326-2333 are as follows:

1. PERC OUTCOME MEASURES.—

a. Percent of timely labor dispositions 96%

b. Percent of timely employment dispositions 98%

c. Percent of dispositions not appealed 96%

d. Percent of appealed dispositions affirmed 98%

2. PERC OUTPUT MEASURES.—

a. Number of labor dispositions 801

b. Number of employment dispositions 691

(f) For the Workers' Compensation Appeals Program, the purpose of which is to resolve disputed workers' compensation claims in conformity with pertinent statutory, rule, and caseload requirements through the maintenance of a statewide mediation, hearing, and order adjudicatory system, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2251-2256 are as follows:

1. OUTCOME MEASURES.—

a. Percent of concluded mediations resulting in resolution . . . 56%

b. Percent of appealed, decided orders affirmed 80%

2. OUTPUT MEASURES.—

a. Number of petitions received by presiding judge 112,000

b. Number of mediations held 23,100

c. Number of final hearings held 4,100

d. Number of other hearings held 42,300

(I) Number of final merit orders 3,100

(II) Number of lump sum settlements orders 39,500

e. Number/percent of final orders entered within 14 days . . . . . No data yet.

(g) For the Unemployment Appeals Commission Program, the purpose of which is to provide rapid cost-effective review and decisions for appealed unemployment compensation claims, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2282-2285 are as follows:

1. OUTCOME MEASURES.—

a. Percent of unemployment compensation appeals disposed of within 45 days 50%

b. Percent of unemployment compensation appeals disposed of within 90 days 95%

c. Percent of cases appealed to DCA 7%

d. Average unit cost of cases appealed to Unemployment Appeals Commission $186

e. Average unit cost of cases appealed to DCA $685

f. Percent of appealed decisions affirmed by DCA 94%

2. OUTPUT MEASURE.—

a. Number of unemployment compensation appeals disposed of 9,000

(h) For the Information Technology Program, the purpose of which is to support agency functions through the management of information resources, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2321-2325 are as follows:

1. OUTCOME MEASURES.—

a. Maintain the percent of scheduled information technology production jobs completed at 99.9% or more 99.9%

b. Percent of data processing requests completed by due date 95%

c. System design and programming hourly cost $52

d. Percent of scheduled production jobs completed 99.9%

e. Percent of scheduled hours available (data center operations) 99.79%

f. Cost per MIP (millions of instructions per second) $19,000

g. Percent of Help Desk calls resolved within 3 working days 89.48%

h. Cost per Help Desk call $8

i. Percent of scheduled hours available (network) 99.08%

j. Cost for support per network device $195

2. OUTPUT MEASURES.—

a. Number of data processing requests completed by due date 2,900

b. Number of scheduled production jobs completed 517,000

c. Number of hours available (data center operations) 2,876

d. Number of Help Desk calls resolved within 3 working days 18,175

e. Number of hours available (network) 2,855

f. Maintain and develop information technology as measured by the number of production jobs completed 514,000

(i) For the Executive Direction and Support Services Program, the purpose of which is to provide policy determination and administrative support for agency operations, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2312-2320 are as follows:

1. OUTCOME MEASURE.—

a. Reduce the administrative costs to less than 7.9% of total agency cost 7.9%

(8) DEPARTMENT OF THE LOTTERY.—

(a) For the Lottery Operations Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2353-2366 are as follows:

1. LOTTERY OPERATIONS OUTCOME MEASURES.—

a. Total revenue in dollars . . . . . $2,287.3 million

b. Percent change in total revenue dollars from prior year . . 2.87%

c. Transfers to the state Educational Enhancement Trust Fund . . . . . $886.7 million

d. Percent of total revenue to the Educational Enhancement Trust Fund 38.77%

2. LOTTERY OPERATIONS OUTPUT MEASURES.—

a. Percent of total revenue paid as prizes 49.79%

b. Administrative expense paid for retailer commission . . . . . $129.41 million

c. Operating expense (includes retailer commission) . . . . . $261.8 million

d. Operating expense as percent of total revenue 11.44%

e. Percent of respondents who are aware of the Lottery's contribution to education 65%

f. Provide executive direction and support services for all lottery operations as measured by percent of total agency budget 9%

(9) DEPARTMENT OF MANAGEMENT SERVICES.—

(a) For the Administration Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2367-2378 are as follows:

1. EXECUTIVE DIRECTION AND SUPPORT SERVICES OUTCOME MEASURE.—

a. Administrative costs as a percent of total agency costs . . . 2.62%

2. STATE TECHNOLOGY OFFICE OUTPUT MEASURE.—

a. Number of state entities served 73

3. STATE EMPLOYEE LEASING OUTCOME MEASURE.—

a. Number of employees in the State Employee Leasing service 19

(b) For the SMART Schools Clearinghouse Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2379-2384 are as follows:

1. SMART SCHOOLS CLEARINGHOUSE OUTPUT MEASURE.—

a. Number of schools receiving SMART awards 25

(c) For the Facilities Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2385-2401 are as follows:

1. FACILITIES MANAGEMENT OUTCOME MEASURES.—

a. Average DMS full service rent - composite cost per net square foot (actual) $15.39

b. Average private sector full service rent - composite cost per net square foot in counties where DMS has office facilities (for comparison) $16.95

c. DMS average operations and maintenance cost per square foot maintained $5.20

d. Private industry average operations and maintenance cost per square foot maintained $6.74

2. FACILITIES MANAGEMENT OUTPUT MEASURES.—

a. Net square feet of state-owned office space occupied by state agencies including non-DMS owned facilities 7,840,079

b. Net square feet of private office space occupied by state agencies 10,713,751

c. Number of maintained square feet (private contract and agency) 7,412,150

3. BUILDING CONSTRUCTION OUTCOME MEASURES.—

a. Gross square foot construction cost of office facilities for DMS $84.94

b. Gross square foot construction cost of office facilities for private industry average (for comparison) $91.73

4. BUILDING CONSTRUCTION OUTPUT MEASURE.—

a. Dollar volume of Fixed Capital Outlay project starts managed $280,000,000

5. CAPITOL POLICE OUTCOME MEASURE.—

a. Number of criminal incidents per 1,000 employees 28.75

6. CAPITOL POLICE OUTPUT MEASURES.—

a. Total number of criminal incidents reported 5,686

b. Total number of noncriminal calls for service 32,000

c. Number of patrol hours on-site at state facilities 72,800

d. Gross square feet monitored for security purposes 7,825,023

e. Number of investigations conducted 210

f. Number of state employees receiving crime prevention and safety training 3,000

(d) For the Support Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2408-2425 are as follows:

1. AIRCRAFT MANAGEMENT OUTCOME MEASURES.—

a. Passenger load factor for DMS 3.5

b. Cost per flight hour - DMS aircraft pool $1,200

c. Average percent DMS direct cost per flight hour below industry direct cost 34%

2. AIRCRAFT MANAGEMENT OUTPUT MEASURE.—

a. Number of flights by executive aircraft pool 1,500

3. FEDERAL PROPERTY ASSISTANCE OUTCOME MEASURE.—

a. Federal property distribution rate 85%

4. FEDERAL PROPERTY ASSISTANCE OUTPUT MEASURE.—

a. Number of federal property orders processed 2,150

5. MOTOR VEHICLE AND WATERCRAFT MANAGEMENT OUTCOME MEASURES.—

a. Average percent below private sector fleet maintenance - labor costs 13%

b. Average percent below private sector fleet maintenance - parts costs 26%

c. Average percent state rental vehicles below state rental contract rates 30%

6. MOTOR VEHICLE AND WATERCRAFT MANAGEMENT OUTPUT MEASURE.—

a. Miles of state rental vehicle service provided 1,900,000

7. PURCHASING OVERSIGHT OUTCOME MEASURE.—

a. Percent of state term contracts savings 39%

8. PURCHASING OVERSIGHT OUTPUT MEASURE.—

a. Number of state contracts and agreements executed 1,103

(e) For the Workforce Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2426-2450 are as follows:

1. HUMAN RESOURCE MANAGEMENT OUTCOME MEASURES.—

a. Total program cost per authorized positions in the state personnel system $78.76

b. Overall customer satisfaction rating 85%

c. Percent of agencies at or above EEO gender parity with available labor market 86.7%

d. Percent of agencies at or above EEO minority parity with available labor market 70%

2. HUMAN RESOURCE MANAGEMENT OUTPUT MEASURES.—

a. Number of authorized positions supported by the Cooperative Personnel Employment Subsystem (COPES) 125,600

b. Number of responses to technical assistance requests . . . 20,722

3. INSURANCE BENEFITS ADMINISTRATION OUTCOME MEASURES.—

a. Percent of vendors meeting all contractual performance provisions 95%

b. Administrative cost per health insurance enrollee $230.06

c. Customer feedback ranking for Division (scale of 1 to 5) 3.5

d. Percent of claims reaching final action within 30 days after receipt 98%

e. Percent of dollars paid correctly 99%

f. Telephone response time within 45 seconds 90%

g. Percent of claims pended, paid, or rejected within 14 days 90%

4. INSURANCE BENEFITS ADMINISTRATION OUTPUT MEASURE.—

a. Number of enrollees 480,591

5. RETIREMENT BENEFITS ADMINISTRATION OUTCOME MEASURES.—

a. Percent of members satisfied with retirement information 92.78%

b. Percent of participating agencies satisfied with retirement information 94.9%

c. Percent of members satisfied with retirement services . . . 92.53%

d. Percent of participating agencies satisfied with retirement services 94.9%

e. Percent of agency payroll transactions correctly reported . . 90%

f. Administrative cost per active and retired member (excluding RIM project) $20.39

g. Percent of local retirement systems annually reviewed which are funded on a sound actuarial basis 95%

h. Ratio of active and retired members to division FTE 3,391:1

6. RETIREMENT BENEFITS ADMINISTRATION OUTPUT MEASURES.—

a. Number of local pension plan valuations and impact statements reviewed 400

b. Number of FRS members 810,349

c. Number of retirement account audits 83,000

d. Number of benefit payments issued 2,244,680

(f) For the Information Technology Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2451-2472 are as follows:

1. TELECOMMUNICATIONS SERVICES OUTCOME MEASURES.—

a. Percent SUNCOM discount from commercial rates for local access 40%

b. Percent SUNCOM discount from commercial rates for long distance 40%

c. Percent SUNCOM discount from commercial rates for data service 25%

d. Overall customer survey ranking (scale of 1 to 5) 3.79

2. TELECOMMUNICATIONS SERVICES OUTPUT MEASURES.—

a. Total revenue for voice service $80,185,085

b. Total revenue for data service $50,814,915

c. Number of SUNCOM long distance billable minutes 262,126,091

d. Number of SUNCOM local service main stations 2,081,566

e. Number of SUNCOM data locations served 10,747

3. WIRELESS SERVICES OUTCOME MEASURES.—

a. Percent wireless discount from commercially available and similar type engineering services 35%

b. Overall customer satisfaction ranking (scale of 1 to 5) 4.15

c. Percent of state covered by the Joint Task Force Radio System 58%

4. WIRELESS SERVICES OUTPUT MEASURES.—

a. Number of engineering projects and approvals handled for state and local governments 616

b. Number of square miles covered by Joint Task Force Radio System 57,727

c. Number of Joint Task Force Radio Systems fixed sites operated and maintained 92

5. INFORMATION SERVICES OUTCOME MEASURE.—

a. Overall customer survey ranking (scale of 1 to 5) 3.94

6. INFORMATION SERVICES OUTPUT MEASURES.—

a. Number of ITP research, development, and consulting projects completed 436

b. Percent utilization by the Unisys System as used for capacity planning and technology refresh, employing 80% maximum utilization standard 60%

c. Percent utilization by the IBM System as used for capacity planning and technology refresh, employing 80% maximum utilization standard 59.5%

(g) For the Administrative Hearings Program, the outcome measures, output measures, and associated performance standards with respect to funds in Specific Appropriations 2484-2488 are as follows:

1. OUTCOME MEASURES.—

a. Percent of cases scheduled for hearing within 90 days after filing 53.22%

b. Percent of cases closed within 120 days after filing 73.09%

c. Percent of professional licensure cases scheduled for hearing within 90 days after filing 21.61%

d. Percent of professional licensure cases closed within 120 days after filing 42.21%

2. OUTPUT MEASURES.—

a. Number of cases opened 5,877

b. Number of cases closed 6,921

c. Number of cases carried forward 2,354

d. Staffing ratio based on the average number of cases closed per administrative law judge 188

e. Number of professional licensure cases opened 487

f. Number of professional licensure cases closed 569

g. Number of professional licensure cases carried forward 292

(10) DEPARTMENT OF MILITARY AFFAIRS.—

(a) For the Readiness and Response Program, the purpose of which is to provide military units and personnel (at the Governor's request) that are ready to protect life and property; preserve peace, order, and public safety; and contribute to such state and local programs that add value to the State of Florida, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2488A-2507E are as follows:

1. READINESS OUTCOME MEASURES.—

a. Percent of authorized filled positions 95%

b. Number/percent of armories rated adequate 36/62%

c. Percent of assigned soldiers to authorized staffing levels . . 99%

2. READINESS OUTPUT MEASURES.—

a. Percent of satisfaction with training facilities at Camp Blanding 82%

b. Number of annual training days at Camp Blanding 180,000

c. Number of new recruits using State Education Assistance Program 1,300

d. Number of crisis response exercises conducted annually 4

e. Recruit, retain, and provide administration for soldiers in the Florida National Guard 11,599

f. Number of armories under maintenance and repair 55

g. Number of people using Camp Blanding training area 233,587

3. RESPONSE OUTCOME MEASURE.—

a. Percent of supported agencies reporting satisfaction with the department's support for specific missions 90%

4. DRUG INTERDICTION AND PREVENTION OUTCOME MEASURE.—

a. Percent of Law Enforcement officers trained that rate the training as relevant and valuable 87.5%

5. DRUG INTERDICTION AND PREVENTION OUTPUT MEASURES.—

a. Provide interagency counter-drug assistance as measured by the number of mandays devoted to counter-drug tasks 61,950

b. Provide presentations to improve drug awareness among high school students 22,249

c. Sponsor community anti-drug coalitions 18

d. Number of law enforcement personnel trained 400

e. Number of drug-training hours provided to law enforcement agents 125,000

6. FEDERAL/STATE COOPERATIVE AGREEMENTS OUTPUT MEASURE.—

a. Administer Department of Defense contracts in Florida 21

(11) PUBLIC SERVICE COMMISSION.—

(a) For the Utilities Regulation/Consumer Assistance Program, the purpose of which is to provide a regulatory environment that facilitates the provision of desired utility services of acceptable quality at fair prices, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2508-2515 are as follows:

1. OUTCOME MEASURES.—

a. Average allowed Return on Equity (ROE) in Florida compared to average ROE in the USA:

(I) Electric:

(A) Florida . . . . . +/-1

(B) USA 12.2

(II) Gas:

(A) Florida . . . . . +/-1

(B) USA 11.6

(III) Water and wastewater:

(A) Florida . . . . . +/-2.5

(B) USA 11.2

b. Percent of utilities achieving within range and over range of last authorized ROE:

(I) Electric:

(A) Within range 100%

(B) Over range 0%

(II) Gas:

(A) Within range 25%

(B) Over range 0%

(III) Water and wastewater:

(A) Within range 5%

(B) Over range 25%

c. Limit in the percent increase in annual utility bill for average residential usage compared to inflation as measured by the Consumer Price Index within:

(I) Electric (1,000 KWH) 1%

(II) Gas (30 Therms) 1%

(III) Water and wastewater (10,000 gal) 1%

(IV) Communication 1%

d. Percent of communications service variances per inspection points examined:

(I) Local exchange & alternate local exchange telephone companies 22%

(II) Interexchange 20%

(III) Pay telephone companies 4%

e. Percent of electric safety variances corrected on first reinspection 3%

f. Percent of gas safety variances corrected on first reinspection 25%

g. Consumer calls:

(I) Percent of calls answered 72%

(II) Average waiting time (in minutes) 2

h. Percent of consumer complaints resolved:

(I) Within 30 days 48%

(II) Within 60 days 62%

i. Per capita annual KWH energy savings through conservation programs . . . . . 142 KWH

j. Percent of combined conservation goals achieved by 7 FEECA utilities 100%

2. OUTPUT MEASURES.—

a. Proceedings, reviews, and audits examining rates, rate structure, earnings, and expenditures:

(I) Electric 120

(II) Gas 110

(III) Water and wastewater 873

b. Number of proceedings establishing agreements between local service providers 687

c. Number of proceedings granting certificates to operate as a telecommunications company 1,009

d. Number of proceedings granting service authority, resolving territorial disputes:

(I) Electric 3

(II) Gas 1

(III) Water and wastewater 71

e. Number of 10-year site plan reviews and need determinations for electric utilities 15

f. Number of consumer inquiries/complaints handled:

(I) Communications 17,356

(II) Electric 1,731

(III) Gas 211

(IV) Water and wastewater 422

g. Number of service evaluations/safety inspections performed:

(I) Communications (service evaluations) 9,100

(II) Electric (safety inspections) 3,670

(III) Gas (safety inspections) 77

(12) DEPARTMENT OF REVENUE.—

(a) For the Property Tax Administration Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2526-2538 are as follows:

1. PROPERTY TAX COLLECTION OVERSIGHT OUTCOME MEASURES.—

a. Percent of refund and tax certificate applications processed within 30 days after receipt 95%

b. Number of refund requests per 100,000 parcels 31.6

2. PROPERTY TAX COLLECTION OVERSIGHT OUTPUT MEASURES.—

a. Number of property tax refund requests processed 2,700

b. Number of tax certificate cancellations/corrections processed 2,000

3. PROPERTY TAX ROLL OVERSIGHT OUTCOME MEASURES.—

a. Percent of classes studied found to have a level of assessment of at least 90 percent 97.1%

b. Tax roll uniformity - average for coefficient of dispersion 11.2%

4. PROPERTY TAX ROLL OVERSIGHT OUTPUT MEASURES.—

a. Number of subclasses of property studied with feedback to property appraisers 4,400

b. Number of taxpayers audited on behalf of county property appraisers (TPP) 260

c. Number of county property tax rolls evaluated 67

5. TRUTH-IN-MILLAGE COMPLIANCE OUTCOME MEASURE.—

a. Percent of taxing authorities in total or substantial truth-in-millage compliance on initial submission 97.5%

6. TRUTH-IN-MILLAGE COMPLIANCE OUTPUT MEASURE.—

a. Number of TRIM compliance letters sent to taxing authorities 605

(b) For the Child-Support Enforcement Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2539-2561G are as follows:

1. CHILD-SUPPORT ORDER ESTABLISHMENT OUTCOME MEASURES.—

a. Percent of children with a court order for support 52%

b. Percent of children with paternity established 81.5%

2. CHILD-SUPPORT ORDER ESTABLISHMENT OUTPUT MEASURE.—

a. Number of children with a newly established court order 60,000

3. CHILD-SUPPORT COLLECTIONS AND DISTRIBUTION OUTCOME MEASURES.—

a. Total child-support dollars collected per $1 of total expenditures $3.05

b. Percent of State Disbursement Unit Collections disbursed within 2 business days after receipt 95%

4. CHILD-SUPPORT COLLECTIONS AND DISTRIBUTION OUTPUT MEASURE.—

a. Child-support collections distributed . . . . . $763 million

5. CHILD-SUPPORT ENFORCEMENT OUTCOME MEASURES.—

a. Percent of cases with child support due in a month that received a payment during the month 54%

b. Percent of child-support collected that was due during the fiscal year 57%

(c) For the General Tax Administration Program, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2580A-2580AH are as follows:

1. TAXPAYER REGISTRATION AND EDUCATION OUTCOME MEASURES.—

a. Return on investment - total collections per dollar spent $149.73

b. Percent of sales tax returns filed substantially error free and on time 76%

c. Dollars collected voluntarily as a percentage of total dollars collected 97%

2. FILING COMPLIANCE PROCESS OUTCOME MEASURES.—

a. Average number of days from receipt of payment to final processing of deposit - sales, corporation, intangibles, fuel 0.60

b. Average number of days between the processing of a sales tax return and the first notification to the taxpayer of an apparent filing error or late return 36

c. Percent of delinquent sales tax return and filing error or late return notices issued accurately to taxpayers 90%

3. FILING COMPLIANCE PROCESS OUTPUT MEASURES.—

a. Number of tax returns processed 8,330,000

b. Number of tax returns reconciled 6,500,000

c. Number of delinquent tax return notices issued to taxpayers 720,000

d. Number of notices sent to taxpayers for apparent tax return filing errors or late returns 520,000

e. Number of refund claims processed 64,000

4. REMITTANCE ACCOUNTING PROCESS OUTCOME MEASURES.—

a. Average number of days between initial distribution of funds and final adjustments - sales, fuel 60

b. Accuracy of initial revenue distributions to local governments 93%

5. ENFORCED COMPLIANCE PROCESS OUTCOME MEASURES.—

a. Dollars collected as a percentage of actual liability of notices sent for apparent sales tax return filing errors or late returns 50%

b. Percent of final audit assessment amounts collected - tax only 85%

c. Final audit assessment amounts as a percentage of initial assessment amounts - tax only 74%

d. Average number of days to resolve a dispute of an audit assessment 175

e. Direct collections per enforcement-related dollar spent . . . $4.82

6. ENFORCED COMPLIANCE PROCESS OUTPUT MEASURES.—

a. Number of identified potential liabilities resolved 1,060,000

b. Number of audits completed 29,500

(13) DEPARTMENT OF STATE.—

(a) For the Office of the Secretary and Administrative Services Program, the purposes of which are to administer the statutory responsibilities of the Secretary of State in regard to international affairs, to administer the notary commissions and apostilles certifications while providing enhanced public access, and to help people reach their goals for improved social and economic conditions in Central America and the Caribbean through training and technical assistance, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2589-2596 are as follows:

1. INTERNATIONAL BUSINESS PARTNERSHIPS AND NOTARIES OUTCOME MEASURE.—

a. Maintain the current level of clients who indicate assistance is very responsive, as measured by survey, at 60 percent or more 60%

2. INTERNATIONAL BUSINESS PARTNERSHIPS AND NOTARIES OUTPUT MEASURES.—

a. Number of trade/cultural missions 3

b. Number of Consular Corps credentials issued 50

c. Number of sister cities/sister state grants approved 20

3. FLORIDA ASSOCIATION OF VOLUNTARY AGENCIES FOR CARIBBEAN ACTION OUTCOME MEASURES.—

a. Percent of overseas clients who indicate assistance is very responsive 96%

b. Percent of volunteer-consultants who would volunteer again 97%

c. Ratio of donated services and contributions to the amount of state funding 1.6:1

4. FLORIDA ASSOCIATION OF VOLUNTARY AGENCIES FOR CARIBBEAN ACTION OUTPUT MEASURES.—

a. Number of volunteer technical assistance missions to Central America and the Caribbean 108

b. Number of international and domestic development missions 18

(b) For the Elections Program, the purpose of which is to protect the integrity of elections and to promote public awareness and participation in the electoral process through open and accurate public access and in the development of governmental procedures through the dissemination of Florida's administrative records, laws, acts, and rules, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2597-2602 are as follows:

1. OUTCOME MEASURES.—

a. Percent of campaign treasurer report detail information released on the Internet within 7 days 94%

b. Percent of survey respondents satisfied with services (quality and timeliness of response) 90%

c. Percent of training session/workshop attendees satisfied (quality of content and applicability of materials presented) 90%

2. OUTPUT MEASURES.—

a. Number of campaign reports received/processed 14,000

b. Number of attendees at training, workshops, and assistance events 500

c. Number of Internet website hits 750,000

(c) For the Historical Resources Program, the purpose of which is to encourage identification, evaluation, protection, preservation, collection, conservation, interpretation, and public access to information about Florida's historic sites and properties and objects related to Florida history and to archaeological and folk cultural heritage, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2603-2622 are as follows:

1. OUTCOME MEASURES.—

a. Number of copies or viewings of publications, including Internet website hits 1,750,000

b. Number of historic and archaeological objects maintained for public use 120,000

c. Total number of historic and archaeological sites recorded in the master site file 133,000

d. Total number of properties protected or preserved 7,881

e. Total local funds leveraged by historical resources program . . . . . $105 million

f. Percent of Museum of Florida History visitors rating the experience good or excellent 88%

g. Percent of customers satisfied with the quality/timeliness of technical assistance provided 96%

2. OUTPUT MEASURES.—

a. Number of grants awarded 256

b. Number of dollars awarded through grants $19,294,807

c. Number of museum exhibits 84

d. Number of publications and multimedia products available for the general public 259

e. Number of preservation services applications reviewed . . . 8,256

f. Number of attendees at produced and sponsored events 127,784

g. Number of visitors to state historic museums 233,046

(d) For the Corporations Program, the purpose of which is to promote financial and economic stability through public notice of clients' interest in business organizations, trademarks, financial transactions, and liens as well as identification of those doing business under names other than their own, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2623-2625A are as follows:

1. OUTCOME MEASURE.—

a. Percent of client satisfaction with the division's services . . . 91%

2. OUTPUT MEASURES.—

a. Average cost/corporate filing $5.38

b. Average cost/Uniform Commercial Code filing $1.81

c. Average cost/inquiry $0.075

d. Percent of total inquires handled by telephone 20%

e. Percent of total inquiries handled by mail/walk-ins 7.5%

f. Percent of total inquiries handled by electronic means . . . 72.5%

(e) For the Libraries and Information Services Program, the purpose of which is to ensure access to information of past, present, and future value for the educational and cultural benefit of the people of Florida and to work in partnership with citizens, information providers, and government for efficient and effective management and development of information services, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2626-2629B are as follows:

1. OUTCOME MEASURES.—

a. Annual increase in the use of local public library service . . . 2%

b. Annual increase in usage of research collections 6%

c. Annual cost avoidance achieved by government agencies through records storage/disposition /micrographics . . . . . $58 million

d. Customer satisfaction with relevancy and timeliness of research response 90%

e. Customer satisfaction with Records Management technical assistance, training, and Records Center Services 90%

f. Customer satisfaction with accuracy and timeliness of library consultant responses . . . . . TBD

2. OUTPUT MEASURES.—

a. Number of items loaned by public libraries 71,361,232

b. Number of library customer visits 50,504,239

c. Number of public library reference requests 25,644,913

d. Number of public library registered borrowers 7,207,942

e. Number of persons attending public library programs 3,148,771

f. Number of volumes in public library collections 25,242,994

g. Number of new users (State Library, State Archives) 6,336

h. Number of reference requests handled (State Library, State Archives) 117,847

i. Number of database searches conducted (State Library, State Archives) 837,195

j. Number of items loaned (State Library) 86,163

k. Cubic feet of obsolete public records approved for disposal 510,000

l. Cubic feet of noncurrent records stored at the Records Center 220,000

m. Number of microfilm images created, processed, and/or duplicated at the Records Center . . . . . 160 million

(f) For the Cultural Affairs Program, the purpose of which is to foster development of a receptive climate for cultural programs, to enrich culturally and benefit the citizens of this state in their daily lives, to increase the appeal of Florida visits and vacations, and to attract to Florida residency outstanding creators through the promotion of cultural programs, the outcome measures, output measures, and associated

performance standards with respect to funds provided in Specific Appropriations 2630-2646C are as follows:

1. OUTCOME MEASURES.—

a. Attendance at supported cultural events . . . . . 21 million

b. Number of individuals served by professional associations . . . . . 8 million

c. Total local financial support leveraged by state funding . . . . . $360 million

d. Number of children attending school-based, organized cultural events . . . . . 3.9 million

2. OUTPUT MEASURES.—

a. Number of capital grants awarded 30

b. Number of program grants awarded 750

c. Dollars awarded through capital grants . . . . . $12 million

d. Dollars awarded through program grants $19,535,872

e. Percent of counties funded by the program 88.1%

f. Percent of large counties (N=34; population greater than 75,000) funded by the program 97.1%

g. Percent of small counties (N=33; population less than 75,000) funded by the program 78.8%

h. Number of state-supported performances and exhibits 25,000

(g) For the Licensing Program, the purpose of which is to protect the public's health, safety, and welfare through the licensing, regulation, and enforcement of the private security, private investigative, and recovery industries; through the regulation of game promotions conducted in Florida; and through the issuance of licenses to citizens wishing to carry concealed weapons or firearms for lawful defense, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2647-2650 are as follows:

1. OUTCOME MEASURES.—

a. Percent of Security, Investigative, and Recovery licenses issued within 90 days after receipt of an application 83%

b. Percent/number of Concealed Weapon/Firearm licenses issued within 90-day statutory timeframe without fingerprint results 7%/1,978

c. Number of default Concealed Weapon/Firearm licensees with prior criminal histories 339

d. Percent of license revocations or suspensions initiated within 20 days after receipt of disqualifying information (all license types) 60%

e. Percent of Security, Investigative, and Recovery investigations completed within 60 days 94%

f. Percent of Security, Investigative, and Recovery inspections completed within 30 days 90%

g. Percent of Concealed Weapon/Firearm violators to licensed population 0.15%

h. Percent of Security, Investigative, and Recovery violators to licensed population 1.42%

2. OUTPUT MEASURES.—

a. Average cost of Concealed Weapon/Firearm application processed $27

b. Average cost of Security, Investigative, and Recovery application processed $59

c. Average cost of Security, Investigative, and Recovery investigation $1,846

d. Average cost of Security, Investigative, and Recovery compliance inspection $377

e. Average cost of Administrative Action (revocation, fine, probation, and compliance letters) $491

f. Number of investigations performed (Security, Investigative, and Recovery complaint and agency-generated inspections) 1,541

g. Number of compliance inspections performed (Security, Investigative, and Recovery licensees/new agency inspections and random inspections) 1,771

(h) For the Historic Pensacola Preservation Program, the purpose of which is to develop, implement, and maintain a variety of public programs through research, through historical, archaeological, and architectural surveys, and through administrative support and to provide special and permanent exhibitions of local and regional history, maintenance and operation of historic and other public buildings, and education programs to effectively aid citizens in the preservation of the cultural heritage and natural resources of Florida, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2651-2654 are as follows:

1. OUTCOME MEASURE.—

a. Number of visitors to board-managed properties 150,000

2. OUTPUT MEASURES.—

a. Number of consultations to city and county governments . . . 550

b. Total acreage of historic properties maintained 8.75

c. Total square footage of historic properties maintained . . 108,600

(i) For the Ringling Museum of Art Program, the purpose of which is to carry out its duties as the official art museum of the State of Florida, including the preservation and maintenance of collections, furnishings, objects, artifacts, and objects of art and other property willed to the State of Florida by John Ringling, to provide access to and education about its holdings, and to acquire and preserve additional objects of art and artifacts of historical or cultural significance, the outcome measures, output measures, and associated performance standards with respect to funds provided in Specific Appropriations 2655-2657A are as follows:

1. OUTCOME MEASURES.—

a. Annual number of museum visitors 251,308

b. Number of individual participants in scheduled education programs 3,200

c. Percent of visitors rating visit better than expected 77%

2. OUTPUT MEASURES.—

a. Total number of objects maintained 12,850

b. Number of institutions to which items are on loan 16

c. Net asset balance of the Museum and Foundation, including assets transferred to the state and excluding art and other collections $8,300,000

Section 72. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect*

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

Section 73. This act shall take effect July 1, 2000; 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, 2000.

And the title is amended as follows:
remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act implementing the 2000-2001 General Appropriations Act; providing legislative intent; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; making certain findings regarding funds for the San Carlos Institute; amending s. 240.384, F.S.; requiring an analysis and the transfer of certain funds relating to certain transferred criminal justice training programs; amending s. 236.025, F.S.; revising funding for exceptional student education programs; providing for future reversion to current text; amending s. 236.081, F.S.; revising funding for exceptional student education programs; providing for future reversion to current text; amending s. 237.34, F.S.; revising reporting requirements for exceptional student education programs; providing for future reversion to current text; amending s. 236.081, F.S.; revising the exclusion provisions of the computation of district required local effort; requiring plaintiffs to provide the district school board and the Department of Education certain documentation in litigation affecting the assessed value of real property above a specified amount; providing for future reversion to current text; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 2000-2001 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; creating s. 409.9119, F.S.; creating a disproportionate share program for specialty hospitals for children; providing formulas governing payments made to hospitals under the program; providing for withholding payments from a hospital that is not complying with agency rules; 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; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; authorizing the Departments of Children and Family Services, Education, Management Services, Labor and Employment Security, and Health and the Agency for Health Care Administration to transfer positions and funds to comply with the General Appropriations Act or the Workforce Innovation Act of 2000; amending s. 39.3065, F.S.; requiring the sheriffs of Broward County and Seminole County to perform child protective investigative services according to the same standards as are performed by the sheriffs of Pinellas, Manatee, and Pasco Counties; providing for conduct of program performance evaluation by a team of peer reviewers from the respective sheriffs' offices that perform child protective investigations and representatives from the Department of Children and Family Services; requiring a report to the Governor and Legislature; providing that specified funds are to be allocated based on equity and are not subject to the provisions of s. 394.908, F.S., relating to historical inequity in funding of alcohol, drug abuse, and mental health services; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; amending s. 1, ch. 99-219, Laws of Florida; extending flexibility to implement reorganization of the Department of Children and Family Services until July 1, 2001; amending s. 216.177, F.S.; providing notice requirements for the Department of Children and Family Services with respect to transferring portions of district budgets; providing that income earned as a temporary federal census worker shall be disregarded in determination of eligibility for certain public assistance programs; providing limitations; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursements to hospitals; prohibiting the Agency for Health Care Administration from adjusting premiums paid to health maintenance organizations or prepaid health care plans due to elimination of Medicaid ceilings on certain types of hospitals and special Medicaid payments to hospitals; providing for a facility in DeSoto County to house and rehabilitate sexually violent predators; authorizing the Department of Children and Family Services to continue to contract with existing providers of treatment and detention services until completion of such facility; amending s. 409.9122, F.S.; requiring assignment of Medicaid recipients to a managed care plan in certain counties; authorizing the Department of Law Enforcement to use certain moneys to provide meritorious-performance bonuses for employees, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer some 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 of the commission or the department; authorizing the Department of Legal Affairs to transfer certain funds between trust funds; providing for reimbursement for purchase of retirement credit by employees of the public defender; restricting releases of juvenile justice prevention funds; amending s. 318.21, F.S.; distributing a portion of the civil penalties paid to the county courts to the state courts system instead of the Department of Children and Family Services for administrative, training, and other costs associated with the implementation and maintenance of Florida foster care citizen review panels; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; amending ss. 316.1951, 319.14, 320.02, and 320.58, F.S.; deleting references to license inspectors; providing for appointment of compliance examiners; including reference to the agents of the Department of Highway Safety and Motor Vehicles with respect to application for a certificate of title under ch. 319, F.S.; providing for future reversion to current text; amending s. 216.181, F.S.; authorizing the Department of Transportation to transfer salary rate to the turnpike budget entity to facilitate transferring personnel to the turnpike headquarters facility in Orange County; amending s. 257.17, F.S.; providing for library grants to certain municipalities; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund to improve, and increase the number of, disaster shelters in the state and improve local disaster preparedness; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 403.7095, F.S., relating to the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; providing for allocation of funds for innovative programs to address recycling and waste reduction practices and procedures; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; requiring transfer of certain property owned by the Department of Business and Professional Regulation to the University of Florida; authorizing the Department of Agriculture and Consumer Services to use certain funds for expenses associated with its administrative and regulatory powers and duties; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor recreation 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; providing for implementation of conversion of certain systems for budget restructuring purposes; providing for future repeal of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing performance measures and standards for individual programs within state agencies; providing that the performance measures and standards are directly linked to the appropriations made in the 2000-2001 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

On motion by Rep. Pruitt, the Report of the Conference Committee on HB 2147 was accepted in its entirety.

The question recurred on the passage of HB 2147. The vote was:

Session Vote Sequence: 570

Yeas—120

The Chair	Crist	Jacobs	Reddick
Albright	Crow	Johnson	Ritchie
Alexander	Detert	Jones	Ritter
Andrews	Diaz de la Portilla, R.	Kelly	Roberts
Argenio	Dockery	Kilmer	Rojas
Argenziano	Edwards	Kosmas	Rubio
Arnall	Effman	Kyle	Russell
Bainter	Eggelletion	Lacasa	Ryan
Ball	Farkas	Lawson	Sanderson
Barreiro	Fasano	Lee	Sembler
Bense	Feeney	Levine	Smith, C.
Betancourt	Fiorentino	Littlefield	Smith, K.
Bilirakis	Flanagan	Logan	Sobel
Bitner	Frankel	Lynn	Sorensen
Bloom	Fuller	Maygarden	Spratt
Boyd	Futch	Melvin	Stafford
Bradley	Garcia	Merchant	Stansel
Bronson	Gay	Miller, J.	Starks
Brown	Goode	Miller, L.	Suarez
Brummer	Goodlette	Minton	Sublette
Bucher	Gottlieb	Morroni	Trovillion
Bullard	Green, C.	Murman	Tullis
Bush	Greene, A.	Ogles	Turnbull
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wallace
Casey	Harrington	Posey	Wasserman Schultz
Chestnut	Hart	Prieguez	Waters
Constantine	Henriquez	Pruitt	Wiles
Cosgrove	Heyman	Putnam	Wilson
Crady	Hill	Rayson	Wise

Nays—None

So the bill passed, as amended by the Conference Committee Report. The action, together with HB 2147 and the Conference Committee Report thereon, was immediately certified to the Senate.

Recognition Ceremony for Donn Dughi

On motion by Rep. Arnall, the rules were suspended and the regular order of business was superseded for a recognition ceremony and consideration of HR 9195. On further motion by Rep. Kelly, Reps. Kelly and Albright were given permission to approach the well along with Donn Dughi.

By Representatives Kelly and Albright—

HR 9195—A resolution honoring Donn Dughi for his accomplishments as a photographer and service to the Florida House of Representatives.

WHEREAS, Donn Dughi was born July 9, 1932, in Hampton Beach, New Hampshire, but has been a resident of Florida since 1935, and

WHEREAS, Donn Dughi attended St. Petersburg Junior College and Florida State University, receiving a Bachelor of Arts Degree in English, and during his collegiate career not only studied under Pulitzer Prize winner Michael Shaara, author of The Killer Angels, but also wrote for F.S.U.'s Smoke Signals, the St. Petersburg Times, and the Clearwater Sun, and

WHEREAS, Donn Dughi attended boot camp at the famous Parris Island, South Carolina, and served in the United States Marine Corps during the Korean War from 1951 to 1954, and

WHEREAS, Donn Dughi has covered events in state government as a photographer since 1963, particularly events in the Florida House of Representatives, first as a cameraman for television station WCTV in Tallahassee, Florida, then in 1970 as a photographer for United Press International, and since June 30, 1992, as an employee of the Florida House of Representatives, and

WHEREAS, Donn Dughi's photographs have been displayed in Florida, in other states, and across the world in newspapers, in nationally recognized magazines such as Sports Illustrated and LIFE, and in the halls of the Florida House of Representatives, and

WHEREAS, Donn Dughi, over the years, has provided many photographic memories for members and staff of the Florida House of Representatives and their families, and

WHEREAS, Donn Dughi has also been a mentor to numerous young photographers, giving them instruction and providing them with an example of how a smart, resourceful news photographer should work, and

WHEREAS, Donn Dughi has helped some student photographers gain access to academic scholarships while providing others with work through United Press International so they could make a living while learning their craft, and

WHEREAS, Donn Dughi has touched the lives of many people in and around state government with his special talents as photographer, mentor, and friend, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida hereby salutes Donn Dughi for his many accomplishments over the years as a photographer of events in state government in the State of Florida, and especially for those that recorded the moments, both the serious and the light-hearted, of the House of Representatives.

BE IT FURTHER RESOLVED that a copy of this resolution be provided to Donn Dughi as a tangible token of the sentiments expressed herein.

—was read the first time by title and the second time by title. On motion by Rep. Kelly, the resolution was adopted.

Reps. Kelly and Albright gave brief remarks honoring Donn Dughi for his service as House photographer. Many other Members spoke of their appreciation and admiration for Donn Dughi and his many accomplishments.

On motion by Rep. Kelly, the board was opened and the following Members were recorded as cosponsors of the resolution, along with Reps. Kelly and Albright: Reps. Alexander, Andrews, Argenio, Argenziano, Arnall, Bainter, Ball, Barreiro, Bense, Betancourt, Bilirakis, Bitner, Bloom, Boyd, Bradley, Bronson, Brown, Brummer, Bucher, Bullard, Bush, Byrd, Cantens, Casey, Chestnut, Constantine, Cosgrove, Crady, Crist, Crow, Detert, R. Diaz de la Portilla, Dockery, Edwards, Effman, Eggelletion, Farkas, Fasano, Feeney, Fiorentino, Flanagan, Frankel, Fuller, Futch, Garcia, Gay, Goode, Goodlette, Gottlieb, C. Green, A. Greene, Greenstein, Hafner, Harrington, Hart, Henriquez, Heyman, Hill, Jacobs, Johnson, Jones, Kilmer, Kosmas, Kyle, Lacasa, Lawson, Lee, Levine, Littlefield, Logan, Lynn,

Maygarden, Melvin, Merchant, J. Miller, L. Miller, Minton, Morroni, Murman, Ogles, Patterson, Peaden, Posey, Prieguez, Pruitt, Putnam, Rayson, Reddick, Ritchie, Ritter, Roberts, Rojas, Rubio, Russell, Ryan, Sanderson, Sembler, C. Smith, K. Smith, Sobel, Sorensen, Spratt, Stafford, Stansel, Starks, Suarez, Sublette, Thrasher, Trovillion, Tullis, Turnbull, Villalobos, Wallace, Wasserman Schultz, Waters, Wiles, Wilson, and Wise.

REPRESENTATIVE CRADY IN THE CHAIR

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 290, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Fiscal Resource and Senators Sullivan and Casas—

CS for SB 290—A bill to be entitled An act relating to ad valorem taxation; amending s. 196.011, F.S.; delaying the year of implementation of provisions which require that, in connection with renewal of specified exemptions, the applicant's and applicant's spouse's social security numbers are required; creating s. 193.016, F.S.; providing for the assessment of tangible personal property after adjustments by the value adjustment board; amending s. 194.013, F.S.; deleting provision for refund; amending s. 196.198, F.S.; maintaining exemption from taxation for property leased from a governmental agency if the agency continues to use the property exclusively for educational purposes; providing an effective date.

—was read the first time by title. On motion by Rep. K. Smith, the rules were suspended and the bill was read the second time by title and the third time by title.

Representative(s) Melvin offered the following:

(Amendment Bar Code: 922105)

Amendment 1 (with title amendment)—On page 2, between lines 15 & 16,

insert:

Section 2. Section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption. Thereafter, determination of the ~~assessed~~ value of the property is subject to the following provisions:

(1) Beginning in 1995, or the year following the year the property receives homestead exemption, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment shall not exceed the lower of the following:

(a) Three percent of the assessed value of the property for the prior year; or

(b) The percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the assessed value of the property as calculated under subsection (1) exceeds the just value, the assessed value of the property shall be lowered to the just value of the property.

(3) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change in ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

(a) Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

1. The transfer of title is to correct an error; or

2. The transfer is between legal and equitable title;

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage;

(c) The transfer occurs by operation of law under s. 732.4015; or

(d) Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and is legally or naturally dependent upon the owner.

(4)(a) Changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed.

(b) Changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The value of any replaced real property, or portion thereof, which is in excess of 125 percent of the just value of the damaged or destroyed property shall be deemed to be a change, addition, or improvement. Replaced real property with a just value of less than 100 percent of the original property's just value shall be assessed pursuant to subsection (5).

(c) Changes, additions, or improvements include improvements made to common areas or other improvements made to property other than to the homestead property by the owner or by an owner association, which improvements directly benefit the homestead property. Such changes, additions, or improvements shall be assessed at just value, and the just value shall be apportioned among the parcels benefiting from the improvement.

(5) When property is destroyed or removed and not replaced, the assessed value of the parcel shall be reduced by the assessed value attributable to the destroyed or removed property.

(6) Only property that receives a homestead exemption is subject to this section. No portion of property that is assessed solely on the basis of character or use pursuant to s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505, is subject to this section. When property is assessed under s. 193.461, s. 193.501, or s. 193.505 and contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, for the assessment to be subject to the limitation in this section.

(7) If a person received a homestead exemption limited to that person's proportionate interest in real property, the provisions of this section apply only to that interest.

(8) Erroneous assessments of homestead property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any ~~annual~~ assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the *just value and assessed value* ~~assessment~~ must be recalculated for every such year, *including the year in which the mistake occurred*.

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially

completed. Assessments for subsequent years shall be corrected, applying this section if applicable.

If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.

(9) If the property appraiser determines that for any year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted the homestead property assessment limitation, the property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031 inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such property must be corrected as provided in paragraph (8)(a), and the person need not pay the unpaid taxes, penalties, or interest.

And the title is amended as follows:

On page 1, line 7, after the semicolon

insert: amending s. 193.155, F.S.; revising language with respect to homestead assessments; providing for recalculation with respect to certain assessments;

Rep. Melvin moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

The question recurred on the passage of CS for SB 290. The vote was:

Session Vote Sequence: 572

Yeas—116

The Chair	Crow	Johnson	Ritchie
Albright	Detert	Jones	Ritter
Alexander	Diaz de la Portilla, R.	Kelly	Roberts
Andrews	Dockery	Kilmer	Rojas
Argenio	Edwards	Kosmas	Rubio
Argenziano	Effman	Kyle	Russell
Arnall	Eggelletion	Lacasa	Ryan
Bainter	Farkas	Lawson	Sanderson
Ball	Fasano	Levine	Sembler
Barreiro	Feeney	Littlefield	Smith, C.
Bense	Fiorentino	Logan	Smith, K.
Betancourt	Flanagan	Lynn	Sobel
Bilirakis	Frankel	Maygarden	Sorensen
Bitner	Fuller	Melvin	Spratt
Bloom	Futch	Merchant	Stafford
Boyd	Garcia	Miller, J.	Stansel
Bradley	Gay	Miller, L.	Starks
Bronson	Goode	Minton	Suarez
Brown	Goodlette	Morroni	Sublette
Brummer	Gottlieb	Murman	Trovillion
Bucher	Green, C.	Ogles	Tullis
Bush	Greene, A.	Patterson	Turnbull
Byrd	Greenstein	Peaden	Villalobos
Cantens	Hafner	Posey	Wallace
Casey	Harrington	Prieguez	Wasserman Schultz
Chestnut	Hart	Pruitt	Waters
Constantine	Henriquez	Putnam	Wiles
Cosgrove	Heyman	Rayson	Wilson
Crist	Jacobs	Reddick	Wise

Nays—None

Votes after roll call:
Yeas—Lee

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 674, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Bronson—

SB 674—A bill to be entitled An act relating to rulemaking authority regarding aquatic plants (RAB); amending s. 369.25, F.S.; authorizing the Department of Environmental Protection to adopt rules requiring revegetation in specified circumstances; providing an effective date.

—was read the first time by title. On motion by Rep. Dockery, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 573

Yeas—114

The Chair	Detert	Jones	Roberts
Albright	Diaz de la Portilla, R.	Kelly	Rojas
Alexander	Dockery	Kilmer	Rubio
Andrews	Edwards	Kosmas	Russell
Argenio	Effman	Kyle	Ryan
Argenziano	Eggelletion	Lacasa	Sanderson
Arnall	Farkas	Lawson	Sembler
Bainter	Fasano	Levine	Smith, C.
Ball	Feeney	Littlefield	Smith, K.
Barreiro	Fiorentino	Logan	Sobel
Bense	Flanagan	Lynn	Sorensen
Betancourt	Frankel	Maygarden	Spratt
Bilirakis	Fuller	Melvin	Stafford
Bitner	Futch	Merchant	Stansel
Bloom	Garcia	Miller, J.	Starks
Boyd	Gay	Miller, L.	Suarez
Bradley	Goode	Morroni	Sublette
Brown	Goodlette	Murman	Trovillion
Brummer	Gottlieb	Ogles	Tullis
Bucher	Green, C.	Patterson	Turnbull
Bush	Greene, A.	Peaden	Villalobos
Byrd	Greenstein	Posey	Wallace
Cantens	Hafner	Prieguez	Wasserman Schultz
Casey	Harrington	Pruitt	Waters
Chestnut	Hart	Putnam	Wiles
Constantine	Henriquez	Rayson	Wilson
Cosgrove	Heyman	Reddick	Wise
Crist	Jacobs	Ritchie	
Crow	Johnson	Ritter	

Nays—None

Votes after roll call:
Yeas—Lee

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 668, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Bronson—

SB 668—A bill to be entitled An act relating to rulemaking authority regarding seawalls (RAB); amending s. 403.813, F.S.; limiting a permit exemption for the construction of seawalls in specified circumstances; providing an effective date.

—was read the first time by title. On motion by Rep. Alexander, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 574

Yeas—114

The Chair	Detert	Kelly	Roberts
Albright	Diaz de la Portilla, R.	Kilmer	Rojas
Alexander	Dockery	Kosmas	Rubio
Andrews	Edwards	Kyle	Russell
Argenio	Effman	Lacasa	Ryan
Argenziano	Farkas	Lawson	Sanderson
Bainter	Fasano	Levine	Sembler
Ball	Feeney	Littlefield	Smith, C.
Barreiro	Fiorentino	Logan	Smith, K.
Bense	Flanagan	Lynn	Sobel
Betancourt	Frankel	Maygarden	Sorensen
Bilirakis	Fuller	Melvin	Spratt
Bitner	Futch	Merchant	Stafford
Bloom	Gay	Miller, J.	Stansel
Boyd	Goode	Miller, L.	Starks
Bradley	Goodlette	Minton	Suarez
Bronson	Gottlieb	Morroni	Sublette
Brown	Green, C.	Murman	Trovillion
Brummer	Greene, A.	Ogles	Tullis
Bucher	Greenstein	Patterson	Turnbull
Bullard	Hafner	Peaden	Villalobos
Bush	Harrington	Posey	Wallace
Byrd	Hart	Prieguez	Wasserman Schultz
Cantens	Henriquez	Pruitt	Waters
Casey	Heyman	Putnam	Wiles
Chestnut	Hill	Rayson	Wilson
Constantine	Jacobs	Reddick	Wise
Crist	Johnson	Ritchie	
Crow	Jones	Ritter	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1194, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senator Brown-Waite—

CS for SB 1194—A bill to be entitled An act relating to the Department of State; amending s. 266.0016, F.S.; providing additional powers of the Historic Pensacola Preservation Board of Trustees; requiring the Division of Historical Resources and the Historic Pensacola Preservation Board of Trustees, in conjunction with specified entities, to develop a regionally based historic preservation plan for West Florida; providing elements of the plan; requiring submission of the plan to the Legislature by a specified date; amending s. 15.01, F.S.; striking a reference to performance by the Secretary of State of constitutional duties; amending s. 20.03, F.S.; redefining the term "cabinet" as used in provisions relating to the structure of the executive branch to conform to changes made to the State Constitution; amending s. 20.10, F.S.; providing for the structure of the Department of State and providing for the appointment, term of office, and duties of the head of the department; amending ss. 112.3144, 112.3145, F.S.; transferring certain functions relating to the disclosure of financial interests by public officers and employees from the Department of State to the Florida Commission on Ethics; amending ss. 112.3148, 112.3149, F.S.; requiring that reports of certain gifts and honoraria be filed with the Commission on Ethics rather than the Secretary of State or Department of State; amending s. 257.36, F.S.; requiring district officers and agencies to comply with certain laws relating to the management of records and revising provisions governing the destruction or disposition of agency records; amending s. 267.072, F.S.; revising programs administered by the Division of Historical Resources of the Department of State; amending s. 288.8175, F.S.; transferring from the Department of Education to the Department of State certain functions relating to linkage institutes between certain educational institutions and foreign countries; amending s. 403.7145, F.S.; conforming provisions relating to the recycling programs for the capitol to changes made in the structure of the executive branch by the State Constitution; amending s. 415.1065, F.S., relating to records management; conforming a cross-reference to changes made by the act; transferring, renumbering, and amending ss. 617.301-617.312, F.S., relating to homeowners' associations, to clarify that such provisions are not administered by the Division of Corporations of the Department of State; amending ss. 617.0601, 617.0701, 617.0721, 617.0831, 712.01, 723.0751, 849.085, 849.0931, F.S.; conforming cross-references; amending s. 849.094, F.S.; transferring from the Division of Licensing of the Department of State to the Department of Agriculture and Consumer Services certain functions relating to the regulation of game promotions; amending s. 790.06, F.S.; prescribing additional standards for the Department of State to consider in issuing a license for a concealed weapon or firearm; amending s. 307.1901, F.S.; providing for the transfer of specified funds in the Corporations Trust Fund to be used for specified programs administered by the Department of State; requiring the Secretary of State to make a report to the Legislature on recommended statutory changes; transferring the John and Mable Ringling Museum of Art to Florida State University; creating s. 240.711, F.S.; creating the Ringling Center for Cultural Arts; providing for its governance, for a direct-support organization, and for operations; providing powers of the university and its agents and employees; repealing s. 265.26, F.S., relating to the Trustees of the John and Mable Ringling Museum of Art; repealing s. 265.261, F.S., relating to that museum's direct-support organization; amending s. 265.2861, F.S.; revising distributions from the Cultural Institutions Trust Fund; amending s. 565.02, F.S.; transferring the beverage license of the museum board of trustees to the direct-support organization; providing effective dates.

—was read the first time by title. On motion by Rep. Posey, the rules were suspended and the bill was read the second time by title.

Representative(s) Posey offered the following:

(Amendment Bar Code: 831643)

Amendment 1—On page 65, between lines 10 and 11 of the bill

insert:

Section 40. Sections 27, 28, and 29 of this act shall take effect July 1, 2001.

Rep. Posey moved the adoption of the amendment, which was adopted.

Representative(s) Posey offered the following:

(Amendment Bar Code: 452617)

Amendment 2—On page 12, line 11, and

On page 14, line 15, after the period

insert: Effective July 1, 2001,

Rep. Posey moved the adoption of the amendment, which was adopted.

Representative(s) Posey offered the following:

(Amendment Bar Code: 250719)

Amendment 3—On page 5, line 22, and

On page 8, line 18,
remove from the bill: January

and insert in lieu thereof: July

Rep. Posey moved the adoption of the amendment, which was adopted.

Representative(s) Ogles, Sembler, Bitner, Brown, Chestnut, and Goodlette offered the following:

(Amendment Bar Code: 633183)

Amendment 4 (with title amendment)—On page 27, line 8 of the bill

insert:

Section 13. Subsections (2) and (3) of section 526.311, Florida Statutes, are amended to read:

526.311 Enforcement; civil penalties; injunctive relief.—

(2) The Department of Agriculture and Consumer Services shall investigate any complaints regarding violations of this act and may request in writing the production of documents and records as part of its investigation of a complaint. ~~Trade secrets, as defined in s. 812.081, and proprietary confidential business information contained in the documents or records received by the department pursuant to a written request or a Department of Legal Affairs subpoena are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~ If the person upon whom such request was made fails to produce the documents or records within 30 days after the date of the request, the department*, through the department's office of general counsel, may* ~~of Agriculture and Consumer Services may request that the Department of Legal Affairs~~ issue and serve *a subpoena* ~~subpoenas~~ to compel the production of such documents and records. If any person shall refuse to comply with a subpoena issued under this section, the department ~~of Legal Affairs~~ may petition a court of competent jurisdiction to enforce the subpoena and assess such sanctions as the court may direct. Refiners shall afford the department ~~of Agriculture and Consumer Services~~ reasonable access to the refiners' posted terminal price. ~~After completion of an investigation, the Department of Agriculture and Consumer Services shall give the results of its investigation to the Department of Legal Affairs. The Department of Legal Affairs may then subpoena additional relevant records or testimony if it determines that the Department of Agriculture and Consumer Services' investigation shows a violation has likely occurred.~~ Any records, documents, papers, maps, books, tapes, photographs, files, sound recordings, or other business material, regardless of form or characteristics, obtained by *the* ~~a~~ department ~~of Legal Affairs subpoena~~ are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution while the investigation is pending. At the conclusion of an investigation, any matter determined by the department ~~of Legal Affairs~~ or by a judicial or administrative body, federal or state, to be a trade secret or proprietary confidential business information held by the department pursuant to such investigation shall be considered confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such materials may be used in any administrative or judicial proceeding so long as the confidential or proprietary nature of the material is maintained.

(3) The civil penalty imposed under this section may be assessed and recovered in a civil action brought by the department ~~of Legal Affairs~~ in any court of competent jurisdiction. If the department ~~of Legal Affairs~~ prevails in a civil action, the court may award it reasonable attorneys' fees as it deems appropriate. All funds recovered by the department ~~of Legal Affairs~~ shall be *deposited into* ~~shared equally between the Department of Legal Affairs Trust Fund and~~ the General Inspection Trust Fund.

Section 14. Subsection (2) of section 526.312, Florida Statutes, is amended to read:

526.312 Enforcement; private actions; injunctive relief.—

(2) On the application for a temporary restraining order or a preliminary injunction, the court, in its discretion having due regard for the public interest, may require or dispense with the requirement of a bond, with or without surety, as conditions and circumstances may require. If a bond is required, the amount shall not be greater than $50,000. Upon proper application by the plaintiff, the court shall grant preliminary injunctive relief if the plaintiff shows:

(a) That he or she is a proper person to seek the relief requested.

(b) There exist sufficiently serious questions going to the merits to make such questions a fair ground for litigation; and the court determines, on balance, the hardships imposed on the defendant and the public interest by the issuance of such preliminary injunctive relief will be less than the hardship which would be imposed on the plaintiff if such preliminary injunctive relief were not granted.

The standards specified in paragraphs (a) and (b) shall also apply to actions for injunctive relief brought by the department ~~of Legal Affairs~~ under s. 526.311.

Section 15. Section 526.313, Florida Statutes, is amended to read:

526.313 Limitations period for actions.—Any action brought by the department ~~of Legal Affairs~~ shall be brought within 2 years after the alleged violation occurred or should reasonably have been discovered. Any action brought by any other person shall be brought within 1 year after the alleged violation occurred or should reasonably have been discovered, except that a private action brought under s. 526.305 for unlawful price discrimination shall be brought within 2 years from the date the alleged violation occurred or should reasonably have been discovered.

Section 16. Section 526.3135, Florida Statutes, is amended to read:

526.3135 Reports by the *Division of Standards* ~~Department of Agriculture and Consumer Services~~.—The *Division of Standards* ~~Department of Agriculture and Consumer Services~~ is directed to compile a report pursuant to s. 570.544 of all complaints received by the Department of Agriculture and Consumer Services pursuant to this act. Such report shall contain at least the information required by s. 570.544(6)(b)2.-4. and shall be presented to the Speaker of the House of Representatives and the President of the Senate no later than January 1 of each year.

Section 17. There is hereby appropriated $100,000 from the General Revenue Fund and two full-time equivalent positions to the Department of Agriculture and Consumer Services to implement the provisions of Chapter 526, Part I, F.S.

And the title is amended as follows:

On page 2, line 21 after the semicolon

insert: amending s. 526.311, F.S.; revising enforcement provisions; transferring from the Department of Legal Affairs to the Department of Agriculture and Consumer Services responsibilities as the lead agency to enforce the Motor Fuel Marketing Practices Act; revising disposition of funds collected in civil actions; amending ss. 526.312 and 526.313, F.S., to conform; amending s. 526.3135, F.S.; specifying certain required reporting by the Division of Standards of the Department of Agriculture and Consumer Services; providing an appropriation;

Rep. Ogles moved the adoption of the amendment, which was adopted.

Representative(s) Fuller offered the following:

(Amendment Bar Code: 831257)

Amendment 5 (with title amendment)—On page 55, line 30, through page 56, line 20,
remove from the bill: all of said lines

And the title is amended as follows:

On page 3, lines 7-10,
remove from the title of the bill: all of said lines

Rep. Fuller moved the adoption of the amendment, which was adopted.

Representative(s) Hart offered the following:

(Amendment Bar Code: 232747)

Amendment 6 (with title amendment)—On page 4, line 2,

insert:

Section 1. Section 250.115, Florida Statutes, is created to read:

250.115 Department of Military Affairs direct-support organization.—

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

(a) "Direct-support organization" means an organization that is:

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

2. Organized and operated exclusively to raise funds; request and receive grants, gifts, bequests of moneys; acquire, receive, hold, invest, and administer in its own name securities, funds, or property; and make expenditures to or for the direct or indirect benefit of the Department of Military Affairs or the Florida National Guard.

3. Determined by the Department of Military Affairs to be operating in a manner consistent with the goals of the Department of Military Affairs and the Florida National Guard and in the best interest of the state. Any organization that is denied certification by the Adjutant General may not use the name of the Florida National Guard or the Department of Military Affairs in any part of its name or its publications.

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

(2) BOARD OF DIRECTORS.—The organization shall be governed by a board of directors. The Adjutant General, or his or her designee, shall serve as president of the board. The board of directors shall consist of up to 15 members appointed by the Adjutant General. Up to 15 additional members shall be appointed by the board of directors. The terms of office of the members shall be 3 years. Members must be residents of the state and highly knowledgeable about the United States military, its service personnel, and its missions. In making appointments, the board must consider a potential member's background in community service. The Adjutant General may remove any member for cause and shall fill vacancies that occur.

(3) USE OF PROPERTY.—

(a) The Adjutant General is authorized to permit the use of property, facilities, and personal services of the Department of Military Affairs by the direct-support organization, subject to the provisions of this section.

(b) The Adjutant General may prescribe by rule any condition with which a direct-support organization organized under this section must comply in order to use property, facilities, or personal services of the Department of Military Affairs.

(c) The Adjutant General may not permit the use of property, facilities, or personal services of the Department of Military Affairs by any direct-support organization organized under this section that does not provide equal employment opportunities to all persons regardless of race, color, national origin, sex, age, or religion.

(4) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement between the direct-support organization organized pursuant to this section and another direct-support organization or center of technology innovation designated under s. 240.3335 must be approved by the Adjutant General.

(5) ANNUAL BUDGETS AND REPORTS.—The direct-support organization shall submit to the Adjutant General its federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

(6) ANNUAL AUDIT.—The direct-support organization shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be promulgated by the Adjutant General. The annual audit report shall be submitted to the Auditor General and the Adjutant General. The Adjutant General and the Auditor General may require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

And the title is amended as follows:

On page 1, line 2, after the semicolon

insert: creating s. 250.115, F.S.; providing for the organization and operation of a direct-support organization for the Department of Military Affairs and the Florida National Guard; providing definitions; providing for a board of directors; providing for the use of property, facilities, and personal services of the Department of Military Affairs by the direct-support organization; providing restrictions; providing for submission of annual budgets and reports;

Rep. Hart moved the adoption of the amendment, which was adopted.

Representative(s) Flanagan offered the following:

(Amendment Bar Code: 161203)

Amendment 7 (with title amendment)—On page 65, between lines 10 and 11, of the bill

insert:

Section 40. *Any sale or usage of Ringling property is subject to review by the Cabinet.*

And the title is amended as follows:

On page 3, line 29, after the semicolon

insert: providing that any sale or usage of Ringling property is subject to review by the Cabinet;

Rep. Flanagan moved the adoption of the amendment.

Further consideration of **Amendment 7** was temporarily postponed under Rule 141.

Representative(s) Flanagan offered the following:

(Amendment Bar Code: 464757)

Amendment 8 (with title amendment)—On page 58, line 23 through page 65, line 10
remove from the bill: all of said lines

and insert in lieu thereof:

Section 35. *(1) There is created a study commission to consider transfer of the John and Mable Ringling Museum of Art from the John and Mable Ringling Museum of Art Board of Trustees within the Department of State to the Florida State University.*

(2) The commission shall be composed of six members, to be appointed as follows:

(a) One member appointed by the Speaker of the House of Representatives.

(b) One member appointed by the President of the Senate.

(c) One member appointed by the Governor.

(d) One member appointed by the Secretary of State.

(e) One member each appointed by the minority leaders of the Senate and the House of Representatives.

And the title is amended as follows:

On page 3, lines 13 through 29
remove from the title of the bill: all of said lines

and insert in lieu thereof: statutory changes; creating a study commission for the purpose of considering the transfer of the John and Mable Ringling Museum of Art from the John and Mable Ringling Museum of Art Board of Trustees within the Department of State to the Florida State University; providing

Rep. Flanagan moved the adoption of the amendment, which failed of adoption.

Representative(s) Lacasa offered the following:

(Amendment Bar Code: 712071)

Amendment 9—On page 64, lines 13-17
remove from the bill: all of said lines

and insert in lieu thereof: *State of Florida described in s. 240.711, $2.2 million, and for* state-owned cultural facilities assigned to the Department of State, which receive a portion of any operating funds from the Department of State and one of the primary purposes of which is the presentation of fine arts or performing arts, *$500,000* ~~not less than $2.2 million~~.

Rep. Posey moved the adoption of the amendment, which was adopted.

The question recurred on the adoption of **Amendment 7**, which failed of adoption.

Representative(s) Sublette offered the following:

(Amendment Bar Code: 434665)

Amendment 10 (with title amendment)—On page 5, between lines 21 & 22, of the bill

insert:

Section 4. Subsection (4) is added to section 30.17, Florida Statutes, to read:

30.17 Sheriff to keep an execution docket.—

(4) On October 1, 2001, the sheriff shall cease docketing newly delivered writs of executions. The sheriff shall maintain the existing docket until October 1, 2003. Upon the request of any person or entity who delivered a writ of execution to the sheriff before October 1, 2001, the sheriff shall provide written certification of the date on which the writ was delivered. Except for any certification requested by a state agency or a political subdivision of the state, the sheriff shall charge a fixed, nonrefundable fee of $20 for each certification. Fees collected under this section shall be disbursed in accordance with s. 30.231(5). The sheriff's duties under this section shall cease on October 1, 2003.

Section 5. Paragraph (d) of subsection (1) of section 30.231, Florida Statutes, is amended to read:

30.231 Sheriffs' fees for service of summons, subpoenas, and executions.—

(1) The sheriffs of all counties of the state in civil cases shall charge fixed, nonrefundable fees for docketing and service of process, according to the following schedule:

(d) Executions:

1. Twenty dollars for docketing and indexing each writ of execution, regardless of the number of persons involved.

2. Fifty dollars for each levy.

a. A levy is considered made when any property or any portion of the property listed *or unlisted* in the instructions for levy is seized, or upon demand of the sheriff the writ is satisfied by the defendant in lieu of seizure. *Seizure requires that the sheriff take actual possession, if practicable, or, alternatively, constructive possession of the property by order of the court.*

b. When the instructions are for levy upon real property, a levy fee is required for each parcel described in the instructions.

c. When the instructions are for levy based upon personal property, one fee is allowed, *unless* ~~although~~ the property *is* ~~may be~~ seized at different locations, conditional upon all of the items being advertised collectively and the sale being held at a single location. However, if the property seized cannot be sold at one location during the same sale as advertised, but requires separate sales at different locations, the sheriff is then authorized to impose a levy fee for the property and sale at each location.

3. Twenty dollars for advertisement of sale under process.

4. Twenty dollars for *each* sale under process.

5. Twenty dollars for *each* deed, bill of sale, or satisfaction of judgment.

Section 6. Effective July 1, 2000, section 55.10, Florida Statutes, is amended to read:

55.10 Judgments, orders, and decrees; lien of all, generally; extension of liens; transfer of liens to other security.—

(1) A judgment, order, or decree becomes a lien on real estate in any county when a certified copy of it is recorded in the official records or judgment lien record of the county, whichever is maintained at the time of recordation, and it shall be a lien for a period of 7 years from the date of the recording provided that the judgment, order, or decree contains the address of the person who has a lien as a result of such judgment, order, or decree or a separate affidavit is recorded simultaneously with the judgment, order, or decree stating the address of the person who has a lien as a result of such judgment, order, or decree. A judgment, order, or decree does not become a lien on real estate unless the address of the person who has a lien as a result of such judgment, order, or decree is contained in the judgment, order, or decree or an affidavit with such address is simultaneously recorded with the judgment, order, or decree.

(2) The lien provided for in subsection (1) may be extended for an additional period of *10* ~~7~~ years, *subject to the limitation in subsection (3),* by rerecording a certified copy of the judgment, order, or decree *prior to the* ~~within the 90-day period preceding the~~ expiration of the lien provided for in subsection (1) and by simultaneously recording an affidavit with the current address of the person who has a lien as a result of the judgment, order, or decree. *The one additional period of 10 years shall be effective from the date the judgment, order, or decree is rerecorded.* The lien will not be extended unless the affidavit with the current address is simultaneously recorded.

~~(3) In the event the lien is extended under subsection (2), the lien of the judgment, order, or decree may be further extended by re-recording a certified copy of it within the 90-day period preceding the expiration of the lien provided for in subsection (2) and by simultaneously recording an affidavit with the current address of the person who has a lien as a result of such judgment, order, or decree. The lien will not be extended unless the affidavit with the current address is recorded.~~

(3)~~(4)~~ In no event shall the lien upon real property created by *this section* ~~subsections (1), (2), and (3)~~ be extended beyond the period provided for in s. 55.081.

(4) Except as otherwise provided in this subsection, this act shall apply to all judgments, orders, and decrees of record which constitute a lien on real property immediately prior to the effective date of this act. Any judgment, order, or decree recorded prior to July 1, 1987, shall be unaffected by the changes in this act and shall remain a lien on real property until the period provided for in s. 55.081 expires or until the lien is satisfied, whichever occurs first.

~~(5) This section shall be deemed to operate prospectively.~~

(5)~~(6)~~ Any lien claimed under *this section* ~~subsections (1), (2), and (3)~~ may be transferred, by any person having an interest in the real property upon which the lien is imposed or the contract under which the lien is claimed, from such real property to other security by either depositing in the clerk's office a sum of money or filing in the clerk's office a bond executed as surety by a surety insurer licensed to do business in this state. Such deposit or bond shall be in an amount equal to the amount demanded in such claim of lien plus interest thereon at the legal rate for 3 years plus $500 to apply on any court costs which may be taxed in any proceeding to enforce said lien. Such deposit or bond shall be conditioned to pay any judgment, order, or decree which may be

rendered for the satisfaction of the lien for which such claim of lien was recorded and costs plus $500 for court costs. Upon such deposit being made or such bond being filed, the clerk shall make and record a certificate showing the transfer of the lien from the real property to the security and mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred, at the address stated therein. Upon the filing of the certificate of transfer, the real property shall thereupon be released from the lien claimed, and such lien shall be transferred to said security. The clerk shall be entitled to a fee of $10 for making and serving the certificate. If the transaction involves the transfer of multiple liens, an additional charge of $5 for each additional lien shall be charged. Any number of liens may be transferred to one such security.

(6)~~(7)~~ Any excess of the security over the aggregate amount of any judgments, orders, or decrees rendered, plus costs actually taxed, shall be repaid to the party filing the security or his or her successor in interest. Any deposit of money shall be considered as paid into court and shall be subject to the provisions of law relative to payments of money into court and the disposition of these payments.

(7)~~(8)~~ Any party having an interest in such security or the property from which the lien was transferred may at any time, and any number of times, file a complaint in chancery in the circuit court of the county where such security is deposited for an order:

(a) To require additional security;

(b) To require reduction of security;

(c) To require change or substitution of sureties;

(d) To require payment or discharge thereof; or

(e) Relating to any other matter affecting said security.

Section 7. Effective October 1, 2001, section 55.201, Florida Statutes, is created to read:

55.201 Central database of judgment liens on personal property.—The Department of State shall maintain a database of judgment lien records established in accordance with ss. 55.201-55.209.

Section 8. Effective October 1, 2001, section 55.202, Florida Statutes, is created to read:

55.202 Judgments, orders, and decrees; lien on personal property.—

(1) A judgment lien securing the unpaid amount of any money judgment may be acquired by the holder of a judgment entered by:

(a) A court of this state;

(b) A court of the United States having jurisdiction in this state;

(c) A court of the United States or any other state to the extent enforceable under the Florida Enforcement of Foreign Judgments Act, ss. 55.501-55.509;

(d) A foreign state as defined in the Uniform Out-of-Country Foreign Money-Judgment Recognition Act, ss. 55.601-55.607, from the time and to the extent enforceable thereunder;

(e) An issuing tribunal with respect to a support order being enforced in this state pursuant to chapter 88; or

(f) Operation of law pursuant to s. 61.14(6).

(2) A judgment lien may be acquired on the judgment debtor's interest in all personal property subject to execution in this state, other than fixtures, money, negotiable instruments, and mortgages.

(a) A judgment lien is acquired by recording a judgment lien certificate in accordance with s. 55.203 with the Department of State after the judgment has become final and if no stay of the judgment or its enforcement is in effect at the time the certificate is filed.

(b) For any tax lien or assessment granted by law to the state or any of the political subdivisions for any tax enumerated in s. 72.011, a judgment lien may be acquired by recording the lien or warrant with the Department of State.

(c) A judgment lien is effective as of the date of recording, but no lien attaches to property until the debtor acquires an interest in the property.

(d) Except as provided in s. 55.204(3), a judgment creditor may record only one effective judgment lien certificate based upon a particular judgment.

(3) Except as otherwise provided in s. 55.208, the priority of a judgment lien acquired in accordance with this section or s. 55.204(3) is established at the time the judgment lien is recorded. Such judgment lien is deemed recorded as of its effective date as provided in this section or s. 55.204(3).

(4) As used in ss. 55.201-55.209, the terms "holder of a judgment" and "judgment creditor" include the Department of Revenue with respect to a judgment being enforced by the Department of Revenue as the state IV-D agency.

(5) Liens, assessments, or judgments administered by or secured on behalf of any state agency or political subdivision of the state may be filed directly into the central database by such agency or subdivision through electronic or information data exchange programs approved by the Department of State.

Section 9. Effective October 1, 2001, section 55.203, Florida Statutes, is created to read:

55.203 Judgment lien certificate; content, recording, and indexing.—

(1) An original judgment lien certificate, as provided in s. 55.202, must include:

(a) The legal name of each judgment debtor and, if a recorded legal entity, the registered name and document filing number as shown in the records of the Department of State.

(b) The last known address and social security number, federal identification number, or, in the instance in which the judgment creditor is a state agency or a political subdivision of the state, a taxpayer or other distinct identification number of each judgment debtor, except that in cases of default judgment, the social security number must be included only if known, or federal employer identification number of each judgment debtor.

(c) The legal name of the judgment creditor and, if a recorded legal entity, the registered name and document filing number as shown in the records of the Department of State, and the name of the judgment creditor's attorney or duly authorized representative, if any.

(d) The address and social security number or federal employer identification number of the judgment creditor.

(e) The identity of the court which entered the judgment and the case number and the date the written judgment was entered.

(f) The amount due on the money judgment and the applicable interest rate.

(g) The signature of the judgment creditor or the judgment creditor's attorney or duly authorized representative.

(h) With respect to a lien created by a delivery of a writ of execution to a sheriff prior to October 1, 2001, an affidavit by the judgment creditor which attests that the person or entity possesses any documentary evidence of the date of delivery of the writ, and a statement of that date or a certification by the sheriff of the date as provided in s. 30.17(4).

(2) A second judgment lien certificate, as provided in s. 55.204(3), must include the information required in subsection (1) and must state the file number assigned to the record of the original judgment lien certificate, the money amount remaining unpaid, and the interest accrued thereon.

(3) An amendment, as provided in s. 55.206, or a correction statement, as provided in s. 55.207, must state the file number of the

judgment lien record to which the amendment or correction statement relates and must state the action, change, or statement to be added.

(4) The Department of State shall examine, for compliance with ss. 55.201-55.209, each document submitted for recording and shall accept or reject the document accordingly. For each judgment lien certificate recorded, the department shall:

(a) Create a record.

(b) Assign a unique file number to the record.

(c) Include the date of filing of the judgment lien certificate.

(d) Maintain the record in a database accessible to the public via the Internet.

(e) Index the judgment lien certificate according to the name of each judgment debtor.

(f) Index all subsequently filed documents relating to an original judgment lien certificate in a manner that associates them to the original judgment lien certificate.

(5) The validity of a judgment lien certificate recorded under this section may not be defeated by technical or clerical errors made in good faith which are not seriously misleading, nor may any claim of estoppel be based on such errors.

(6) The Department of State shall prescribe mandatory forms of all documents to be filed under this section.

Section 10. Effective October 1, 2001, section 55.204, Florida Statutes, is created to read:

55.204 Duration and continuation of judgment lien; destruction of records.—

(1) Except as provided in this section, a judgment lien acquired under s. 55.202 lapses and becomes invalid 5 years after the date of recording the judgment lien certificate.

(2) Liens securing the payment of child support or tax obligations as set forth in s. 95.091(1)(b) shall not lapse until 20 years after the date of the original filing of the warrant or other document required by law to establish a lien. No second lien based on the original filing may be obtained.

(3) At any time within 6 months before the scheduled lapse of a judgment lien under subsection (1), the judgment creditor may acquire a second judgment lien by recording a new judgment lien certificate. The second judgment lien becomes effective on the date of lapse of the original judgment lien or on the date on which the judgment lien certificate is recorded, whichever is later. The second judgment lien is deemed recorded on its effective date. The second judgment lien is deemed a new judgment lien and not a continuation of the original judgment lien. The second judgment lien permanently lapses and becomes invalid 5 years after its effective date, and no additional liens based on the original judgment may be obtained.

(4) A judgment lien continues only as to itemized property for an additional 90 days after lapse of the lien. Such judgment lien will continue only if:

(a) The property had been itemized and its location described with sufficient particularity in the instructions for levy;

(b) The levy had been delivered to the sheriff prior to the date of lapse of the lien to permit the sheriff to act; and

(c) The property was located in the county in which the sheriff has jurisdiction at the time of delivery of the instruction for levy. Subsequent removal of the property does not defeat the lien. A court may order continuation of the lien beyond the 90-day period on a showing that extraordinary circumstances have prevented levy.

(5) The date of lapse of a judgment lien whose enforceability has been temporarily stayed or enjoined as a result of any legal or equitable proceeding is tolled until 30 days after the stay or injunction is terminated.

(6) The Department of State shall maintain each judgment lien record and all information contained therein for a minimum of 1 year after the judgment lien lapses in accordance with this section.

Section 11. Effective October 1, 2001, section 55.205, Florida Statutes, is created to read:

55.205 Effect of judgment lien.—

(1) A valid judgment lien gives the judgment creditor the right to take possession of the property subject to levy through writ of execution, garnishment, or other judicial process. A judgment creditor who has not recorded a judgment lien certificate in accordance with s. 55.203 or whose lien has lapsed may nevertheless take possession of the judgment debtor's property through such other judicial process. A judgment creditor proceeding by writ of execution obtains a lien as of the time of levy and only on the property levied upon. Except as provided in s. 55.208, such judgment creditor takes subject to the claims and interest of priority judgment creditors.

(2) A buyer in the ordinary course of business as defined in s. 671.201(9) takes free of a judgment lien created under this section even though the buyer knows of its existence. A valid security interest as defined in chapter 679 in after-acquired property of the judgment debtor which is perfected prior to the effective date of a judgment lien takes priority over the judgment lien on the after-acquired property.

Section 12. Effective October 1, 2001, section 55.206, Florida Statutes, is created to read:

55.206 Amendment of judgment lien record; termination, partial release, assignment, continuation, tolling, correction.—

(1) An amendment to a judgment lien acquired under s. 55.202 may be recorded by the judgment creditor of record, which may provide for:

(a) The termination, partial release, or assignment of the judgment creditor's interest in a judgment lien;

(b) The continuation and termination of the continuation of a judgment lien, as provided in s. 55.204(4);

(c) The tolling and termination of the tolling of a lapse of a judgment lien, as provided in s. 55.204(5); or

(d) The correction or change of any other information provided in the record of a judgment lien.

(2) Within 30 days following receipt of a written demand by a judgment debtor after the obligation underlying a judgment lien has been fully or partially released, the judgment lienholder must deliver to the judgment debtor a written statement indicating that there is no longer a claim for a lien on the personal property of the judgment debtor or that the judgment lien has been partially released and setting forth the value of the lien remaining unpaid as of the date of the statement. A statement signed by an assignee must include or be accompanied by a separate written acknowledgement of assignment signed by the judgment creditor of record. If the judgment lienholder fails to deliver such a statement within 30 days after proper written demand therefor, the judgment lienholder is liable to the judgment debtor for $100, and for any actual or consequential damages, including reasonable attorney's fees, caused by such failure to the judgment debtor.

(3) The judgment debtor, the judgment creditor, or assignee may file such statement with the Department of State.

Section 13. Effective October 1, 2001, section 55.207, Florida Statutes, is created to read:

55.207 Correction of judgment lien record.—

(1) A person may file with the Department of State a correction statement with respect to a judgment lien record, as provided in s. 55.203, indexed under the person's name, if the person believes that the

record is inaccurate or that the judgment lien certificate was wrongfully filed.

(2) A correction statement must:

(a) State the judgment debtor named and the file number assigned to the judgment lien record to which the correction statement relates;

(b) Indicate that it is a correction statement;

(c) Provide the basis for the person's belief that the judgment lien certificate was wrongfully filed or the record is inaccurate; and

(d) Indicate the manner in which the person believes the record should be corrected to cure any inaccuracy.

(3) The department shall ensure that a correction statement is indexed and available in the same manner as any recorded lien certificate in the central database of judgment lien records.

(4) The filing of a correction statement does not affect the effectiveness of the judgment lien or other filed record.

Section 14. Effective October 1, 2001, section 55.208, Florida Statutes, is created to read:

55.208 Effect of recorded judgment lien on writs of execution previously delivered to a sheriff.—

(1) Any lien created by a writ of execution which has been delivered to the sheriff of any county before October 1, 2001, remains in effect for 2 years thereafter as to any property of the judgment debtor located in that county before October 1, 2001, and remaining within that county after that date. As to any property of the judgment debtor brought into the county on or after October 1, 2001, such writs create no lien, inchoate or otherwise.

(2) If a judgment creditor who has delivered a writ of execution to a sheriff in any county prior to October 1, 2001, properly files a judgment lien certificate with the Department of State by October 1, 2003, the resulting judgment lien is deemed recorded on the date the writ was delivered to the sheriff as to all leviable property of the judgment debtor which is located in that county on October 1, 2001, and that remains continuously in that county thereafter. As to all other property of the judgment debtor, the effective date of the judgment lien is as provided in s. 55.202. The duration of all judgment liens is as provided in s. 55.204, regardless of the date on which a lien is determined to have been recorded.

(3) If a judgment creditor who has delivered a writ of execution to a sheriff in any county before October 1, 2001, does not properly record a judgment lien certificate with the Department of State by October 1, 2003, such writ is considered to have been abandoned and to be of no effect after October 1, 2003.

Section 15. Effective October 1, 2001, section 55.209, Florida Statutes, is created to read:

55.209 Department of State; processing fees, responsibilities.—

(1) Except for liens, assessments, or judgments filed electronically by a state agency or a political subdivision of the state, as provided in s. 55.202(6), the Department of State shall collect the following nonrefundable processing fees for all documents filed or recorded in accordance with ss. 55.201-55.209:

(a) For any judgment lien certificate or other documents permitted to be filed, $20.

(b) For the certification of any recorded document, $10.

(c) For copies of judgment lien documents which are produced by the Department of State, $1 per page or part thereof. However, no charge may be collected for copies provided in an online electronic format via the Internet.

(d) For indexing a judgment lien by multiple judgment debtor names, $5 per additional name.

(e) For each additional facing page attached to a judgment lien certificate or document permitted to be filed or recorded, $5.

(2) Unless otherwise provided by law, the Department of State may not conduct any search of the database established under s. 55.201 to determine the existence of any judgment lien record or to perform any service other than in connection with those services for which payment of services are required under this section. The information maintained in the database is for public notice purposes only and the department may make no certification or determination of the validity of any judgment lien acquired under ss. 55.202 and 55.204(3).

Section 16. Effective October 1, 2001, subsection (1) of section 55.604, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

55.604 Recognition and enforcement.—Except as provided in s. 55.605, a foreign judgment meeting the requirements of s. 55.603 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. Procedures for recognition and enforceability of a foreign judgment shall be as follows:

(1) The foreign judgment shall be filed with ~~the Department of State and~~ the clerk of the court and recorded in the public records in the county or counties where enforcement is sought. ~~The filing with the Department of State shall not create a lien on any property.~~

(a) At the time of the recording of a foreign judgment, the judgment creditor shall make and record with the clerk of the circuit court an affidavit setting forth the name, social security number, if known, and last known post-office address of the judgment debtor and of the judgment creditor.

(b) Promptly upon the recording of the foreign judgment and the affidavit, the clerk shall mail notice of the recording of the foreign judgment, by registered mail with return receipt requested, to the judgment debtor at the address given in the affidavit and shall make a note of the mailing in the docket. The notice shall include the name and address of the judgment creditor and of the judgment creditor's attorney, if any, in this state. In addition, the judgment creditor may mail a notice of the recording of the judgment to the judgment debtor and may record proof of mailing with the clerk. The failure of the clerk to mail notice of recording will not affect the enforcement proceedings if proof of mailing by the judgment creditor has been recorded.

(8) A judgement lien on personal property is acquired only when a judgment lien certificate satisfying the requirements of s. 55.203 has been recorded with the Department of State.

Section 17. Effective October 1, 2001, section 56.21, Florida Statutes, is amended to read:

56.21 Execution sales; notice.—Notice of all sales under execution shall be given by advertisement once each week for 4 successive weeks in a newspaper published in the county in which the sale is to take place. The time of such notice may be shortened in the discretion of the court from which the execution issued, upon affidavit that the property to be sold is subject to decay and will not sell for its full value if held until date of sale. On or before the date of the first publication or posting of the notice of sale, a copy of the notice of sale shall be furnished by certified mail to the attorney of record of the judgment debtor, or to the judgment debtor at the judgment debtor's last known address if the judgment debtor does not have an attorney of record. Such copy of the notice of sale shall be mailed even though a default judgment was entered. *When levying upon personal property, a notice of such levy and execution sale and a copy of the affidavit required by s. 56.27(4) shall be made by the levying creditor to the attorney of record of the judgment creditor or the judgment creditor who has recorded a judgment lien certificate as provided in s. 55.202 or s. 55.204(3) at the address listed in the judgment lien certificate, or, if amended, in any amendment to the judgment lien certificate, and to all secured creditors who have filed financing statements as provided in s. 679.401 in the name of the judgment debtor reflecting a security interest in property of the kind to be sold at the execution sale at the address listed in the financing statement, or, if amended, in any amendment to the financing statement. Such notice*

shall be made in the same manner as notice is made to any judgment debtor under this section. When levying upon real property, notice of such levy and execution sale shall be made to the property owner of record in the same manner as notice is made to any judgment debtor pursuant to this section. When selling real or personal property, the sale date shall not be earlier than 30 days after the date of the first advertisement.

Section 18. Effective October 1, 2001, section 56.27, Florida Statutes, is amended to read:

56.27 Executions; payment ~~to execution creditor~~ of money collected.—

(1) All money received under executions shall be paid*, in the order prescribed,* to the *following: the sheriff, for costs; the levying creditor in the amount of $500 as liquidated expenses; and the judgment lienholder having the earliest recorded judgment lien acquired under ss. 55.202 and 55.204(3), as set forth in an affidavit required by subsection (4), or his or her attorney, in satisfaction of the judgment lien, provided that the judgment lien has not lapsed at the time of the levy* ~~party in whose favor the execution was issued or his or her attorney~~. The receipt of the attorney shall be a release of the officer paying the money to him or her. When the name of more than one attorney appears in the court file, the money shall be paid to the attorney who originally commenced the action or who made the original defense unless the file shows that another attorney has been substituted.

(2) When property sold under execution brings more than the amount *needed to satisfy the provisions of subsection (1), the surplus shall be paid in the order of priority to any judgment lienholders whose judgment liens have not lapsed. Priority shall be based on the effective date of the judgment lien acquired under s. 55.202 or s. 55.204(3), as set forth in an affidavit required under subsection (4). If there is a surplus after all valid judgment liens and execution liens have been satisfied* ~~of the execution~~, the surplus must be paid to the defendant ~~or, if there is another writ against the defendant docketed and indexed with the sheriff, the surplus must be paid to the junior writ~~.

(3) The value of the property levied upon shall not be considered excessive unless the value unreasonably exceeds the total debt reflected in all unsatisfied judgment liens that have not lapsed and any unsatisfied lien of the levying creditor.

(4) On or before the date of the first publication or posting of the notice of sale provided for under s. 56.21, the levying creditor shall file an affidavit setting forth the following as to the judgment debtor:

(a) An attestation that the levying creditor has reviewed the database or judgment lien records established in accordance with ss. 55.201-55.209 and that the information contained in the affidavit based on that review is true and correct;

(b) The information required under s. 55.203(1) and (2) for each judgment lien certificate indexed under the name of the judgment debtor as to each judgment creditor; the file number assigned to the record of the original and, if any, the second judgment lien; and the date of filing for each judgment lien certificate under s. 55.202 or s. 55.204(3); and

(c) A statement that the levying creditor either does not have any other levy in process or, if another levy is in process, the levying creditor believes in good faith that the total value of the property under execution does not exceed the amount of outstanding judgments.

(5) A sheriff paying money received under an execution in accordance with the information contained in the affidavit under subsection (4) is not liable to anyone for damages arising from a wrongful levy.

Section 19. Subsection (1) of section 56.29, Florida Statutes, is amended to read:

56.29 Proceedings supplementary.—

(1) When any *person or entity* ~~sheriff~~ holds an unsatisfied execution *and has delivered a writ of execution to any sheriff,* the plaintiff in execution may file an affidavit so stating and that the execution is valid and outstanding and thereupon is entitled to these proceedings supplementary to execution.

Section 20. Section 77.01, Florida Statutes, is amended to read:

77.01 Right to garnishment.—Every person *or entity* who has sued to recover a debt or has recovered judgment in any court against any person *or entity*~~, natural or corporate,~~ has a right to a writ of garnishment, in the manner hereinafter provided, to subject any debt due *or any debt under a negotiable instrument that will become due* to defendant by a third person, and any tangible or intangible personal property of defendant in the possession or control of a third person. The officers, agents, and employees of any companies or corporations are third persons in regard to the companies or corporations, and as such are subject to garnishment after judgment against the companies or corporations.

Section 21. Section 77.041, Florida Statutes, is created to read:

77.041 Notice to defendant for claim of exemption from garnishment; procedure for hearing.—

(1) Upon application for a writ of garnishment by a plaintiff, the clerk of the court shall attach to the writ the following "Notice to Defendant":

NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT OF WAGES, MONEY, AND OTHER PROPERTY

The Writ of Garnishment delivered to you with this Notice means that wages, money, and other property belonging to you have been garnished to pay a court judgment against you. HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.

State and federal laws provide that certain wages, money, and property, even if deposited in a bank, savings and loan, or credit union, may not be taken to pay certain types of court judgments. Such wages, money, and property are exempt from garnishment. The major exemptions are listed below on the form for Claim of Exemption and Request for Hearing. This list does not include all possible exemptions. You should consult a lawyer for specific advice.

TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF GARNISHMENT.

If you request a hearing, it will be held as soon as possible after your request is received by the court. The plaintiff must file any objection within 2 business days if you hand delivered to the plaintiff a copy of the form for Claim of Exemption and Request for Hearing or, alternatively, 7 days if you mailed a copy of the form for claim and request to the plaintiff. If the plaintiff files an objection to your Claim of Exemption and Request for Hearing, the clerk will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney. If the plaintiff fails to file an objection, no hearing is required, the writ of garnishment will be dissolved and your wages, money, or property will be released.

YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CAN'T AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

CLAIM OF EXEMPTION AND REQUEST FOR HEARING

I claim exemptions from garnishment under the following categories as checked:

_____ *1. Head of family wages. (You must check a or b below.)*

_____ *a. I provide more than one-half of the support for a child or other dependent and have net earnings of $500 or less per week.*

_____ *b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than $500 per week, but have not agreed in writing to have my wages garnished.*

_____ *2. Social Security benefits.*

_____ *3. Supplemental Security Income benefits.*

_____ *4. Public assistance (welfare).*

_____ *5. Workers' Compensation.*

_____ *6. Unemployment Compensation.*

_____ *7. Veterans' benefits.*

_____ *8. Retirement or profit-sharing benefits or pension money.*

_____ *9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.*

_____ *10. Disability income benefits.*

_____ *11. Prepaid College Trust Fund or Medical Savings Account.*

_____ *12. Other exemptions as provided by law.*

_____(explain)

I request a hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

*Address:*_____

*Telephone number:*_____

The statements made in this request are true to the best of my knowledge and belief.

_____

Defendant's signature

*Date*_____

STATE OF FLORIDA

COUNTY OF

Sworn and subscribed to before me this . . . . . day of . . . . . (month and year), by (name of person making statement). . . . . .

Notary Public/Deputy Clerk

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

Type of Identification Produced. . . . . .

(2) The plaintiff must mail, by first class, a copy of the writ of garnishment, a copy of the motion for writ of garnishment, and the "Notice to Defendant" to the defendant's last known address within 5 business days after the writ is issued or 3 business days after the writ is served on the garnishee, whichever is later. However, if such documents are returned as undeliverable by the post office, or if the last known address is not discoverable after diligent search, the plaintiff must mail, by first class, the documents to the defendant at the defendant's place of employment. The plaintiff shall file in the proceeding a certificate of such service.

(3) Upon the filing by a defendant of a claim of exemption and request for hearing, a hearing will be held as soon as is practicable to determine the validity of the claimed exemptions. If the plaintiff does not file a sworn written statement that contests the defendant's claim of exemption within 2 business days after hand delivering the claim and request or, alternatively, 7 business days, if the claim and request were served by mail, no hearing is required and the clerk must automatically dissolve the writ and notify the parties of the dissolution by mail.

Section 22. Section 77.055, Florida Statutes, is amended to read:

77.055 *Service of garnishee's answer and notice of right to dissolve writ* ~~Notice to defendant and other interested persons.—~~Within 5 days after service of the garnishee's answer on the plaintiff or after the time period for the garnishee's answer has expired, the plaintiff shall serve, by mail, the following documents: ~~a copy of the writ,~~ a copy of the *garnishee's* answer, *and* a notice *advising*~~, and a certificate of service. The notice shall advise~~ the recipient that he or she must move to dissolve the writ *of garnishment within 20 days after the date indicated on the certificate of service in the notice if any allegation in the plaintiff's motion for writ of garnishment is untrue* ~~within the time period set forth in s. 77.07(2) or be defaulted and that he or she may have exemptions from the garnishment which must be asserted as a defense~~. The plaintiff shall serve these documents on the defendant at the defendant's last known address and any other address disclosed by the garnishee's answer and on any other person disclosed in the garnishee's answer to have any ownership interest in the deposit, account, or property controlled by the garnishee. The plaintiff shall file in the proceeding a certificate of such service.

Section 23. Subsection (1) of section 77.06, Florida Statutes, is amended to read:

77.06 Writ; effect.—

(1) Service of the writ shall make garnishee liable for all debts due by him or her to defendant and for any tangible or intangible personal property of defendant in the garnishee's possession or control at the time of the service of the writ or at any time between the service and the time of the garnishee's answer. *Service of the writ creates a lien in or upon any such debts or property at the time of service or at the time such debts or property come into the garnishee's possession or control.*

Section 24. Effective July 1, 2000, section 222.01, Florida Statutes, is amended to read:

222.01 Designation of homestead by owner before levy.—

(1) Whenever any *natural* person residing in this state desires to avail himself or herself of the benefit of the provisions of the constitution and laws exempting property as a homestead from forced sale under any process of law, he or she may make a statement, in writing, containing a description of the real property, mobile home, or modular home claimed to be exempt and declaring that the real property, mobile home, or modular home is the homestead of the party in whose behalf such claim is being made. Such statement shall be signed by the person making it and shall be recorded in the circuit court.

(2) When a certified copy of a judgment has been filed in the public records of a county pursuant to s. 55.10, a person who is entitled to the benefit of the provisions of the State Constitution exempting real property as homestead and who has a contract to sell or a commitment from a lender for a mortgage on the homestead may file a notice of homestead in the public records of the county in which the homestead property is located in substantially the following form:

NOTICE OF HOMESTEAD

To:. . .(Name and address of judgment creditor as shown on recorded judgment and name and address of any other person shown in the recorded judgment to receive a copy of the Notice of Homestead).. . .

You are notified that the undersigned claims as homestead exempt from levy and execution under Section 4, Article X of the State Constitution, the following described property:

. . .(Legal description). . .

The undersigned certifies, under oath, that he or she has applied for and received the homestead tax exemption as to the above-described property, that . . . . is the tax identification parcel number of this property, and that the undersigned has resided on this property continuously and uninterruptedly from . . .(date). . . to the date of this Notice of Homestead. Further, the undersigned will either convey or mortgage the above-described property pursuant to the following:

. . .(Describe the contract of sale or loan commitment by date, names of parties, date of anticipated closing, and amount. The name, address, and telephone number of the person conducting the anticipated closing must be set forth.). . .

The undersigned also certifies, under oath, that the judgment lien filed by you on . . .(date). . . and recorded in Official Records Book . . . . , Page . . . . , of the Public Records of . . . . . County, Florida, does not constitute a valid lien on the described property.

YOU ARE FURTHER NOTIFIED, PURSUANT TO SECTION 222.01 ET SEQ., FLORIDA STATUTES, THAT WITHIN 45 DAYS AFTER THE MAILING OF THIS NOTICE YOU MUST FILE AN ACTION IN THE CIRCUIT COURT OF . . . . . COUNTY, FLORIDA, FOR A DECLARATORY JUDGMENT TO DETERMINE THE CONSTITUTIONAL HOMESTEAD STATUS OF THE SUBJECT PROPERTY OR TO FORECLOSE YOUR JUDGMENT LIEN ON THE PROPERTY AND RECORD A LIS PENDENS IN THE PUBLIC RECORDS OF THE COUNTY WHERE THE HOMESTEAD IS LOCATED. YOUR FAILURE TO SO ACT WILL RESULT IN ANY BUYER OR LENDER, OR HIS OR HER SUCCESSORS AND ASSIGNS, UNDER THE ABOVE-DESCRIBED CONTRACT OF SALE OR LOAN COMMITMENT TO TAKE FREE AND CLEAR OF ANY JUDGMENT LIEN YOU MAY HAVE ON THE PROPERTY.

This . . . . day of . . . . . , 2. . . . .

. . . . . .
. . .(Signature of Owner). . .
. . . . . .
. . .(Printed Name of Owner). . .
. . . . . .
. . .(Owner's Address). . .

Sworn to and subscribed before me by . . . . . .
who is personally known to me or produced . . . . . .
. . . . as identification, this . . . . day of . . . . . , 2. . . . .

. . . . . .
Notary Public

(3) The clerk shall mail a copy of the notice of homestead to the judgment lienor, by certified mail, return receipt requested, at the address shown in the most recent recorded judgment or accompanying affidavit, and to any other person designated in the most recent recorded judgment or accompanying affidavit to receive the notice of homestead, and shall certify to such service on the face of such notice and record the notice. Notwithstanding the use of certified mail, return receipt requested, service shall be deemed complete upon mailing.

(4) A lien pursuant to s. 55.10 of any lienor upon whom such notice is served, who fails to institute an action for a declaratory judgment to determine the constitutional homestead status of the property described in the notice of homestead or to file an action to foreclose the judgment lien, together with the filing of a lis pendens in the public records of the county in which the homestead is located, within 45 days after service of such notice shall be deemed as not attaching to the property by virtue of its status as homestead property as to the interest of any buyer or lender, or his or her successors or assigns, who takes under the contract of sale or loan commitment described above within 180 days after the filing in the public records of the notice of homestead. This subsection shall not act to prohibit a lien from attaching to the real property described in the notice of homestead at such time as the property loses its homestead status.

(5) As provided in s. 4, Art. X of the State Constitution, this subsection shall not apply to:

(a) Liens and judgments for the payment of taxes and assessments on real property.

(b) Liens and judgments for obligations contracted for the purchase of real property.

(c) Liens and judgments for labor, services, or materials furnished to repair or improve real property.

(d) Liens and judgments for other obligations contracted for house, field, or other labor performed on real property.

Section 25. Section 222.12, Florida Statutes, is amended to read:

222.12 Proceedings for exemption.—Whenever any money or other thing due for labor or services as aforesaid is attached by such process, the person to whom the same is due and owing may make oath before the officer who issued the process *or before a notary public* that the money attached is due for the personal labor and services of such person, and she or he is the head of a family residing in said state. When such an affidavit is made, notice of same shall be forthwith given to the party, or her or his attorney, who sued out the process, and if the facts set forth in such affidavit are not denied under oath within 2 *business* days after the service of said notice, the process shall be returned, and all proceedings under the same shall cease. If the facts stated in the affidavit are denied by the party who sued out the process within the time above set forth and under oath, then the matter shall be tried by the court from which the writ or process issued, in like manner as claims to property levied upon by writ of execution are tried, and the money or thing attached shall remain subject to the process until released by the judgment of the court which shall try the issue.

Section 26. Subsections (2) and (3) of section 679.301, Florida Statutes, are amended to read:

679.301 Persons who take priority over unperfected security interests; right of "lien creditor."—

(2) If the secured party files with respect to a purchase money security interest before or within 15 days after the debtor receives possession of the collateral, *the secured party* ~~he or she~~ takes priority over the rights of a transferee in bulk or of a lien creditor ~~which arise between the time the security interest attaches and the time of filing~~.

(3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy, or the like and includes *a judgment lienholder as provided under ss. 55.202-55.209,* an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver in equity from the time of appointment.

Section 27. *There is hereby appropriated from the Corporations Trust Fund to the Department of State the following positions and funds to administer this act:*

(1) Effective July 1, 2000, four full-time equivalent positions and $274,858 in recurring salaries and benefits, $200,000 in recurring expense, and $442,753 in nonrecurring operating capital outlay; and

(2) Effective March 1, 2001, nine additional full-time equivalent positions and $67,111 in recurring salaries and benefits and $32,247 in nonrecurring operating capital outlay.

Section 28. Subsection (2) of section 607.1901, Florida Statutes, is amended to read:

607.1901 Corporations Trust Fund creation; transfer of funds.—

(2)(a) The Legislature shall appropriate from the fund such amounts as it deems necessary for the operation of the division.

(b) An amount equal to 2.9 percent of all moneys deposited each month in the fund is transferred to the Corporation Tax Administration Trust Fund created pursuant to s. 213.31.

(c) In the last six months of any fiscal year, an amount equal to 43 percent of all moneys deposited each month into the fund is transferred to the General Revenue Fund.

(d) The division shall transfer from the trust fund to the Cultural Institutions Trust Fund, quarterly, the amount of $10 from each corporate annual report fee collected by the division and prorations transferring $8 million each fiscal year, to be used as provided in s. 265.2861. *Effective October 1, 2001, an additional $2 million each fiscal year shall be transferred from the Corporations Trust Fund to the Cultural Institutions Trust Fund to be used as provided in s. 265.2861.*

The additional $2 million is contingent upon the receipt of corresponding revenues collected under s. 55.209, as created by this act.

(e) The division shall transfer from the trust fund to the Cultural Institutions Trust Fund, quarterly, prorations transferring $250,000 each fiscal year, to be used as provided in s. 265.609.

(f) The division shall transfer from the trust fund to the Cultural Institutions Trust Fund, quarterly, prorations transferring $550,000 each fiscal year, to be used as provided in s. 265.608.

(g) The division shall transfer from the trust fund to the Historical Resources Operating Trust Fund, quarterly, prorations transferring $2 million each fiscal year, to be used as provided in s. 267.0671.

(h) The division shall transfer from the trust fund to the Historical Resources Operating Trust Fund, quarterly, prorations transferring $1.5 million each fiscal year, to be used as provided in s. 267.072.

(i) Effective October 1, 2001, the division shall transfer from the trust fund to the department's Grants and Donations Trust Fund quarterly prorations equaling not more than $1.6 million each fiscal year, to be used in the provision of services under s. 288.816. The transfer of $1.6 million is contingent upon the receipt of corresponding revenues collected under s. 55.209, as created by this act.

And the title is amended as follows:

On page 1, line 23,

after the semicolon, insert: amending s. 30.17, F.S.; providing for phaseout of sheriff's execution docket; amending s. 30.231, F.S.; clarifying seizure of property for levy; amending s. 55.10, F.S.; increasing the time period to rerecord a lien in order to get the lien extended for a certain time; providing for application; creating s. 55.201, F.S.; requiring the Department of State to establish a database of judgment lien records; creating s. 55.202, F.S.; providing for acquisition of a judgment lien on personal property; creating s. 55.203, F.S.; providing requirements for the content, recording, and indexing of judgment lien certificates by the Department of State; creating s. 55.204, F.S.; providing for lapse of a judgment lien; providing for acquisition of a second judgment lien; creating s. 55.205, F.S.; providing for the effect of a judgment lien; creating s. 55.206, F.S.; providing for amendment, termination, partial release, assignment, continuation, tolling, or correction of a recorded judgment lien; creating s. 55.207, F.S.; providing for filing and effect of a correction statement as to a judgment lien record; creating s. 55.208, F.S.; providing for phaseout of the effect of writs of execution delivered to a sheriff prior to a date certain; creating s. 55.209, F.S.; providing for the responsibilities of the Department of State and for filing fees; amending s. 55.604, F.S.; eliminating requirement for the filing of a foreign judgment with the Department of State; conditioning the effect of a foreign judgment as a lien on personal property in this state based on the recording of a lien certificate; amending s. 56.21, F.S.; providing for notice of levy and execution sale and affidavit of levying creditor to judgment creditors and certain secured creditors; amending s. 56.27, F.S.; providing for distribution of money collected under execution; amending s. 56.29, F.S.; clarifying who may file an affidavit for purposes of supplementary proceedings; amending s. 77.01, F.S.; providing entities with right to writ of garnishment; creating s. 77.041, F.S.; providing for notice of procedures for asserting exemptions and requesting a hearing; amending s. 77.055, F.S.; clarifying requirements for service of garnishee's answer and notice of right to dissolve writ of garnishment; amending s. 77.06, F.S.; providing for creation of judgment lien upon service of writ of garnishment; amending s. 222.01, F.S.; revising provisions relating to designation of homestead by the owner before levy; providing procedures; amending s. 222.12, F.S.; providing for taking of oath before notary public regarding exemptions from garnishment; amending s. 679.301, F.S.; revising the definition of a lien creditor; providing appropriations from the Corporations Trust Fund in the Department of State; amending s. 607.1901, F.S.; providing for the transfer of funds from the Corporations Trust Fund;

Rep. Sublette moved the adoption of the amendment, which was adopted.

On motion by Rep. Posey, the rules were suspended and CS for SB 1194, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 575

Yeas—114

The Chair	Detert	Jones	Roberts
Albright	Diaz de la Portilla, R.	Kelly	Rojas
Alexander	Dockery	Kilmer	Rubio
Andrews	Edwards	Kosmas	Russell
Argenio	Effman	Kyle	Ryan
Argenziano	Eggelletion	Lacasa	Sanderson
Arnall	Farkas	Lawson	Sembler
Bainter	Fasano	Lee	Smith, C.
Ball	Feeney	Levine	Smith, K.
Barreiro	Fiorentino	Littlefield	Sobel
Bense	Frankel	Lynn	Sorensen
Betancourt	Fuller	Maygarden	Spratt
Bilirakis	Futch	Melvin	Stafford
Bitner	Garcia	Merchant	Stansel
Bloom	Gay	Miller, J.	Starks
Boyd	Goode	Miller, L.	Suarez
Bradley	Goodlette	Minton	Sublette
Bronson	Gottlieb	Morroni	Trovillion
Brown	Green, C.	Murman	Tullis
Brummer	Greene, A.	Patterson	Turnbull
Bucher	Greenstein	Peaden	Villalobos
Bullard	Hafner	Posey	Wallace
Bush	Harrington	Prieguez	Wasserman Schultz
Byrd	Hart	Pruitt	Waters
Cantens	Henriquez	Putnam	Wiles
Casey	Heyman	Rayson	Wilson
Constantine	Hill	Reddick	Wise
Cosgrove	Jacobs	Ritchie	
Crist	Johnson	Ritter	

Nays—1

Flanagan

Votes after roll call:
Yeas—Crow, Ogles

So the bill passed, as amended, and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2478 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senator Geller—

CS for SB 2478—A bill to be entitled An act relating to rulemaking authority of state agencies (RAB); amending s. 386.205, F.S.; authorizing state agencies to adopt rules to designate smoking areas; amending s. 554.115, F.S.; providing additional circumstances under which the Department of Insurance may suspend or revoke a certificate of compliance to operate a boiler; requiring that certain violations be reported to the state attorney; providing for administrative actions; creating s. 624.4135, F.S.; requiring that the department adopt rules governing applications by foreign insurers for a certificate of authority as a domestic insurer; amending s. 625.305, F.S.; establishing limitations relating to certain investments by domestic life insurers; creating s. 625.765, F.S.; exempting specified transactions from requirements that a domestic stock insurer file statements and recover certain profits; creating s. 626.2817, F.S.; providing for the regulation of course providers, instructors, and other groups involved in prelicensure

education for insurance agents and other licensees; amending s. 626.7353, F.S.; requiring that the Department of Insurance adopt rules governing the appointment of customer representatives; amending s. 627.062, F.S.; providing for the availability of water supplies to be considered by insurers or rating organizations in establishing rates; amending s. 627.429, F.S.; providing that certain limitations on the use of medical tests for human immunodeficiency virus infection and acquired immune deficiency syndrome apply to insurance provided by prepaid limited health organizations; amending s. 627.481, F.S.; requiring that the department adopt rules governing certain annuity agreements; creating s. 627.7276, F.S.; providing notice requirements for motor vehicle policies that do not provide coverage for bodily injury and property damage liability; amending s. 627.7282, F.S.; authorizing the Department of Insurance to adopt rules governing the format of the notice of additional premiums; creating s. 627.796, F.S.; requiring that a title insurer obtain a minimum amount of errors and omissions coverage for persons performing title searches; creating s. 627.797, F.S.; requiring that insurers file with the department a list of agents who are exempt from licensure; creating s. 627.798, F.S.; requiring that the Department of Insurance adopt forms for notifying the mortgagor of certain provisions in a title policy; amending ss. 627.8405, 627.848, F.S.; requiring that the Department of Insurance adopt forms for disclosing coverages financed with personal injury protection and for cancelling certain policies; creating s. 627.955, F.S.; prohibiting certain deductibles that are applicable to the insured group as a whole; amending s. 635.071, F.S.; prohibiting insurance on mortgages that are offered for sale based on certain advertisements; amending s. 648.4425, F.S.; requiring the Department of Insurance to prescribe forms for use by bail bond agents in issuing bonds; amending s. 791.015, F.S.; authorizing the State Fire Marshal to adopt by rule registration forms for manufacturers, distributors, wholesalers, and retailers of sparklers; providing an effective date.

—was read the first time by title. On motion by Rep. Gottlieb, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 576

Yeas—116

The Chair	Crist	Henriquez	Peaden
Albright	Crow	Heyman	Posey
Alexander	Detert	Hill	Prieguez
Andrews	Diaz de la Portilla, R.	Jacobs	Pruitt
Argenio	Dockery	Johnson	Putnam
Arnall	Edwards	Jones	Rayson
Bainter	Effman	Kelly	Reddick
Ball	Eggelletion	Kilmer	Ritchie
Barreiro	Farkas	Kosmas	Ritter
Bense	Fasano	Kyle	Roberts
Betancourt	Feeney	Lacasa	Rojas
Bilirakis	Fiorentino	Lawson	Rubio
Bitner	Flanagan	Lee	Russell
Bloom	Frankel	Levine	Ryan
Boyd	Fuller	Littlefield	Sanderson
Bradley	Futch	Logan	Sembler
Bronson	Garcia	Lynn	Smith, C.
Brown	Gay	Maygarden	Smith, K.
Brummer	Goode	Melvin	Sobel
Bullard	Goodlette	Merchant	Sorensen
Bush	Gottlieb	Miller, J.	Spratt
Byrd	Green, C.	Miller, L.	Stafford
Cantens	Greene, A.	Minton	Stansel
Casey	Greenstein	Morroni	Starks
Chestnut	Hafner	Murman	Suarez
Constantine	Harrington	Ogles	Sublette
Cosgrove	Hart	Patterson	Trovillion
Tullis	Villalobos	Wasserman Schultz	Wiles
Turnbull	Wallace	Waters	Wilson

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2510, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Diaz-Balart—

SB 2510—A bill to be entitled An act relating to rulemaking authority of the Department of Children and Family Services (RAB); amending s. 409.919, F.S.; requiring that the department adopt rules to administer provisions governing medical assistance; creating s. 409.953, F.S.; requiring the department to adopt rules to administer the refugee assistance program; amending ss. 414.085, 414.095, F.S.; authorizing the department to adopt rules for determining a person's eligibility for the WAGES Program; amending s. 414.13, F.S.; providing for rules to allow exceptions to the requirements that a child receive certain immunizations; amending s. 414.15, F.S.; authorizing the department to adopt rules for administering diversion services; providing an effective date.

—was read the first time by title. On motion by Rep. Murman, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 577

Yeas—119

The Chair	Crist	Jacobs	Reddick
Albright	Crow	Johnson	Ritchie
Alexander	Detert	Jones	Ritter
Andrews	Diaz de la Portilla, R.	Kelly	Roberts
Argenio	Dockery	Kilmer	Rojas
Argenziano	Edwards	Kosmas	Rubio
Arnall	Effman	Kyle	Russell
Bainter	Eggelletion	Lacasa	Ryan
Ball	Farkas	Lawson	Sanderson
Barreiro	Fasano	Lee	Sembler
Bense	Feeney	Levine	Smith, C.
Betancourt	Fiorentino	Littlefield	Smith, K.
Bilirakis	Flanagan	Logan	Sobel
Bitner	Frankel	Lynn	Sorensen
Bloom	Fuller	Maygarden	Spratt
Boyd	Futch	Melvin	Stafford
Bradley	Garcia	Merchant	Stansel
Bronson	Gay	Miller, J.	Starks
Brown	Goode	Miller, L.	Suarez
Brummer	Goodlette	Minton	Sublette
Bucher	Gottlieb	Morroni	Trovillion
Bullard	Green, C.	Murman	Tullis
Bush	Greene, A.	Ogles	Turnbull
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wasserman Schultz
Casey	Harrington	Posey	Waters
Chestnut	Hart	Prieguez	Wiles
Constantine	Henriquez	Pruitt	Wilson
Cosgrove	Heyman	Putnam	Wise
Crady	Hill	Rayson	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2628, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health, Aging and Long-Term Care and Senator Myers—

CS for SB 2628—A bill to be entitled An act relating to rulemaking authority of the Department of Health (RAB); amending s. 154.011, F.S., relating to primary care services; requiring the department to adopt certain rules developed by the State Health Officer; amending s. 154.06, F.S.; requiring the adoption of rules with respect to fees for services rendered through county health departments; amending s. 381.003, F.S., relating to prevention and control of communicable diseases and acquired immune deficiency syndrome; authorizing rules governing procedures for managing diseases; amending s. 381.004, F.S., relating to testing for human immunodeficiency virus; providing additional rulemaking authority; amending s. 381.0051, F.S., relating to family planning services; providing for rules administering the provision of such services; amending s. 381.0056, F.S., relating to the school health services program; authorizing the department to adopt rules in cooperation with the Department of Education; amending s. 381.0057, F.S.; providing requirements for the services provided by school health programs; amending s. 381.006, F.S., relating to public health; providing additional rulemaking authority; amending s. 381.0062, F.S., relating to the regulation of water systems; providing additional requirements for obtaining an exemption from the department; amending s. 381.0065, F.S.; redefining the term "onsite sewage treatment and disposal system"; providing additional rulemaking authority; revising requirements for sewage treatment and disposal systems; amending s. 381.0072, F.S.; requiring the department to adopt additional rules with respect to food service protection; amending s. 381.0086, F.S.; requiring the department to adopt additional rules with respect to the health and safety of migrant farm workers; amending s. 381.0098, F.S.; prohibiting the transfer of a permit for a biomedical waste facility or a biomedical waste transporter; providing requirements for a permit application; amending s. 381.0101, F.S., relating to environmental health professionals; providing additional rulemaking authority with respect to standards for certification; amending s. 381.0203, F.S.; authorizing the department to adopt rules governing pharmacy services; amending s. 381.89, F.S.; authorizing the department to issue a stop-use order against a tanning facility; amending s. 383.011, F.S., relating to maternal and child health programs; providing additional rulemaking authority; amending s. 383.14, F.S.; providing for rules governing screening for metabolic disorders, hereditary disorders, and environmental risk factors; amending s. 383.19, F.S.; providing for rules governing perinatal intensive care centers; amending s. 383.216, F.S.; revising requirements for prenatal and infant health care coalitions; providing additional rulemaking authority; amending s. 384.33, F.S.; authorizing rules governing screenings and investigations to control the spread of sexually transmitted diseases; amending s. 385.207, F.S., relating to care and assistance of persons with epilepsy; providing additional rulemaking authority; amending s. 391.026, F.S., relating to the Children's Medical Services Act; requiring the department to adopt rules to administer the act; amending s. 392.66, F.S.; requiring the department to adopt rules to administer the Tuberculosis Control Act; amending ss. 395.401, 395.402, F.S.; requiring the department to adopt rules governing the procedures for establishing a trauma agency and for performance evaluations; requiring the department to establish the number of trauma centers within each service area; amending s. 401.35, F.S.; requiring the department to adopt rules governing medical transportation services; amending s. 403.862, F.S.; authorizing the department to adopt rules governing water systems; amending s. 404.056, F.S., relating to environmental radiation standards and programs; providing additional rulemaking authority; amending s. 404.22, F.S.; authorizing the department to adopt rules governing the operation of radiation machines and components; amending s. 489.553, F.S., relating to septic tank contracting; providing additional rulemaking authority; amending ss. 491.006, 491.0145, F.S., relating to clinical, counseling, and psychotherapy services; providing for nonrefundable application fees; amending s. 499.003, F.S.; defining the terms "distribute or distribution" for purposes of ch. 499, F.S., relating to the Florida Drug and Cosmetic Act; amending s. 499.005, F.S.; prohibiting charging certain fees or dispensing certain drugs; amending s. 499.0054, F.S.; prohibiting certain labels or advertisements; amending s. 499.01, F.S.; providing additional requirements for closing an establishment permitted under the Florida Drug and Cosmetic Act; amending s. 499.0121, F.S.; providing additional requirements for a vehicle that contains prescription drugs; amending s. 499.0122, F.S., relating to medical oxygen and veterinary legend drugs; providing additional rulemaking authority; amending s. 499.013, F.S., relating to manufacturers of drugs, devices, and cosmetics; exempting manufacturers of a device for a specific patient from certain requirements; requiring that manufacturers maintain certain records; amending ss. 499.015, 499.024, 499.03, F.S.; providing certain limitations on the registration of products or drugs; conforming cross-references to changes made by the act; amending s. 499.05, F.S.; requiring the department to adopt additional rules to administer the Florida Drug and Cosmetic Act; amending s. 499.701, F.S., relating to the regulation of ether; providing additional rulemaking authority; amending s. 501.122, F.S.; requiring the department to adopt rules governing radiation surveys; amending s. 513.05, F.S., relating to mobile home and recreational vehicle parks; providing additional rulemaking authority; amending s. 514.021, F.S.; authorizing the department to adopt rules governing public swimming and bathing facilities; amending s. 766.1115, F.S., relating to the Access to Health Care Act; providing for rules governing services and procedures; providing an effective date.

—was read the first time by title. On motion by Rep. Fasano, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 578

Yeas—119

The Chair	Crist	Jacobs	Ritchie
Albright	Crow	Johnson	Ritter
Alexander	Detert	Jones	Roberts
Andrews	Diaz de la Portilla, R.	Kelly	Rojas
Argenio	Dockery	Kilmer	Rubio
Argenziano	Edwards	Kosmas	Russell
Arnall	Effman	Kyle	Ryan
Bainter	Eggelletion	Lacasa	Sanderson
Ball	Farkas	Lawson	Sembler
Barreiro	Fasano	Lee	Smith, C.
Bense	Feeney	Levine	Smith, K.
Betancourt	Fiorentino	Littlefield	Sobel
Bilirakis	Flanagan	Logan	Sorensen
Bitner	Frankel	Lynn	Spratt
Bloom	Fuller	Maygarden	Stafford
Boyd	Futch	Melvin	Stansel
Bradley	Garcia	Merchant	Starks
Bronson	Gay	Miller, J.	Suarez
Brown	Goode	Minton	Sublette
Brummer	Goodlette	Morroni	Trovillion
Bucher	Gottlieb	Murman	Tullis
Bullard	Green, C.	Ogles	Turnbull
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Wasserman Schultz
Casey	Harrington	Prieguez	Waters
Chestnut	Hart	Pruitt	Wiles
Constantine	Henriquez	Putnam	Wilson
Cosgrove	Heyman	Rayson	Wise
Crady	Hill	Reddick	

Nays—None

Votes after roll call:
Yeas—L. Miller

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/CS/HB 1567, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/CS/HB 1567—A bill to be entitled An act relating to rulemaking authority within the State University System; amending s. 240.209, F.S.; revising language; clarifying the authority of the Board of Regents to establish certain fees, delegate authority to the Chancellor or the universities, allow the waiver of certain fees, manage systemwide enrollment, govern the admission of students into the State University System, establish policies relating to credit and noncredit offerings, and establish and regulate faculty practice plans for the academic health science centers; providing and clarifying authority to adopt rules to implement such powers and duties; correcting an obsolete cross reference; deleting unnecessary cross references; amending s. 240.227, F.S.; clarifying the rulemaking authority of university presidents regarding conditions of employment of university personnel and the management of property and financial resources of the university; providing rulemaking authority regarding internal procedures of student governments, the use and protection of data and technology, and compliance with federal laws; amending s. 240.229, F.S., relating to the powers of the university with regard to patents, copyrights, and trademarks; authorizing the adoption of rules; amending s. 240.233, F.S., relating to university admission of students; authorizing the adoption of rules by the university president; revising requirements for minimum standards for undergraduate admission relating to foreign language and requiring submission of a test score; prohibiting university admission standards for limiting the ability of high school students to choose electives; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; authorizing the adoption of rules by the university president; amending s. 240.261, F.S.; clarifying the rulemaking authority of universities with regard to student and employee conduct; amending s. 240.291, F.S.; providing rulemaking authority regarding delinquent accounts; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(1) The Board of Regents is *authorized to adopt* ~~primarily responsible for adopting~~ systemwide rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it; *to plan* ~~planning~~ for the future needs of the State University System; *to plan* ~~planning~~ the programmatic, financial, and physical development of the system; *to review* ~~reviewing~~ and *evaluate* ~~evaluating~~ the instructional, research, and service programs at the universities; *to coordinate* ~~coordinating~~ program development among the universities; and *to monitor* ~~monitoring~~ the fiscal performance of the universities.

(2) The Board of Regents shall appoint a Chancellor to serve at its pleasure who shall perform such duties as are assigned to him or her by the board. The board shall fix the compensation and other conditions of employment for the Chancellor. The board shall also provide for the compensation and other conditions of employment for employees necessary to assist the board and the Chancellor in the performance of their duties. The Chancellor shall be the chief administrative officer of the board and shall be responsible for appointing all employees of the board who shall serve under his or her direction and control. The Chancellor must be qualified by training and experience to understand the problems and needs of the state in the field of postsecondary education. Search committee activities for the selection of the Chancellor up to the point of transmitting a list of nominees to the Board of Regents shall be confidential and exempt from the provisions of ss. 119.07(1) and 286.011.

(3) The board shall:

(a) Develop a plan for the future expansion of the State University System and recommend the establishment of new universities consistent with the criteria adopted by the State Board of Education pursuant to s. 229.053. The plan must include a procedure for the periodic assessment of the need for a new state university and specific standards for the minimum acreage, building space, staffing, and programmatic mix of state universities.

(b) Appoint or remove the president of each university in accordance with procedures and rules adopted by the Board of Regents. The board may appoint a search committee to assist in evaluating presidential candidates. Each appointment of a university president shall be conducted in accordance with the provisions of ss. 119.07 and 286.011. The board shall determine the compensation and other conditions of employment for each president.

(c) Approve new degree programs for all state universities. In so doing, the board shall be mindful of the differentiated missions of the several universities. New colleges, schools, or functional equivalents of any program leading to a degree which is offered as a credential for a specific license granted under the Florida Statutes or the State Constitution shall not be established without the specific approval of the Legislature.

(d) Prepare the legislative budget requests, including fixed capital outlay requests, in accordance with chapter 216 and s. 235.41. The board shall provide to the individual universities fiscal policy guidelines, formats, and instructions for the development of individual university budget requests.

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15

hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5.~~4.~~ The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 50 percent of funds from the student financial aid fee shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award.

6.~~5.~~ The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7.~~6.~~ The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

a. A nonrefundable application fee in an amount not to exceed $30.

b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed $200.

c. An orientation fee in an amount not to exceed $35.

d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed $10 per card. The maximum amount charged for a replacement card may not exceed $15.

e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed $15, for the payment of tuition in installments; and a late-registration fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to initiate registration during the regular registration period.

f. A late-payment fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).

h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed $10 per item.

(f) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of Management Services over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules *relating to the appointment, employment, and removal of personnel which delegate* ~~delegating~~ its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Department of Management Services for other state employees. The Department of Management Services shall retain authority over State University System employees for programs established in ss. 110.116, 110.123, 110.1232, 110.1234, 110.1235, and 110.1238 and in chapters 121, 122, and 238. The board shall adopt ~~only those~~ rules ~~necessary~~ to provide for a coordinated, efficient systemwide program and shall delegate to the universities ~~all~~ authority ~~necessary~~ for *implementing* ~~implementation of~~ the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. Notwithstanding the provisions of s. 216.181(7), the salary rate controls for positions in budgets under the Board of Regents shall separately delineate the general faculty and all other categories.

(g) Develop a plan, to be mutually agreed upon by applicable bargaining units, for the transfer of employees from career service status provisions of chapter 110. Subject to the approval of the President of the Senate and the Speaker of the House of Representatives, the plan shall become effective July 1, 1986.

(h) Recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees. The Capital Improvement Trust Fund fee is established as $2.44 per credit hour per semester. The building fee is established as $2.32 per credit hour per semester.

(i) Terminate programs at the state universities pursuant to findings of reviews and evaluations of instructional, research, and service programs at the universities.

(j) After consultation with the university presidents, adopt a systemwide strategic plan which specifies goals and objectives for the State University System. In developing this plan, the board shall consider the role of individual public and independent institutions within the state. The plan shall provide for the roles of the universities to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan shall clarify mission statements and identify degree programs to be offered at each university in accordance with the objectives provided herein. The systemwide strategic plan shall be for a period of 5 years with modification of the program lists after 2 years. Development of each 5-year plan shall be coordinated with and initiated subsequent to completion of the master plan specified in s. 240.147. The Board of Regents shall submit a report to the Speaker of the House of Representatives and the President of the Senate upon modification of the system plan.

(k) Seek the cooperation and advice of the officers and trustees of both public and private institutions of higher education in the state in performing its duties and making its plans, studies, and recommendations.

(l) Coordinate and provide for educational television in the State University System.

(m) Establish and maintain an effective information system which will provide composite data about the university system and assure that special analyses and studies of the universities are conducted, as necessary, for provision of accurate and cost-effective information about the universities and about the system as a whole.

(n) Seek the cooperation and advice of superintendents and board members of local school districts in the state in performing its duties and making its plans, studies, and recommendations. The systemwide and university strategic plans shall specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state.

(o) Submit to the State Board of Education, for approval, all new campuses and instructional centers approved by the board.

(p) ~~Notwithstanding the provisions of ss. 216.044, 255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt rules to~~ Administer a program for the maintenance and construction of facilities in the State University System and to secure, or otherwise provide as a self-insurer pursuant to s. 440.38(6), workers' compensation coverage for contractors and subcontractors, or each of them, employed by or on behalf of the Board of Regents when performing work on or adjacent to property owned or used by the Board of Regents or the State University System.

(q) ~~Adopt rules to~~ Ensure compliance with the provisions of *s. 287.09451* ~~s. 287.0945~~, for all State University System procurement, and additionally, ss. 255.101 and 255.102, for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to *s. 287.09451* ~~s. 287.0945(7)(a)~~.

(r) ~~Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it, including, but not limited to, procedures to~~ Administer an acquisition program for the purchase or lease of real and personal property and contractual services pursuant to s. 240.205(6).

(s) Monitor the extent of limited access programs within the state universities and report to the State Board of Education and the Legislature admissions and enrollment data for limited access programs. Such report shall be submitted by December 1, 1991, and annually thereafter, and shall assist in determining the potential need for academic program contracts with independent institutions pursuant to s. 229.053. The report shall include, for each limited access program within each institution, the following categories, by race and gender:

1. The number of applicants.

2. The number of applicants granted admission.

3. The number of applicants who are granted admission and enroll.

4. The number of applicants denied admission.

5. The number of applicants neither granted admission nor denied admission.

Each category shall be reported for each term. Each category shall be reported by type of student, including the following subcategories: native student, community college associate in arts degree transfer student, and other student. Each category and subcategory shall further be reported according to the number of students who meet or exceed the minimum eligibility requirements for admission to the program and the number of students who do not meet or exceed the minimum eligibility requirements for admission to the program.

(t) *Require* ~~Adopt rules providing that~~ each state university *to* ~~shall~~ advise students who meet the minimum requirements for admission to the upper division of a state university, but are denied admission to limited access programs, of the availability of similar programs at other State University System institutions and the admissions requirements of such programs.

(u) Allow the waiver of any or all application, course registration, and related fees for persons who supervise student interns for institutions in the State University System.

(v) Manage systemwide enrollment.

(w) Establish policies relating to credit and non-credit education offerings by universities in the State University System.

(x) Establish and regulate faculty practice plans for the academic health science centers.

(4) Any powers not specifically delegated to the universities by this act shall be retained by the Board of Regents unless further delegated by action of the board.

(5) The Board of Regents is responsible for:

(a) Maintaining access to state universities by qualified students regardless of financial need.

(b) Coordinating with the Postsecondary Education Planning Commission the programs, including doctoral programs, to be reviewed every 5 years or whenever the board determines that the effectiveness or efficiency of a program is jeopardized. The board shall define the indicators of quality and the criteria for program review for every program. Such indicators shall include need, student demand, and resources available to support continuation. The results of the program reviews shall be tied to the university budget requests.

(c) Coordinating the roles of the universities in order to best meet state needs and reflect cost-effective use of state resources.

(d) Advising the Legislature concerning opportunities for bonding university revenues, including certificate of participation bonds.

(e) Reviewing and approving or disapproving baccalaureate degree programs that exceed 120 semester hours, after consideration of accreditation requirements, employment and earnings of graduates, comparative program lengths nationally, and comparisons of similar programs offered by independent institutions. A two-thirds affirmative vote of the members of the Board of Regents must approve a request. By December 31 of each year, the Board of Regents must report to the Legislature any degrees in the State University System which require more than 120 hours, along with appropriate evidence of need. At least every 5 years, the Board of Regents must determine whether the programs still require more than the standard length of 120 hours.

(f) Reviewing and approving or disapproving degree programs identified by the Articulation Coordinating Committee as unique pursuant to s. 229.551(1)(f)5. The Board of Regents shall ensure that university students are aware of unique program prerequisites.

(g) Ensuring that at least half of the required coursework for any baccalaureate degree in the system is offered at the lower-division level,

except in program areas approved by the Board of Regents pursuant to paragraph (e).

(h) Recommending to the Legislature a plan for the implementation of an increased matriculation charge for students taking coursework in excess of degree requirements.

(i) Recommending to the Legislature a plan for the implementation of block tuition programs and other incentives to encourage students to graduate in 4 years.

(6) Notwithstanding the provisions of s. 216.262(1), the Board of Regents may authorize the rent or lease of parking facilities provided that such facilities are funded through parking fees or parking fines imposed by a university. The board may authorize a university to charge fees for parking at such rented or leased parking facilities.

(7) 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.

(8) Notwithstanding the provisions of s. 283.33, books published by the State University System press shall not be subject to the bid requirements provided in s. 287.017.

(9) Notwithstanding the provisions of s. 253.025, the Board of Regents may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of a university in the State University System.

(a) The board may secure appraisals and surveys. The board shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

(b) The board may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board.

(c) This subsection is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by the board shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

(10) No school, college, or center at a state university shall be named for a living person unless approved by the Board of Regents.

(11) The board is authorized to adopt rules, as necessary, to administer this section.

Section 2. Section 240.227, Florida Statutes, is amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. Each university president shall:

(1) *Have the authority to* adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law governing the operation and administration of the university, *which shall include the specific powers and duties enumerated in this section*. Such rules shall be consistent with the mission of the university and statewide rules and policies and shall assist in the development of the university in a manner which will complement the missions and activities of the other universities for the overall purpose of achieving the highest quality of education for the citizens of the state.

(2) Prepare a budget request to be transmitted to the Board of Regents. Such request shall be prepared in accordance with the fiscal policy guidelines, formats, and instructions prescribed by the Board of Regents.

(3) Develop an operating budget.

(4) Conduct biennially a space utilization study to support the university budget request for capital outlay.

(5) Appoint university personnel and provide for the compensation and other conditions of employment *such as recruitment, non-reappointment, benefits and hours of work, evaluation, recognition, inventions and works, learning opportunities, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment,* consistent with applicable *law,* collective bargaining agreements, and the Board of Regents *rules* ~~rule for university personnel who are exempt from chapter 110~~.

(6) Certify annually to the Board of Regents the actual classroom contact hours conducted by each faculty member.

(7) Maintain all data and information pertaining to the operation of the university.

(8) Govern admissions, subject to rules of the Board of Regents and as provided in s. 240.233.

(9) Develop a program of continuing education and establish, pursuant to rules and guidelines adopted by the Board of Regents, fees for continuing education activities within the university service area when there is a demonstrated and justified need. The university is authorized to cooperate with any public utility, any other governmental entity or private individual, or any type of profit or nonprofit legal entity in connection with the establishment and operation of such a continuing education program, including the acceptance of money and other things of value.

(10) Provide and coordinate credit and noncredit extension courses in all fields which the university considers necessary to improve and maintain the educational standards of the university service area.

(11) *Establish and maintain* ~~Make rules necessary for the establishment and maintenance of~~ a personnel exchange program, by which persons employed within the university as instructional and research faculty and comparable administrative and professional staff may be exchanged with persons employed in like capacities by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry. The salary and benefits of State University System and state personnel participating in the exchange program shall be continued during the period of time they participate in the exchange program, and such personnel shall be deemed to have no break in creditable or continuous state service or employment during the period of time in which they participate in the exchange program. The salary and benefits of persons participating in the personnel exchange program who are employed by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry shall be paid by the originating employers of those participants. The duties and responsibilities of a person participating in the exchange program shall be the same as those of the person he or she replaces.

(12) Approve and execute contracts for the acquisition of commodities, goods, equipment, services, leases of real and personal property, and construction to be rendered to or by the university, provided such contracts are made pursuant to rules of the Board of Regents, are for the implementation of approved programs of the

university, and do not require expenditures in excess of $1 million. The acquisition may be made by installment or lease-purchase contract. Such contracts may provide for the payment of interest on the unpaid portion of the purchase price. Notwithstanding any other provisions of this subsection, university presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment for projects with building programs and construction budgets approved by the Board of Regents. For the purposes of a university president's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed $1 million or the fee for study activity does not exceed $100,000.

(13) *Use, maintain, protect, and control university-owned or university-controlled buildings and grounds, property and equipment, name, and trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on commercial activity and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, animals, and sound. The authority vested in the university president under this subsection includes the authority to prioritize the use of university space, property, equipment, and resources and the authority to impose charges for the use of those items. Furthermore, each university president has* ~~Manage the property and financial resources of the university, including, but not limited to, having~~ the authority to adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the Board of Regents. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.

(14) Establish the internal academic calendar of the university within general guidelines of the Board of Regents.

(15) Administer the university's program of intercollegiate athletics.

(16) Recommend to the Board of Regents the establishment and termination of degree programs within the approved role and scope of the university.

(17) Award degrees.

(18) Supervise all construction contracts.

~~(19) Administer personnel programs established by the Board of Regents and any applicable collective bargaining agreements under the supervision of the Board of Regents.~~

(19)~~(20)~~ Recommend to the Board of Regents any fees applicable to the university and not otherwise prescribed by law.

(20)~~(21)~~ Organize the university to efficiently and effectively achieve the goals of the university; however, any reorganization which increases the number of administrators or their level of compensation shall be reviewed and approved by the Board of Regents.

(21)~~(22)~~ Review periodically the operations of the university in order to determine whether the rules and policies of the Board of Regents and the universities are being followed and to determine how effectively and efficiently the university is being administered.

(22)~~(23)~~ Otherwise provide for the effective operation of the university in the achievement of the goals established for it in the strategic plan adopted by the Board of Regents.

(23)~~(24)~~ ~~Adopt rules and~~ Enter into agreements for student exchange programs which involve students at the university and students in institutions of higher learning, either within or without the state, which are not in the State University System. Such agreements may provide that the tuition and fees of a student who is enrolled in a university in the State University System and who is participating in an exchange program shall be paid to the state university during the period of time he or she is participating in the exchange program. Such agreements may also provide that the tuition and fees of a student who is enrolled in an institution which is not in the State University System and who is participating in an exchange program shall be paid to the nonstate institution in which he or she is enrolled.

(24) Approve the internal procedures of student government and provide purchasing, contracting, and budgetary-review processes.

(25) Provide for the use and protection of data and technology, including information systems, communication systems, computer hardware and software, and networks.

(26) Ensure compliance with federal laws, regulations, and other requirements that are applicable to the university.

(27) Each university president is authorized to adopt rules to implement the provisions of this section.

Section 3. Subsection (6) of section 240.229, Florida Statutes, is amended to read:

240.229 Universities; powers; patents, copyrights, and trademarks.—Any other law to the contrary notwithstanding, each university is authorized, in its own name, to:

(6) Do all other acts necessary and proper for the execution of powers and duties herein conferred upon the university, *including adopting rules, as necessary, in order to administer this section*. Any proceeds therefrom shall be deposited and expended in accordance with s. 240.241. Any action taken by the university in securing or exploiting such trademarks, copyrights, or patents shall, within 30 days, be reported in writing by the president to the Department of State.

Section 4. Section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university *is authorized to adopt rules governing the admission of students* ~~shall govern admissions of students~~, subject to this section and rules of the Board of Regents.

(1) Minimum academic standards for undergraduate admission to a university must include the requirements that:

(a) Each student have received a high school diploma pursuant to s. 232.246, or its equivalent, except as provided in s. 240.116(2) and (3).

(b) Each student have *successfully completed a college-preparatory curriculum of nineteen credits, as defined in rules of the Board of Regents, including at least* ~~earned~~ two credits of sequential foreign language at the secondary level or the equivalent of such instruction at the postsecondary level. A student whose native language is not English is exempt from this admissions requirement, provided that the student demonstrates proficiency in the native language. If a standardized test is not available in the student's native language for the demonstration of proficiency, the university may provide an alternative method of assessment. The State Board of Education shall adopt rules for the articulation of foreign language competency and equivalency between secondary and postsecondary institutions. A student who received an associate in arts degree prior to September 1, 1989, or who enrolled in a program of studies leading to an associate degree from a Florida community college prior to August 1, 1989, and maintains continuous enrollment shall be exempt from this admissions requirement.

(c) Each student have submitted a test score from the Scholastic Assessment Test of the College Entrance Examination Board or the American College Testing Program.

(2) The minimum admission standards adopted by the Board of Regents or a state university must permit a student to earn at least four of the nineteen credits constituting the college-preparatory curriculum required for admission as electives in any one of the following manners:

(a) Successful completion of any course identified in the Department of Education course code directory as level two or higher in one or more of the following subject areas: English, mathematics, natural science, social science, and foreign language;

(b) Successful completion of any course identified in the Department of Education course code directory as level three in the same or related disciplines;

(c) Any combination of the courses identified in paragraphs (a) and (b); or

(d) Successful completion of two credits from the courses identified in paragraph (a), plus no more than two total credits from the following categories of courses:

1. Courses identified in the Department of Education course code directory as ROTC and military training;

2. Courses identified in the Department of Education corse code directory as level two in art-visual arts, dance, drama-theatre arts, language arts, or music; or

3. Any additional courses determined to be equivalent by the Articulation Coordinating Committee.

(3)~~(2)~~ The Board of Regents shall adopt rules which provide for a limited number of students to be admitted to the State University System, notwithstanding the admission requirements of paragraph (1)(b) *relating to credits in foreign language,* if there is evidence that the applicant is expected to do successful academic work at the admitting university. The number of applicants admitted under this subsection may not exceed 5 percent of the total number of freshmen who entered the State University System the prior year. Any lower-division student admitted without meeting the foreign language requirement must earn such credits prior to admission to the upper division of a state university. Any associate in arts admission to the upper division of a state university. Any associate in arts degree graduate from a public community college or university in Florida, or other upper-division transfer student, admitted without meeting the foreign language requirement, must earn such credits prior to graduation from a state university. Students shall be exempt from the provisions of this subsection if they can demonstrate proficiency in American sign language equivalent to that of students who have completed two credits of such instruction in high school.

(4)~~(3)~~(a) Nonresident students may be admitted to the university upon such terms as the university may establish. However, such terms shall include, but shall not be limited to: completion of a secondary school curriculum which includes 4 years of English; 3 years each of mathematics, science, and social sciences; and 2 years of a foreign language.

(b) Within the admission standards provided for in subsection (1), the Board of Regents shall develop procedures for weighting courses which are necessary to meet the requirements of a college-preparatory curriculum at a higher value than less rigorous courses. Credits received in such courses shall be given greater value in determining admission by universities than cumulative grade point averages in high school.

(5)~~(4)~~ Consideration shall be given to the past actions of any person applying for admission as a student to any state university, either as a new applicant, an applicant for continuation of studies, or a transfer student, when such actions have been found to disrupt or interfere with the orderly conduct, processes, functions, or programs of any other university, college, or community college.

(6)~~(5)~~ In any application for admission by a student as a citizen of the state, the applicant, if 18 years of age, or, if a minor, his or her parents or guardian shall make and file with such application a written statement under oath that such applicant is a citizen and resident of the state and entitled, as such, to admission upon the terms and conditions prescribed for citizens and residents of the state.

(7)~~(6)~~ Rules of the State Board of Education shall require the use of scores on tests of college-level communication and computation skills provided in s. 229.551 as a condition for admission of students to upper-division instructional programs from community colleges, including those who have been awarded associate in arts degrees. Use of such test scores as an admission requirement shall extend equally and uniformly to students enrolled in lower divisions in the State University System and to transfer students from other colleges and universities. The tests shall be required for community college students seeking associate in arts degrees and students seeking admission to upper-division instructional programs in the State University System. The use of test scores prior to August 1, 1984, shall be limited to student counseling and curriculum improvement.

(8)~~(7)~~ For the purposes of this section, American sign language constitutes a foreign language. Florida high schools may offer American sign language as a for-credit elective or as a substitute for any already authorized foreign language requirement.

(9)~~(8)~~ A Florida resident who is denied admission as an undergraduate to a state university for failure to meet the high school grade point average requirement may appeal the decision to the university and request a recalculation of the grade point average including in the revised calculation the grades earned in up to three credits of advanced fine arts courses. The university shall provide the student with a description of the appeals process at the same time as notification of the admissions decision. The university shall recalculate the student's grade point average using the additional courses and advise the student of any changes in the student's admission status. For purposes of this section, fine arts courses include courses in music, drama, painting, sculpture, speech, debate, or a course in any art form that requires manual dexterity. Advanced level fine arts courses include fine arts courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate, or fine arts courses taken in the third or fourth year of a fine arts curriculum.

Section 5. Subsection (17) is added to section 240.241, Florida Statutes, to read:

240.241 Divisions of sponsored research at state universities.—

(17) Each university president is authorized to adopt rules, as necessary, to administer this section.

Section 6. Section 240.261, Florida Statutes, is amended to read:

240.261 *Codes of conduct;* disciplinary *measures; rulemaking authority* ~~rules~~.—

(1) Each university may adopt, by rule, *codes of conduct and* ~~a uniform code of~~ appropriate penalties for violations of rules by students and employees, to be administered by the ~~president of each~~ university. Such penalties, unless otherwise provided by law, may include*: reprimand; restitution;* fines;~~, the~~ withholding of diplomas or transcripts pending compliance with rules*, completion of any student judicial process or sanction,* or payment of fines*; restrictions on the use of or removal from university facilities; community service; educational requirements;*~~,~~ and the imposition of probation, suspension, ~~or~~ dismissal*, or expulsion.*

(2) Each university may adopt, by rule, a code of conduct and appropriate penalties for violations of rules by student organizations, to be administered by the university. Such penalties, unless otherwise provided by law, may include: reprimand; restitution; suspension, cancellation, or revocation of the registration or official recognition of a student organization; and restrictions on the use of, or removal from, university facilities.

(3) Sanctions authorized by university codes of conduct may be imposed only for acts or omissions in violation of rules adopted by the university, including rules adopted under this section, rules of the Board of Regents, county and municipal ordinances, and the laws of this state, the United States, or any other state.

(4) Each university may establish and adopt, by rule, codes of appropriate penalties for violations of rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include: reprimand; reduction of grade; denial of academic credit; invalidation of university credit or of the degree based upon such credit; probation; suspension; dismissal; or expulsion. In addition to any other penalties

that may be imposed, an individual may be denied admission or further registration, and the university may invalidate academic credit for work done by a student and may invalidate or revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the university.

(5)~~(2)~~ The university shall adopt rules for the lawful discipline of any student, faculty member, or member of the administrative staff who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of a state university. Said rules may apply to acts conducted on or off campus when relevant to such orderly conduct, processes, and functions.

Section 7. Subsection (4) is added to section 240.291, Florida Statutes, to read:

240.291 Delinquent accounts.—

(4) Each university is authorized to adopt rules, as necessary, to implement the provisions of this section, including setoff procedures, payroll deductions, and restrictions on release of transcripts, awarding of diplomas, and access to other university resources and services.

Section 8. This act shall take effect July 1, 2000.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to rulemaking authority for the State University System (RAB); amending s. 240.209, F.S.; authorizing the Board of Regents to adopt certain systemwide rules; authorizing the Board of Regents to implement a differential out-of-state tuition fee for certain universities; amending s. 240.227, F.S.; authorizing each university president to adopt rules implementing provisions of law governing the operation and administration of the university; providing for specific areas in which such authority is to be exercised; amending s. 240.229, F.S., relating to patents, copyrights, and trademarks; authorizing each university to adopt rules, as necessary, to carry out the powers and duties enumerated in this section; amending s. 240.233, F.S.; authorizing each university to adopt rules governing the admission of students; revising requirements for minimum standards for undergraduate admission relating to foreign language; allowing students to use up to two credits in art, music, drama, speech, debate, humanities, or military science courses to count towards the admission requirements; requiring submission of a test score; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; authorizing each university president to adopt rules to implement this section; amending s. 240.261, F.S.; authorizing universities to adopt rules pertaining to codes of conduct, and penalties for violating such codes, for students and university employees; providing for rules and penalties relating to student academic honesty; amending s. 240.291, F.S., relating to delinquent accounts; providing for each university to adopt rules to implement this section; providing an effective date.

On motion by Rep. Casey, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/CS/HB 1567. The vote was:

Session Vote Sequence: 579

Yeas—118

The Chair	Ball	Bradley	Cantens
Albright	Barreiro	Bronson	Casey
Alexander	Bense	Brown	Chestnut
Andrews	Betancourt	Brummer	Constantine
Argenio	Bilirakis	Bucher	Cosgrove
Argenziano	Bitner	Bullard	Crady
Arnall	Bloom	Bush	Crist
Bainter	Boyd	Byrd	Crow
Detert	Harrington	Miller, J.	Sembler
Diaz de la Portilla, R.	Hart	Miller, L.	Smith, C.
Dockery	Henriquez	Minton	Smith, K.
Edwards	Heyman	Morroni	Sobel
Effman	Hill	Murman	Sorensen
Eggelletion	Jacobs	Ogles	Spratt
Farkas	Johnson	Patterson	Stafford
Fasano	Jones	Peaden	Stansel
Feeney	Kelly	Posey	Starks
Fiorentino	Kilmer	Prieguez	Suarez
Flanagan	Kosmas	Pruitt	Sublette
Frankel	Kyle	Putnam	Trovillion
Fuller	Lacasa	Rayson	Tullis
Futch	Lawson	Reddick	Turnbull
Garcia	Lee	Ritchie	Villalobos
Gay	Levine	Ritter	Wallace
Goode	Littlefield	Roberts	Wasserman Schultz
Goodlette	Logan	Rojas	Waters
Gottlieb	Lynn	Rubio	Wiles
Green, C.	Maygarden	Russell	Wise
Greenstein	Melvin	Ryan	
Hafner	Merchant	Sanderson	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1791, with an amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1791—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; amending s. 3 of chapter 91-358, Laws of Florida, as amended; revising the membership of the governing board of the authority; providing for designating certain positions on the governing board to residents of Manatee County and certain positions on the governing board to residents of Sarasota County; providing for the Governor to appoint the members of the governing board of the authority; limiting the number of consecutive years a member may be reappointed; providing for staggered terms of office; providing qualifications for membership; providing for a member to be suspended or removed from office by the Governor under specified circumstances; deleting provisions requiring the election of members to the governing board of the authority; repealing section 3, (3) and (4) of chapter 91-358, Laws of Florida, providing for nonpartisan ballots; amending s. 17 of chapter 91-358, Laws of Florida; providing that the authority is not an agency for purposes of the Administrative Procedure Act, chapter 120, F.S.; providing for severability; providing for a referendum; providing that candidates receiving a majority vote at the November 2000 general election do not assume office if the referendum is approved; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 6, lines 12 and 13, delete those lines

and insert: *approved, authority board candidates elected in the year 2000 shall not assume office,*

And the title is amended as follows:

On page 1, lines 28 and 29, delete those lines

and insert: elected in the year 2000 do not assume office if the

On motion by Rep. Bitner, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 1791. The vote was:

Session Vote Sequence: 580

Yeas—118

The Chair	Crist	Jacobs	Ritter
Albright	Crow	Johnson	Roberts
Alexander	Detert	Jones	Rojas
Andrews	Diaz de la Portilla, R.	Kelly	Rubio
Argenio	Dockery	Kilmer	Russell
Argenziano	Edwards	Kosmas	Ryan
Arnall	Effman	Kyle	Sanderson
Bainter	Eggelletion	Lacasa	Sembler
Ball	Farkas	Lawson	Smith, C.
Barreiro	Fasano	Lee	Smith, K.
Bense	Feeney	Littlefield	Sobel
Betancourt	Fiorentino	Lynn	Sorensen
Bilirakis	Flanagan	Maygarden	Spratt
Bitner	Frankel	Melvin	Stafford
Bloom	Fuller	Merchant	Stansel
Boyd	Futch	Miller, J.	Starks
Bradley	Garcia	Miller, L.	Suarez
Bronson	Gay	Minton	Sublette
Brown	Goode	Morroni	Trovillion
Brummer	Goodlette	Murman	Tullis
Bucher	Gottlieb	Ogles	Turnbull
Bullard	Green, C.	Patterson	Villalobos
Bush	Greene, A.	Peaden	Wallace
Byrd	Greenstein	Posey	Wasserman Schultz
Cantens	Hafner	Prieguez	Waters
Casey	Harrington	Pruitt	Wiles
Chestnut	Hart	Putnam	Wilson
Constantine	Henriquez	Rayson	Wise
Cosgrove	Heyman	Reddick	
Crady	Hill	Ritchie	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2664 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Comprehensive Planning, Local and Military Affairs and Senator Geller—

CS for SB 2664—A bill to be entitled An act relating to Palm Beach and Hendry Counties; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, relating to the Ritta Drainage District, a special tax district of the State of Florida composed of the Counties of Palm Beach and Hendry; providing legislative intent, and codifying and reenacting chapter 22882, Laws of Florida, 1945, chapter 61-1641, Laws of Florida, chapter 76-461, Laws of Florida, and chapter 84-500, Laws of Florida; providing for minimum charter requirements; providing for ratification of prior actions; providing for repeal of all prior special acts related to the Ritta Drainage District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Rep. Spratt, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 581

Yeas—114

The Chair	Andrews	Argenziano	Bainter
Albright	Argenio	Arnall	Ball
Barreiro	Fasano	Kyle	Rubio
Betancourt	Feeney	Lacasa	Russell
Bilirakis	Fiorentino	Lawson	Ryan
Bitner	Flanagan	Lee	Sanderson
Bloom	Frankel	Levine	Sembler
Boyd	Fuller	Littlefield	Smith, C.
Bradley	Futch	Logan	Smith, K.
Bronson	Garcia	Lynn	Sobel
Brown	Gay	Maygarden	Sorensen
Brummer	Goode	Melvin	Spratt
Bucher	Goodlette	Merchant	Stafford
Bullard	Gottlieb	Miller, J.	Stansel
Bush	Green, C.	Miller, L.	Starks
Byrd	Greene, A.	Minton	Suarez
Cantens	Greenstein	Morroni	Sublette
Casey	Hafner	Murman	Trovillion
Chestnut	Harrington	Ogles	Tullis
Cosgrove	Hart	Patterson	Turnbull
Crady	Henriquez	Peaden	Villalobos
Crist	Heyman	Posey	Wallace
Crow	Hill	Prieguez	Wasserman Schultz
Detert	Jacobs	Pruitt	Waters
Diaz de la Portilla, R.	Johnson	Rayson	Wiles
Edwards	Jones	Ritchie	Wilson
Effman	Kelly	Ritter	Wise
Eggelletion	Kilmer	Roberts	
Farkas	Kosmas	Rojas	

Nays—None

Votes after roll call:
Yeas—Putnam, Reddick

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate requests the return of CS for SB 1222.

Faye W. Blanton, Secretary

CS for SB 1222—A bill to be entitled An act creating the Task Force on the Availability and Affordability of Long-term Care; providing for membership and duties; providing for staff and expenses; requiring a report; providing for the expiration of the task force; providing an appropriation; providing an effective date.

On motion by Rep. Russell, the House acceded to the request of the Senate and returned **CS for SB 1222**.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB 406, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Policy, Commerce and Economic Opportunities, Comprehensive Planning, Local and Military Affairs and Senator Hargrett and others—

CS for CS for CS for SB 406—A bill to be entitled An act relating to economic development; creating the Community and Faith-based Organizations initiative within the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University; providing for the initiative to promote community development through partnerships with community and faith-based organizations; specifying the activities to be conducted by the initiative; providing for financial assistance to community and faith-based organizations; requiring the development of grant-selection criteria; requiring leveraging of funds; creating the Community and Library Technology Access Partnership; specifying the activities to be conducted by the partnership; requiring the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University to administer the initiative and the Division of

Library and Information Services of the Department of State to administer the Community and Library Technology Access Partnership; authorizing certain activities and uses of funds; prescribing eligibility of organizations for funding or assistance; requiring review and evaluation; providing appropriations; creating a community computer-access grant program, to be known as the Community High-Technology Investment Partnership, or "CHIP," program; providing purposes of the program; providing for program administration pursuant to a performance–based contract; providing for performance measures; providing for grants to be awarded to eligible neighborhood facilities; providing requirements for grant applications; prescribing the maximum amount of a grant; requiring a grant agreement between the institute and the recipient facility; providing for establishing minimum specifications of computers purchased under the program; providing for an evaluation and a report; authorizing the institute to subcontract for specified assistance services; creating an inner city redevelopment assistance grants program; providing duties of the Office of Tourism, Trade, and Economic Development; prescribing eligibility requirements for grants; providing expected outcomes from grants; creating the Inner City Redevelopment Review Panel and providing its membership and duties; providing legislative findings; amending s. 331.368, F.S.; expanding the purpose of the Florida Space Research Institute; revising the membership of the institute; prescribing additional duties of the institute; creating the Space Industry Workforce Initiative; requiring the Workforce Development Board of Enterprise Florida, Inc., to develop initiatives to address the workforce needs of the industry; prescribing criteria; requiring the board to convene industry representatives; requiring a report; providing for the establishment of the Florida–Caribbean Basin Trade Initiative by the Seaport Employment Training Grant Program contingent upon a specific appropriation; providing purpose of the initiative; providing responsibilities of the Seaport Employment Training Grant Program; providing for a performance–based contract with the Office of Tourism, Trade, and Economic Development; amending s. 212.08, F.S.; providing an exemption from the tax on sales, use, and other transactions for building materials used in the construction of certain single-family homes located in an enterprise zone, empowerment zone, or Front Porch Florida Community; providing an exemption from the tax on sales, use, and other transactions for building materials used in the construction of specified redevelopment projects; providing requirements for refund applications; providing for rules; directing the agencies involved with specified housing programs to give priority consideration to specified projects in urban-core neighborhoods; directing the Department of Community Affairs to propose modifications to the Brownfields Redevelopment Act and other economic incentives for consideration by the Legislature; providing an effective date.

—was read the first time by title. On motion by Rep. Bradley, the rules were suspended and the bill was read the second time by title.

Representative(s) Bradley offered the following:

(Amendment Bar Code: 450741)

Amendment 1 (with title amendment)—On page 22, lines 1-12,
remove from the bill: all of said lines
Renumber Subsequent Sections.

And the title is amended as follows:

On page 3, lines 22-25,
remove from the title of the bill: all of said lines

and insert in lieu thereof: directing the Department of

Rep. Bradley moved the adoption of the amendment, which was adopted.

Representative(s) Bradley offered the following:

(Amendment Bar Code: 523765)

Amendment 2 (with title amendment)—On page 28, between lines 3 and 4, of the bill

insert:

Section 13. *Toolkit for Economic Development.—*

(1) LEGISLATIVE INTENT.—The Legislature finds that the state has numerous economically distressed communities with a high proportion of needy families who are current or former recipients of public assistance or who are at risk of becoming dependent upon public assistance. The Legislature also finds that the existence of safe and strong communities with prosperous economies is crucial to reduce dependence on public assistance and to promote employment retention and self–sufficiency. It is the intent of the Legislature to reduce reliance on public assistance, to promote employment retention, and to increase self–sufficiency by providing easily accessed and useable tools that support local initiatives that create economically prosperous communities for needy families.

(2) CREATION; PURPOSE.—There is created a program to be known as the "Toolkit for Economic Development," the purpose of which is to enable economically distressed communities to access easily, and use effectively, federal and state tools to improve conditions in the communities and thereby help needy families in the communities avoid public assistance, retain employment, and become self–sufficient.

(3) DEFINITIONS.—For the purposes of this section, a community is "economically distressed" if the community is experiencing conditions affecting its economic viability and hampering the self–sufficiency of its residents, including, but not limited to, low per capita income, low property values, high unemployment, high under–employment, low weekly wages compared to the state average, low housing values compared to the state or area average, high percentage of the population receiving public assistance, high poverty levels compared to the state average, and high percentage of needy families.

(4) LIAISONS.—

(a) By August 1, 2000, the head of each of the following agencies or organizations shall designate a high–level staff person from within the agency or organization to serve as a liaison to this program:

1. Office of Tourism, Trade, and Economic Development;

2. Office of Urban Opportunity;

3. Department of Community Affairs;

4. Department of Law Enforcement;

5. Department of Juvenile Justice;

6. Department of Transportation;

7. Department of Environmental Protection;

8. Department of Agriculture and Consumer Services;

9. Department of State;

10. Department of Health;

11. Department of Children and Family Services;

12. Department of Corrections;

13. Department of Labor and Employment Security;

14. Department of Education;

15. Department of Military Affairs;

16. Florida Housing Finance Corporation;

17. Institute of Food and Agricultural Sciences;

18. Institute on Urban Policy and Commerce;

19. Florida Tourism Industry Marketing Corporation;

20. Enterprise Florida, Inc.;

21. Workforce Development Board of Enterprise Florida, Inc.;

22. Executive Office of the Governor; and

23. Any other agencies or organizations as determined by the coordinating partners.

(b) An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the coordinating partners, which shall convene the liaisons as necessary.

(c) Each liaison must have a comprehensive knowledge of the functions, whether regulatory or service–based, of his or her agency or organization. The liaison shall be the primary contact for the agency or organization for the Toolkit for Economic Development, assisting in expediting proposal review, resolving problems, promoting flexible assistance, and identifying opportunities for support within the agency or organization.

(d) As deemed necessary by the coordinating partners, liaisons shall review proposals from economically distressed communities to determine if they would be properly referred or submitted to their agencies or organizations. If such referral and submittal is appropriate, the liaison shall then assist the community as an ombudsman.

(e) The liaisons shall work at the request of the coordinating partners to review statutes and rules for their adverse effects on economically distressed communities and to develop alternative proposals to mitigate these effects.

(f) Liaisons shall review their agencies' or organizations' evaluation and scoring procedures for grant, loan, and aid programs to ensure that economically distressed communities are not unfairly disadvantaged, hampered, or handicapped in competing for awards because of community economic hardship. If they are, new evaluation criteria and scoring procedures shall be considered that recognize disproportionate requirements which an application process makes of a community that lacks the resources of other more prosperous communities. The evaluation criteria should weight contribution in proportion to the amount of resources available at the local level.

(g) Annually, the coordinating partners shall report to the Governor and the head of each agency or organization on the work and accomplishments of the liaisons.

(5) COORDINATING PARTNERS.—

(a) The liaisons from the WAGES State Board of Directors, or its successor organization, the Office of Urban Opportunity, the Department of Community Affairs, Enterprise Florida, Inc., and the Workforce Development Board of Enterprise Florida, Inc., shall serve as the coordinating partners of the Toolkit for Economic Development and act as an executive committee for the liaisons. The coordinating partners shall review any request from a Front Porch Community and shall provide whatever assistance that this section can afford to them.

(b) From time to time, the coordinating partners may recommend to the head of an agency or organization, approval of a project that in the unanimous judgment of the coordinating partners will have an extraordinary positive impact on an economically distressed community. Upon such recommendation, the head of an agency or organization shall give priority consideration for approval of such project.

(6) MATCHING–FUNDS OPTIONS.—Notwithstanding any other provision of law, an agency or organization may waive any state–required matching–funds requirements at the request of the coordinating partners. This waiver is contingent upon the determination by the coordinating partners that the community is fully committed to the success of a project, but lacks the community resources to meet match requirements. In–kind matches shall be allowed and applied as matching–funds utilizing the same determination criteria. The coordinating partners must unanimously endorse each request to an agency or organization. Any funds appropriated to the coordinating partners may be used to meet matching–funds requirements or fees for federal, state, or foundation application requirements.

(7) INVENTORY.—The coordinating partners shall develop, in consultation with the liaisons, an inventory of recommended federal and state tax credits, incentives, inducements, programs, opportunities, demonstrations or pilot programs, grants, and other resources available through the agencies and organizations which could assist Front Porch Florida or economically distressed communities. Each entry in the inventory must include a summary; a contact person; a simple description of the application process and a timetable; a profile of funding awards and funds availability; and a complexity ranking. The inventory shall be organized into seven categories, including:

(a) Leadership.—Entries that promote the skills and capacities of local leaders, volunteers, organizations, and employees that work on other categories of the inventory. These entries shall include, but are not limited to, grants; scholarships; Individual Training Accounts; Retention Incentive Training Account programs; and other programs that build the resident capacity to create a better community. These entries shall include educational–based institutes that can assist with research, consulting, technical assistance, capacity building, training, and program assistance to communities.

(b) Safety.—Entries that increase safety and reduce crime. These entries shall include, but are not limited to, the training and employment of public safety employees and volunteers; establishing safer businesses and neighborhoods; training residents in safety practices; organizing safety networks and cooperatives; improving lighting; improving the safety of homes, buildings, and streets; and providing for community police and safety projects, including those designed to protect youth in the community. Other entries may be included that reinforce community and local law enforcement.

(c) Clean Up.—Entries that support clean up and enhancement projects that quickly create visible improvements in neighborhoods, including the demolition of drug havens and abandoned buildings. These entries shall include, but are not limited to, projects that plan, design, or implement clean up strategies; main street redevelopment; and renovation projects. These entries may also include planning and implementation for larger neighborhood revitalization and economic development projects.

(d) Business.—Entries that support small business development, including, but not limited to, attraction of national franchises; micro–loans; guaranteed commercial loans; technical assistance; self–employment; linked deposit; loan loss reserves; business incubators; and other activities that support the market economy.

(e) Schools.—Entries that upgrade schools through repair or renovation, as well as training and employment entries to assist with school transportation, services, and security. These entries shall include, but are not limited to, programs that enable school–based childcare; before, after, and summer school programs; programs that broaden the use of school facilities as a hub and haven within the community; scholarships; and grant programs that assist families and individuals to complete and enhance their education.

(f) Partners.—Entries that provide tax credits, incentives, and other inducements to businesses that contribute to community projects, such as the community contribution tax credit under sections 220.183 and 624.5105, Florida Statutes. These entries shall include any programs that help raise federal or foundation grant funds.

(g) Redevelopment.—Entries that support the planning, preparation, construction, marketing, and financing of residential, mixed–use, and commercial redevelopment, as well as residential and business infrastructure projects. These entries shall include, but are not limited to, the workforce development programs that influence business decisions such as the Quick–Response Training Program and Quick–Response Training Program for Work and Gain Economic Self–sufficiency (WAGES) participants.

(8) START-UP INITIATIVE.—

(a) Subject to legislative appropriation and the provisions of this act, the Start-Up Initiative is created to promote the use of the inventory, to

boost a community's efforts, and to ensure that federal funds do not go unexpended or unobligated, or are not returned to federal agencies.

(b) The coordinating partners, in consultation with the liaisons, local economic development organizations, and regional workforce development boards, shall identify 15 communities, seven of which must be from the state's seven largest counties, three of which must be from rural counties, and five of which must be from other counties in the state. These communities must be compact, congruent, and contiguous census tracts that have high concentrations of needy families who are current, former, or likely recipients of public assistance. To the maximum extent possible, these communities should coincide with federal empowerment zones, enterprise communities, or similar designations; HOPE VI communities; Front Porch Florida communities; enterprise zones established under chapter 290 or chapter 370, Florida Statutes; Neighborhood Improvement Districts established under chapter 163, Florida Statutes; community redevelopment areas established under chapter 163, Florida Statutes; and Urban High Crime Areas or Rural Job Tax Credit Areas established under chapter 212, Florida Statutes.

(c) The coordinating partners shall solicit proposals from Front Porch Advisory Committees, community–based organizations, local governments, and neighborhood associations located in the communities identified in paragraph (b) and Front Porch communities. The coordinating partners shall provide each applicant with the inventory and recommendations on proposals that can be funded.

(d) Communities may prepare a proposal to access and use various entries from the inventory which will launch or boost their economic development efforts. Proposals must be no more than 20 pages long and include:

1. A brief description of how the community would use entries from the inventory in the community's economic development strategy;

2. Specific evidence of community support for the proposal from community–based organizations, local government, regional workforce development boards, and local economic development organizations;

3. Identification and commitment of local resources for the proposal from community–based organizations, local government, regional workforce development boards, and local economic development organizations;

4. Identification of the specific entity or person responsible for coordinating the community's proposal; and

5. Identification of a local fiscal entity for contracting, administration, and accountability.

(e) The coordinating partners shall appoint a liaison to assist each community with the proposal and its implementation, if awarded.

(f) The coordinating partners shall design an impartial and competitive proposal-review process and evaluation criteria. Based on the evaluation criteria, up to nine communities shall be designated to participate in the Start Up Initiative. Once a community is designated, the coordinating partners and the community's liaison will work to finalize the proposal, including the addition of funding sources for each inventory entry. The finalized proposal shall serve as the contract between the community and the Start-Up Initiative. If sufficient funding does not exist for an entry that is essential for the community's proposal or a community is ineligible for a specific inventory entry, the coordinating partners may allocate funding that is under their control to fulfill the entry. The proposal must be operational within 3 months after approval.

(g) Proposals that would mainly result in gentrification of the community, that would not employ a preponderance of residents, and that predominately create residences or businesses that are beyond the anticipated income level of the working residents of the community are not eligible.

(h) Proposal awards shall be obligated for federal funding purposes, and shall be considered appropriated for purposes of section 216.301, Florida Statutes. The coordinating partners may allocate funding that is under their control to fund this initiative. Any funding appropriated to assist needy families, or to promote job placement and employment retention, which is in excess of revenues necessary to fulfill the appropriated purpose, and which may not be obligated during the budget year, may be allocated to this initiative to support an approved proposal.

(i) Any federal funds must be used for purposes consistent with applicable federal law; however, the coordinating partners, with the assistance of the Department of Children and Family Services, shall aggressively pursue innovative uses of federal funds to support projects that train community leaders, upgrade individuals skills, promote safety, clean up communities, beautify neighborhoods, encourage small business, stimulate employment, increase educational opportunity, promote community partnering, advance community redevelopment, and upgrade housing because it assists needy families, promoting self–sufficiency and job retention.

(j) The coordinating partners shall adopt procedures for the Start-Up Initiative and may, if necessary, adopt, through the Department of Community Affairs, emergency rules to govern the submission of proposals, the evaluation of proposals, the initiative awards, and the implementation procedures for administration of awards.

(9) COMMUNITIES OF CRITICAL ECONOMIC OPPORTUNITY.—The coordinating partners may recommend to the Governor up to three communities of critical economic opportunity. A community of critical economic opportunity must be a community that is economically distressed, that presents a unique economic development opportunity, and that will create more than 1,000 jobs over a 5–year period. The Governor may, by executive order, designate up to three communities of critical economic opportunity which will establish these areas as priority assignments for the liaisons and coordinating partners. The provisions of the Qualified Target Industry Tax Refund Program under section 288.106, Florida Statutes, the Quick Response Training Program under section 288.047, Florida Statutes, the WAGES Quick Response Training Program under section 288.047(10), Florida Statutes, transportation projects under section 288.063, Florida Statutes, the brownfield redevelopment bonus refund under section 288.107, Florida Statutes, the job and employment tax credit programs and any other applicable economic development initiative or incentive may be utilized to the maximum extent allowable to address the critical economic opportunity or threat identified by the coordinating partners. Designation as a community of critical economic opportunity under this subsection shall be contingent upon the execution of a memorandum or agreement among the coordinating partners; the governing body of the county; and the governing bodies of any municipalities to be included within an area of critical economic opportunity. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(10) FUNDING.—

(a) To implement the provisions of this act, there is hereby appropriated the sum of $25 million from non-recurring Temporary Assistance for Needy Families (TANF) funds to the TANF administrative entity at the Department of Management Services. The Department of Management Services shall contract with entities recommended by the coordinating partners for funding pursuant to this section.

(b) Any expenditure from the TANF funds shall be in accordance with the requirements and limitations of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation in law. Prior to any expenditure of such funds, the Workforce Development Board of Enterprise Florida, Inc., and the secretary of the Department of Children and Family Services, or his or her designee, shall certify that controls are in place to ensure that such funds are expended and reported in accordance with the requirements and limitations of federal law. It shall be the responsibility of any entity to which funds are awarded to obtain the required certification prior to any expenditure of funds.

(11) REPORTING.—The Office of Program Policy Analysis and Government Accountability and the coordinating partners, shall develop measures and criteria by October 1, 2001, for evaluating the effectiveness of the Toolkit for Economic Development including the liaisons, coordinating partners, waivers and matching options, inventory, Start-Up Initiative, and Communities of Critical Economic Opportunity. The Office of Program Policy and Government Accountability shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by January 1, 2002, a report detailing the progress that the Toolkit for Economic Development has made toward achievement of established measures.

(12) EXPIRATION.—This section expires June 30, 2002.

Renumber Subsequent Section.

And the title is amended as follows:

On page 3, line 29, after the semicolon,

insert: providing for creation and purpose of the Toolkit for Economic Development; defining the term "economically distressed"; requiring the appointment of liaisons from agencies and organizations; providing for requirements and duties; creating coordinating partners to serve as the program's executive committee; providing for duties and powers; providing for waivers of state–required matching–funds requirements; requiring an inventory of programs that help economically distressed communities; requiring that the inventory be categorized; creating the Start-Up Initiative to promote the use of the inventory; providing for identification of communities; providing for solicitation of proposals; providing for proposal content; providing for review process and evaluation criteria; providing for funding; providing for the designation of communities of critical economic opportunity; providing for use of funds and certification; providing for reporting; providing for expiration;

Rep. Bradley moved the adoption of the amendment, which was adopted.

Representative(s) Boyd offered the following:

(Amendment Bar Code: 734967)

Amendment 3 (with title amendment)—On page 5, line 1,

insert:

Section 1. *(1) The Department of Management Services shall establish and maintain a central database to record and maintain all state-approved or reimbursed travel, including information related to each employee's origination and destination and any other information considered necessary by the department. The department may contract with an outside firm for the creation or maintenance of the database and may expend funds to develop, maintain, and improve the database. On January 1, 2001, and annually thereafter, the department shall furnish to the Legislature and the Governor a summary of all state travel and any recommendations for approving the efficiency or cost of that travel.*

(2) The Comptroller shall establish object class codes that uniquely identify expenditures related to payments for air travel, car rental, and motel or hotel accommodations. All state agency personnel, including the State University System, cabinet officers and the Legislature must use their state purchasing card, if issued, and the object codes when requesting payments for the travel expenditures specified in this subsection. The Comptroller shall report expenditures made by state entities not less frequently than annually to the Department of Management Services, or at other times as necessary for contract negotiations and other management needs.

Section 2. *The Department of Management Services may contract with an eligible air carrier for jet service or other service approved by the department to guarantee a number of seats or minimum revenue per departure or other incentive necessary to improve air service into Tallahassee beginning July 1, 2000. The department may expend funds for the purposes authorized by this section only to the extent necessary to match any public or private local funds.*

Section 3. *There are established two full time positions in the Department of Banking and Finance and the sum of $90,000 is appropriated from recurring General Revenue Fund to the Department of Banking and Finance to implement the provisions of this act during the 2000-2001 fiscal year.*

Section 4. Paragraphs (a) and (b) of subsection (3) of section 255.25, Florida Statutes, are amended, paragraph (c) of said subsection is redesignated as paragraph (d), and a new paragraph (c) is added to said subsection, and subsection (12) is added to said section, to read:

255.25 Approval required prior to construction or lease of buildings.—

(3)(a) Except as provided in subsection (10) *and except for those leases negotiated pursuant to the pilot project established by the Department of Management Services herein,* no state agency shall enter into a lease as lessee for the use of 5,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder. The Department of Management Services shall have the authority to approve a lease for 5,000 square feet or more of space that covers more than 1 fiscal year, subject to the provisions of ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease is, in the judgment of the department, in the best interests of the state. This paragraph does not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons.

(b) The Department of Management Services may approve extensions of an existing lease of 5,000 square feet or more of space if such extensions are determined to be in the best interests of the state, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month an agency still needs *such* space, it shall be procured by competitive bid in accordance with s. 255.249(2)(b) *or if an agency determines that it is in its best interest to remain in the space it currently occupies, the agency may negotiate a replacement lease with the lessor if an independent market analysis demonstrates that the rates offered are within market rates for the space offered, and if the cost of the new lease does not exceed the cost of a comparable lease plus documented moving costs. A present value analysis and the consumer price index shall be used in the calculation of lease costs. The term of the replacement lease shall not exceed the base term of the expiring lease.*

(c) Any agency proposing to enter into a lease for office space in an area designated as part of the Front Porch Florida Initiative, or Community Redevelopment Agency (CRA) may, with the prior approval of the Department of Management Services, directly negotiate with a building owner for leased space within such area without the competitive bid requirement of subsection (3)(a).

(12)(a) *The Department of Management Services shall undertake a pilot project in Hillsborough, Leon, Broward, Orange, and Seminole Counties for a contracted tenant broker to assist state agencies in locating suitable private sector leases. The department shall solicit qualified candidates through the request for proposals process and conduct interviews of finalists. The tenant broker shall be under contract to the department, but all fees or commissions to be paid to the tenant broker shall be paid by the ultimate private sector lessor. The department shall select a tenant broker in each county in the pilot project. Agencies may employ the services of the broker in any such county for a specified period of time for a given property procurement. Except for the exemption from competitive bidding described in subsection (3)(a) current leasing procedures would remain in effect, including the zone rate guidelines. Brokers shall be required to disclose any conflict of interest and all compensation received from transactions. Brokers' compensation shall be no more than what is customarily found in the marketplace. Contracts between the department and the broker shall be for a term of 1 year, renewable for an additional year based on a satisfactory performance review. The Department of Management Services is authorized to adopt such rules as may be necessary to carry out the intent of this section.*

(b) In designing the pilot project, the department shall endeavor to accomplish the following goals:

1. Provide for a faster, more efficient, and cost-effective lease procurement process.

2. Provide access for agencies to experienced brokers with knowledge of the local marketplace.

3. Provide a documented, professional cost-benefit analysis of all choices.

4. Provide for the ability to negotiate the best deal.

5. Provide the ability to reject any proposal which does not meet the needs of the agency.

6. Provide that the Department of Management Services shall have the final review and approval of all leases to ensure quality control.

(c) On or before July 1, 2002, the Department of Management Services shall report to the Legislature on the effectiveness of the pilot project and shall make recommendations, in the form of legislation, if necessary, for the implementation of the project on a statewide basis.

(d) The pilot project shall stand repealed effective July 1, 2002.

And the title is amended as follows:

On page 1, line 2, after the semicolon,

insert: requiring the Department of Management Services to establish a central database to maintain a record of all state-related travel; providing an appropriation for the development, maintenance, and improvements to the database; requiring the Comptroller to establish object codes that uniquely identify expenses related to air travel, car rental, and motel or hotel accommodations; authorizing the Department of Management Services to negotiate and contract with an air carrier for service; requiring local matching funds; providing an appropriation; amending s. 255.25, F.S., providing an exception to competitive bidding for those leases negotiated pursuant to the department pilot project to be established; providing for negotiation of a replacement lease for currently occupied space under certain conditions; allowing agencies to negotiate leases in designated Front Porch Communities without competitive bidding; establishing a tenant broker pilot project in certain designated Florida counties to assist with property procurement and providing goals for the project; providing for automatic repeal of the pilot project;

Rep. Boyd moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Bradley, the rules were suspended and CS for CS for CS for SB 406, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 582

Yeas—120

The Chair	Brummer	Farkas	Henriquez
Albright	Bucher	Fasano	Heyman
Alexander	Bullard	Feeney	Hill
Andrews	Bush	Fiorentino	Jacobs
Argenio	Byrd	Flanagan	Johnson
Argenziano	Cantens	Frankel	Jones
Arnall	Casey	Fuller	Kelly
Bainter	Chestnut	Futch	Kilmer
Ball	Constantine	Garcia	Kosmas
Barreiro	Cosgrove	Gay	Kyle
Bense	Crady	Goode	Lacasa
Betancourt	Crist	Goodlette	Lawson
Bilirakis	Crow	Gottlieb	Lee
Bitner	Detert	Green, C.	Levine
Bloom	Diaz de la Portilla, R.	Greene, A.	Littlefield
Boyd	Dockery	Greenstein	Logan
Bradley	Edwards	Hafner	Lynn
Bronson	Effman	Harrington	Maygarden
Brown	Eggelletion	Hart	Melvin
Merchant	Pruitt	Sanderson	Sublette
Miller, J.	Putnam	Sembler	Trovillion
Miller, L.	Rayson	Smith, C.	Tullis
Minton	Reddick	Smith, K.	Turnbull
Morroni	Ritchie	Sobel	Villalobos
Murman	Ritter	Sorensen	Wallace
Ogles	Roberts	Spratt	Wasserman Schultz
Patterson	Rojas	Stafford	Waters
Peaden	Rubio	Stansel	Wiles
Posey	Russell	Starks	Wilson
Prieguez	Ryan	Suarez	Wise

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 708, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Children and Families, Children and Families and Senator Jones—

CS for SB 708—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, 943.171, F.S.; redefining the terms "domestic violence" and "family or household member"; amending s. 90.5036, F.S.; redefining the terms "domestic violence center" and "domestic violence advocate"; specifying the persons to whom confidential communication provisions apply; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; providing legislative intent that ex parte temporary injunctions protect a victim as long as he or she is in danger; requesting the Supreme Court to adopt rules to require extensions of temporary injunctions; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; requiring the Batterers' Intervention Program to provide notification of discharge; providing that respondents must complete the Batterers' Intervention Program if ordered; providing for the court not to modify or dissolve an injunction unless failure to complete the Batterers' Intervention Program is justified; providing for recording of proceedings; directing the Office of State Court Administrator to examine and develop recommendations concerning certain court practices; providing for a report to the Governor and Legislature; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; providing an effective date.

—was read the first time by title. On motion by Rep. Roberts, the rules were suspended and the bill was read the second time by title.

Representative(s) Roberts offered the following:

(Amendment Bar Code: 595985)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

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" 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~~, who is or was residing in the same single dwelling unit~~.

(b) "Family or household member" means*:*

1. Spouse.~~,~~

2. Former spouse.~~,~~

3. Persons related by blood or marriage *who are or were residing in the same single dwelling unit.*~~,~~

4. Persons who are presently residing together, as if a family.~~, or~~

5. *Persons* who have resided together in the past, as if a family.~~, and~~

6. Persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 2. 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" 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 ~~who is or was residing in the same single dwelling unit~~.

(3) "Family or household member" means*:*

(a) Spouses.~~,~~

(b) Former spouses.~~,~~

(c) *Persons* ~~adults~~ related by blood or marriage *who are or were residing in the same single dwelling unit.*~~,~~

(d) Persons who are presently residing together, as if a family. ~~or~~

(e) *Persons* who have resided together in the past, as if a family.~~, and~~

(f) Persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 3. Subsection (3) of section 61.1825, Florida Statutes, is amended to read:

61.1825 State Case Registry.—

(3)(a) For the purpose of this section, a family violence indicator must be placed on a record when*:*

1. A party executes a sworn statement requesting that a family violence indicator be placed on that party's record which states that the party has reason to believe that release of information to the Federal Case Registry may result in physical or emotional harm to the party or the child*;*~~.~~

2. A temporary or final injunction for protection against domestic violence has been granted pursuant to s. 741.30(6), an injunction for protection against domestic violence has been issued by a court of a foreign state pursuant to s. 741.315, or a temporary or final injunction for protection against repeat violence has been granted pursuant to s. 784.046; or

3. The department has received information on a Title IV-D case from the Domestic and Repeat Violence Injunction Statewide Verification System, established pursuant to s. 784.046(8)(b), that a court has granted a party a domestic violence or repeat violence injunction.

(b) Before the family violence indicator can be removed from a record, the protected person must be afforded notice and an opportunity to appear before the court on the issue of whether the disclosure will result in harm.

Section 4. Paragraphs (a) and (b) of subsection (1) and subsection (2) of section 90.5036, Florida Statutes, are amended to read:

90.5036 Domestic violence advocate-victim privilege.—

(1) For purposes of this section:

(a) A "domestic violence center" is any public or private agency that offers assistance to victims of domestic violence, as defined in s. 741.28, and their families *as its primary mission and is providing all the services mandated under s. 39.905(1)(c).*

(b) A "domestic violence advocate" means any employee or volunteer who has 30 hours of training in assisting victims of domestic violence and is an employee of or volunteer for a ~~program for victims of~~ domestic violence *center* ~~whose primary purpose is the rendering of advice, counseling, or assistance to victims of domestic violence~~.

(2) A victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the victim to a domestic violence advocate or any record made in the course of advising, counseling, or assisting the victim. The privilege applies to confidential communications made between the victim and the domestic violence advocate and to records of those communications only if the advocate is registered *with the Department of Children and Family Services* ~~under s. 39.905~~ at the time the communication is made. This privilege includes any advice given by the domestic violence advocate in the course of that relationship.

Section 5. 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, *unless barred by s. 741.2901,* the decedent, when written inter vivos authorizations and directions are provided by the decedent, the surviving spouse, son or daughter who is 18 years of age or older, parent, brother or sister 18 years of age or over, grandchild who is 18 years of age or older, or 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 6. Subsections (1) and (2) of section 741.28, Florida Statutes, are amended to read:

741.28 Domestic violence; definitions.—As used in ss. 741.28-741.31:

(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 ~~who is or was residing in the same single dwelling unit~~.

(2) "Family or household member" means*:*

(a) Spouses.~~,~~

(b) Former spouses.~~,~~

(c) Persons related by blood or marriage *who are or were residing in the same single dwelling unit.*~~,~~

(d) Persons who are presently residing together, as if a family.~~ or~~

(e) *Persons* who have resided together in the past, as if a family.~~, and~~

(f) Persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 7. Subsection (3) of section 741.2901, Florida Statutes, is amended to read:

741.2901 Domestic violence cases; prosecutors; legislative intent; investigation; duty of circuits; first appearance.—

(3) Prior to a defendant's first appearance in any charge of domestic violence as defined in s. 741.28, the State Attorney's Office shall perform a thorough investigation of the defendant's history, including, but not limited to: prior arrests for domestic violence, prior arrests for nondomestic charges, prior injunctions for protection against domestic and repeat violence filed listing the defendant as respondent and noting history of other victims, and prior walk-in domestic complaints filed against the defendant. This information shall be presented at first appearance, when setting bond, and when passing sentence, for consideration by the court. When a defendant is arrested for an act of domestic violence, the defendant shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903. *A family or household member arrested for or charged with intentionally causing the death of another family or household member shall not qualify as a "legally authorized person" as defined in s. 470.002.* In determining bail, the court shall consider the safety of the victim, the victim's children, and any other person who may be in danger if the defendant is released.

Section 8. Subsections (1), (3), (5), and (6) of section 741.30, Florida Statutes, are 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.—

(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.

(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 has suffered or has reasonable cause to fear imminent domestic violence because respondent has *(check off all that apply and describe in the space(s) below the incidents of violence or threats of violence, including when and where they occurred)*: . . . . . .

. . . . *Committed or threatened to commit domestic violence as defined in s. 741.28.*

. . . . *Previously threatened, harassed, stalked, or physically abused the petitioner.*

. . . . *Attempted to harm the petitioner or family members or individuals associated with the petitioner.*

. . . . *Threatened to conceal, kidnap, or harm the child.*

. . . . *Intentionally injured or killed a family pet.*

. . . . *Used or has threatened to use any weapons such as guns or knives against the petitioner.*

. . . . *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).*

. . . . *Engaged in any other behavior or conduct that leads the petitioner 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.

. . . . 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.

(5)(a) When it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and 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 temporary 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 s. 61.13(2), (3), (4), and (5), granting to the petitioner temporary custody of a minor child or children.

(b) In a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days.

(d) 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. *It is the intent of the Legislature that lack of service of process during the ex parte injunction process not leave the victim unprotected. Therefore,* the court may grant *an extension of the temporary injunction and* a continuance of the *full* hearing before or during a hearing for good cause shown by any party, *or upon its own motion for good cause, including failure* ~~which shall include a continuance~~ to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.

(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 the court has reasonable cause to believe the petitioner 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. *A*

batterers' intervention program shall provide to the court a notification of the respondent's enrollment and discharge from the program to be placed in the case file. The notification of discharge shall specify one of the following categories for discharge, and reason for discharge if other than completion: completion of the program, rejection of services, or termination from the program.

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 of the relationship 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 associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the child.

4. Whether the respondent has intentionally injured or killed a family pet.

5. Whether the respondent has used or has threatened to use any weapons such as guns or knives against the petitioner.

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. Any other behavior or conduct that leads the court to believe that the petitioner is in imminent danger of becoming a victim of domestic violence.

In making its determination under this section, the court is not limited to those factors enumerated in subparagraphs 1.-9.

(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. *A respondent who requests to dissolve an injunction must have completed a batterers' intervention program if ordered as a condition of his or her injunction, unless the court finds that there is substantial justification for the respondent's failure to complete the program. The court shall not grant the respondent's request to dissolve the injunction unless there is substantial justification for the respondent's failure to complete the program. Further, the court shall not grant a respondent's request to modify the injunction unless the respondent shows good cause for failure to complete the program or good cause for a modification of the injunction.*

(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 if the court chooses to provide for the recording and has adequate existing court resources for any associated costs. Recording may be by electronic means, as provided by the Rules of Judicial Administration. If the means to record the proceedings are not available, the parties must be notified prior to the full hearing. This notification shall include a statement that the parties may arrange for the court reporting of the proceedings, provided such court reporting is consistent with the Rules of Judicial Administration. The parties arranging for such court reporting shall be responsible for paying the reporting fees.

Section 9. 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" means any assault, *aggravated assault,* battery, *aggravated battery,* sexual assault, sexual battery, *stalking, aggravated stalking, kidnapping, false imprisonment,* 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) *"Family or* household member" means*:*

1. Spouse.~~,~~

2. Former spouse.~~,~~

3. Persons related by blood or marriage *who are or were residing in the same single dwelling unit.*~~,~~

4. Persons who are presently residing together, as if a family.~~, or~~

5. Persons who have resided together in the past, as if a family.~~, and~~

6. Persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 10. *The Office of the State Courts Administrator shall examine the current practice of the courts with respect to the determination of visitation and custody and the terms of visitation and custody when an injunction for protection has been ordered, the consideration of custody and visitation in the injunction hearings, and the issuing of injunctions for protection during a dissolution-of-marriage proceeding. Based on the findings of this examination, the Office of the State Courts Administrator shall develop recommendations for ensuring the most appropriate consideration of custody and visitation issues during the injunction process and of injunction for protection issues during the dissolution-of-marriage process. This examination and development of recommendations must be conducted in collaboration with the Department of Children and Family Services, the Governor's Task Force on Domestic Violence, the Department of Revenue, the Florida Sheriffs Association, the Florida Coalition Against Domestic Violence, the Family Law Section of The Florida Bar, and any other interested organizations identified by the Office of the State Courts Administrator. All participants in this process shall attend meetings at their own expense. A report of the recommendations shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2001.*

Section 11. *The Legislature declares that protection against domestic violence is of utmost importance. Further, the Legislature finds that lack of service of process during the ex parte temporary injunction process can leave the victim unprotected unless the injunction remains in effect. The Legislature therefore requests the Supreme Court to examine its current practice and rules of court with respect to ex parte temporary injunctions for protection against domestic violence and the conditions under which continued protection is necessary, and to consider revising and adopting rules to effectuate the legislative expression of this act.*

Section 12. Subsection (5) of section 414.0252, Florida Statutes, is amended to read:

414.0252 Definitions.—As used in ss. 414.015-414.45, the term:

(5) "Family" means the assistance group or the individuals whose needs, resources, and income are considered when determining eligibility for temporary assistance. The family for purposes of temporary assistance includes the minor child, custodial parent, or caretaker relative who resides in the same house or living unit. The family may also include individuals whose income and resources are considered in whole or in part in determining eligibility for temporary assistance but whose needs, due to federal or state restrictions, are not considered. These individuals include, but are not limited to, ineligible noncitizens or sanctioned individuals. *For the purpose of Temporary Assistance to Needy Families (TANF) services that meet the goal of encouraging the formation and maintenance of two-parent families in 45 C.F.R. s. 260.20(d) and s. 260.31(b)(6), family includes the noncustodial parent who does not reside in the same house or living unit. The noncustodial parent's income shall not be considered in determining the eligibility of the family that includes the custodial parent except to the extent that support payments are provided.*

Section 13. Section 753.01, Florida Statutes, is created to read:

753.01 Supervised visitation programs; legislative findings and intent.—

(1) The Legislature finds that a large number of children experience the separation or divorce of their parents and that some of those children have been determined by the court to be at risk or are allegedly at risk for physical, emotional, or sexual abuse, parental abduction, domestic violence, or parental impairment due to substance abuse or mental illness.

(2) The Legislature further finds that there are children who have been adjudicated dependent by the court and ordered into out-of-home placements as a result of those same risks.

(3) The Legislature recognizes that Florida is witnessing the rapid development of supervised visitation centers across the state. These programs offer an opportunity for nonresidential parents to maintain contact with their children in a safe environment. Supervised visitation centers provide a critically needed service in facilitating safe contact between perpetrators of domestic violence and their children. These centers provide the judiciary with an important tool to safeguard against abuse or exposure to other behaviors that may be unduly stressful or traumatic to a child.

(4) Recognizing that in some circumstances it is necessary to provide a safe and structured setting for child visitation and exchange, the Legislature intends through this chapter, subject to specific appropriations, to assist in the development of supervised visitation programs and to provide a means by which uniform standards for the administration and certification of such programs can be developed.

Section 14. Section 753.02, Florida Statutes, is created to read:

753.02 Definitions.—As used in this chapter:

(1) "Child" means an unmarried person under the age of 18 who has not been emancipated by order of the court and whose contact with a noncustodial parent requires supervision pursuant to a court order.

(2) "Clearinghouse" means the Clearinghouse on Supervised Visitation within the Institute for Family Violence Studies of the Florida State University School of Social Work.

(3) "Client" means the residential parent, nonresidential parent, or child receiving supervised contact services pursuant to a court referral to a supervised visitation program.

(4) "Supervised exchange" means the supervision of the movement of the child from the residential parent to the nonresidential parent at the start of the supervised visitation, and from the nonresidential parent back to the residential parent at the end of the supervised visitation.

(5) "Supervised visitation" means the contact between a nonresidential parent and child which occurs in the presence of an independent third party.

(6) "Supervised Visitation Network" means the international association of agencies and individuals created to share information, to establish and improve on supervised visitation as an integral part of services for families, to provide a forum for the exchange of information and supervised visitation services, to develop standards of practice of supervised visitation, to educate professionals and the public about the value of supervised visitation, and to promote public awareness about the need for supervised visitation.

(7) "Supervised visitation program" means a program created to provide facilities, resources, and administrative services in the course of offering a safe and structured setting for supervised visitation and exchange. Only for the purposes of obtaining criminal history information on potential employees and volunteers, a supervised visitation program is a qualified entity, providing care, as defined in s. 943.0542.

Section 15. Section 753.03, Florida Statutes, is created to read:

753.03 Office for Certification and Monitoring of Supervised Visitation Programs.—There is established the Office for Certification and Monitoring of Supervised Visitation Programs under the Clearinghouse on Supervised Visitation within the Institute for Family Violence Studies of the Florida State University School of Social Work. The clearinghouse may certify and monitor all supervised visitation programs that receive court referrals. The purpose of the certification of programs is to uniformly and systematically standardize supervised visitation programs to ensure the safety of the children, parents, and others who use the programs, as well as the safety of the staff and surrounding community.

Section 16. Section 753.04, Florida Statutes, is created to read:

753.04 Duties of the Clearinghouse on Supervised Visitation.—The Clearinghouse on Supervised Visitation shall promulgate minimum standards to govern the purpose, policies, standards of practice, program

content, security measures, qualifications of providers, training and credentials of staff, and procedures governing all aspects of supervised visitation program standards. In promulgating the minimum standards, the clearinghouse shall collaborate with the executive board of the Florida Chapter of the Supervised Visitation Network and the advisory board created in this section. The clearinghouse shall:

(1) Create an advisory board to assist in promulgating minimum standards. The members of the advisory board shall include:

(a) Two members of the executive board of the Florida Chapter of the Supervised Visitation Network, appointed by the president of the Florida Chapter of the Supervised Visitation Network.

(b) A representative from the Office of the State Courts Administrator, appointed by the State Courts Administrator.

(c) A representative from the Department of Children and Family Services, appointed by the Secretary of Children and Family Services.

(d) A representative from the Florida Coalition Against Domestic Violence, appointed by the executive director of the Florida Coalition Against Domestic Violence.

(e) A representative from a Florida law enforcement agency, appointed by the executive director of the Florida Sheriffs Association.

(f) A family law judge, appointed by the Chief Justice of the Florida Supreme Court.

(g) Up to two representatives of supervised visitation programs, appointed by the director of the clearinghouse.

(h) A representative from the Junior League, selected from among those chapters of the Junior League that contribute funding to supervised visitation programs. The name of the representative must be provided to the clearinghouse within 30 days after the effective date of this act.

(2) Develop by rule criteria for the approval or rejection of certification or funding of supervised visitation programs.

(3) Develop by rule minimum standards for the administration and implementation of supervised visitation programs to ensure the safety of families and staff in the programs.

(4) Receive, and approve or reject, applications for certification of supervised visitation programs and receive, and approve or reject, applications for funding of supervised visitation programs. When approving funding for a newly certified supervised visitation program, every effort shall be made to avoid duplication of services and to minimize any adverse economic impact on existing certified programs or services provided in the same judicial circuit.

(5) Monitor each certified supervised visitation program annually to ensure compliance with the minimum standards.

(6) Create a formula for the distribution of funds available for supervised visitation programs, with the advice of the advisory board. In developing the formula, the following shall be considered: population, express support of the local judiciary, a rural and geographical area factor, the incidence of domestic violence, and the number of petitions for dissolution of marriage, injunctions for protection against domestic violence, and petitions for dependency filed in the judicial circuit.

(7) Continue to develop competency-based training materials on supervised visitation, continue to produce and disseminate a newsletter on supervised visitation issues, continue to compile data on program utilization, and continue to provide technical and legal assistance and research to supervised visitation programs.

(8) Adopt rules to implement this section.

Section 17. *Sections 753.001, 753.002, and 753.004, Florida Statutes, are repealed.*

Section 18. *The Division of Statutory Revision of the Office of Legislative Services is directed to retitle chapter 753, Florida Statutes, "Supervised Family Visitation."*

Section 19. *Implementation of any specific provision of this act relating to supervised family visitation is contingent upon a specific appropriation in the General Appropriations Act.*

Section 20. *No funds from the General Appropriations Act for fiscal year 2000-2001 are provided for the Center for Marriage and Family within the College of Human Sciences at Florida State University, and Florida State University shall not expend any funds from the General Appropriations Act on the Center for Marriage and Family.*

Section 21. *Short title.—Sections 21 through 62 of this act may be cited as the "Uniform Child Custody Jurisdiction and Enforcement Act."*

Section 22. *Definitions.—In this act:*

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision.

(2) "Child" means an individual who has not attained 18 years of age.

(3) "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

(4) "Child custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under sections 43 through 59.

(5) "Commencement" means the filing of the first pleading in a proceeding.

(6) "Court" means an entity authorized under the law of a state to establish, enforce, or modify a child custody determination.

(7) "Home state" means the state in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than 6 months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

(8) "Initial determination" means the first child custody determination concerning a particular child.

(9) "Issuing court" means the court that makes a child custody determination for which enforcement is sought under this act.

(10) "Issuing state" means the state in which a child custody determination is made.

(11) "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination.

(12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or government; governmental subdivision, agency, instrumentality, or public corporation; or any other legal or commercial entity.

(13) "Person acting as a parent" means a person, other than a parent, who:

(a) Has physical custody of the child or has had physical custody for a period of 6 consecutive months, including any temporary absence, within 1 year immediately before the commencement of a child custody proceeding; and

(b) Has been awarded legal custody by a court or claims a right to legal custody under the law of this state.

(14) "Physical custody" means the physical care and supervision of a child.

(15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) "Tribe" means an Indian tribe, or band, or Alaskan Native village which is recognized by federal law or formally acknowledged by a state.

(17) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

Section 23. *Proceedings governed by other law.—This act does not govern an adoption proceeding or a proceeding pertaining to the authorization of emergency medical care for a child.*

Section 24. *Application to Indian tribes.—*

(1) A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. s. 1901 et seq., is not subject to this act to the extent that it is governed by the Indian Child Welfare Act.

(2) A court of this state shall treat a tribe as if it were a state of the United States for purposes of applying sections 21 through 42.

(3) A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this act must be recognized and enforced under sections 43 through 59.

Section 25. *International application of act.—*

(1) A court of this state shall treat a foreign country as if it were a state of the United States for purposes of applying sections 21 through 42.

(2) Except as otherwise provided in subsection (3), a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this act must be recognized and enforced under sections 43 through 59.

(3) A court of this state need not apply this act if the child custody law of a foreign country violates fundamental principles of human rights.

Section 26. *Effect of child custody determination.—A child custody determination made by a court of this state that had jurisdiction under this act binds all persons who have been served in accordance with the laws of this state or notified in accordance with section 28 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.*

Section 27. *Priority.—If a question of existence or exercise of jurisdiction under this act is raised in a child custody proceeding, the question, upon request of a party, must be given priority on the calendar and handled expeditiously.*

Section 28. *Notice to persons outside the state.—*

(1) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the laws of this state for the service of process or by the laws of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice, but may be by publication if other means are not effective.

(2) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.

(3) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

Section 29. *Appearance and limited immunity.—*

(1) A party to a child custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child custody determination, is not subject to personal jurisdiction in this state for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

(2) A person who is subject to personal jurisdiction in this state on a basis other than physical presence is not immune from service of process in this state. A party present in this state who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

(3) The immunity granted by subsection (1) does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this act committed by an individual while present in this state.

Section 30. *Communication between courts.—*

(1) A court of this state may communicate with a court in another state concerning a proceeding arising under this act.

(2) The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, they must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

(3) Communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of the communication.

(4) Except as otherwise provided in subsection (3), a record must be made of a communication under this section. The parties must be informed promptly of the communication and granted access to the record.

(5) For the purposes of this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Section 31. *Taking testimony in another state.—*

(1) In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.

(2) A court of this state may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state. A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

(3) Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

Section 32. *Cooperation between courts; preservation of records.—*

(1) A court of this state may request the appropriate court of another state to:

(a) Hold an evidentiary hearing;

(b) Order a person to produce or give evidence pursuant to procedures of that state;

(c) Order that an evaluation be made with respect to the custody of a child involved in a pending proceeding;

(d) Forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; and

(e) Order a party to a child custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.

(2) Upon request of a court of another state, a court of this state may hold a hearing or enter an order described in subsection (1).

(3) Travel and other necessary and reasonable expenses incurred under subsections (1) and (2) may be assessed against the parties according to the laws of this state.

(4) A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child custody proceeding until the child attains 18 years of age. Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of these records.

Section 33. *Initial child custody jurisdiction.—*

(1) Except as otherwise provided in section 16, a court of this state has jurisdiction to make an initial child custody determination only if:

(a) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;

(b) A court of another state does not have jurisdiction under paragraph (a), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 39 or section 40, and:

1. The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and

2. Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;

(c) All courts having jurisdiction under paragraph (a) or paragraph (b) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 39 or section 40; or

(d) No court of any other state would have jurisdiction under the criteria specified in paragraph (a), paragraph (b), or paragraph (c).

(2) Subsection (1) is the exclusive jurisdictional basis for making a child custody determination by a court of this state.

(3) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

Section 34. *Exclusive, continuing jurisdiction.—*

(1) Except as otherwise provided in section 36, a court of this state which has made a child custody determination consistent with section 33 or section 35 has exclusive, continuing jurisdiction over the determination until:

(a) A court of this state determines that the child, the child's parents, and any person acting as a parent do not have a significant connection with this state and that substantial evidence is no longer available in this state concerning the child's care, protection, training, and personal relationships; or

(b) A court of this state or a court of another state determines that the child, the child's parent, and any person acting as a parent do not presently reside in this state.

(2) A court of this state that has made a child custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under section 33.

Section 35. *Jurisdiction to modify determination.—Except as otherwise provided in section 16, a court of this state may not modify a child custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under section 33(1)(a) or (b) and:*

(1) The court of the other state determines it no longer has exclusive, continuing jurisdiction under section 34 or that a court of this state would be a more convenient forum under section 39; or

(2) A court of this state or a court of the other state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state.

Section 36. *Temporary emergency jurisdiction.—*

(1) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

(2) If there is no previous child custody determination that is entitled to be enforced under this act, and a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 33 through 35, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 33 through 35. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 33 through 35, a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.

(3) If there is a previous child custody determination that is entitled to be enforced under this act, or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 33 through 35, any order issued by a court of this state under this section must specify in the order a period which the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 33 through 35. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.

(4) A court of this state which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under sections 33 through 35, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to sections 33 through 35, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

Section 37. *Notice; opportunity to be heard; joinder.—*

(1) Before a child custody determination is made under this act, notice and an opportunity to be heard in accordance with the standards of section 28 must be given to all persons entitled to notice under the laws of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

(2) This act does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.

(3) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this act are governed by the laws of this state as in child custody proceedings between residents of this state.

Section 38. *Simultaneous proceedings.—*

(1) Except as otherwise provided in section 36, a court of this state may not exercise its jurisdiction under sections 33 through 43 if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child had been commenced in a court of another state

having jurisdiction substantially in conformity with this act, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under section 39.

(2) Except as otherwise provided in section 36, a court of this state, before hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties pursuant to section 41. If the court determines that a child custody proceeding was previously commenced in a court in another state having jurisdiction substantially in accordance with this act, the court of this state shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with this act does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.

(3) In a proceeding to modify a child custody determination, a court of this state shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the court may:

(a) Stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;

(b) Enjoin the parties from continuing with the proceeding for enforcement; or

(c) Proceed with the modification under conditions it considers appropriate.

Section 39. *Inconvenient forum.—*

(1) A court of this state which has jurisdiction under this act to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party, the court's own motion, or request of another court.

(2) Before determining whether it is an inconvenient forum, a court of this state shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

(a) Whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;

(b) The length of time the child has resided outside this state;

(c) The distance between the court in this state and the court in the state that would assume jurisdiction;

(d) The relative financial circumstances of the parties;

(e) Any agreement of the parties as to which state should assume jurisdiction;

(f) The nature and location of the evidence required to resolve the pending litigation, including testimony of the child;

(g) The ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and

(h) The familiarity of the court of each state with the facts and issues in the pending litigation.

(3) If a court of this state determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

(4) A court of this state may decline to exercise its jurisdiction under this act if a child custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

Section 40. *Jurisdiction declined by reason of conduct.—*

(1) Except as otherwise provided in section 16 or by other law of this state, if a court of this state has jurisdiction under this act because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

(a) The parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;

(b) A court of the state otherwise having jurisdiction under sections 33 through 35 determines that this state is a more appropriate forum under section 39; or

(c) No court of any other state would have jurisdiction under the criteria specified in sections 33 through 35.

(2) If a court of this state declines to exercise its jurisdiction pursuant to subsection (1), it may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the unjustifiable conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under sections 33 through 35.

(3) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction pursuant to subsection (1), it shall assess against the party seeking to invoke its jurisdiction necessary and reasonable expenses, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against this state unless authorized by law other than this act.

Section 41. *Information to be submitted to the court.—*

(1) Subject to local law providing for the confidentiality of procedures, addresses, and other identifying information in a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last 5 years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit must state whether the party:

(a) Has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child custody determination, if any;

(b) Knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and

(c) Knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

(2) If the information required by subsection (1) is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(3) If the declaration as to any of the items described in paragraphs (1)(a)-(c) is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(4) Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

Section 42. *Appearance of parties and child.—*

(1) In a child custody proceeding in this state, the court may order a party to the proceeding who is in this state to appear before the court in person with or without the child. The court may order any person who is in this state and who has physical custody or control of the child to appear in person with the child.

(2) If a party to a child custody proceeding whose presence is desired by the court is outside this state, the court may order that a notice given pursuant to section 8 include a statement directing the party to appear in person with or without the child and informing the party that failure to appear may result in a decision adverse to the party.

(3) The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

(4) If a party to a child custody proceeding who is outside this state is directed to appear under subsection (2) or desires to appear in person before the court with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.

Section 43. *Definitions.—In sections 43 through 59:*

(1) "Petitioner" means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

(2) "Respondent" means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

Section 44. *Enforcement under the Hague Convention.—Under this act, a court of this state may enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child custody determination.*

Section 45. *Duty to enforce.—*

(1) A court of this state shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this act or the determination was made under factual circumstances meeting the jurisdictional standards of this act and the determination has not been modified in accordance with this act.

(2) A court of this state may utilize any remedy available under other law of this state to enforce a child custody determination made by a court of another state. The remedies provided by sections 43 through 59 are cumulative and do not affect the availability of other remedies to enforce a child custody determination.

Section 46. *Temporary visitation.—*

(1) A court of this state which does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing:

(a) A visitation schedule made by a court of another state; or

(b) The visitation provisions of a child custody determination of another state that does not provide for a specific visitation schedule.

(2) If a court of this state makes an order under paragraph (1)(b), it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in sections 33 through 42. The order remains in effect until an order is obtained from the other court or the period expires.

Section 47. *Registration of child custody determination.—*

(1) A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the appropriate court in this state:

(a) A letter or other document requesting registration;

(b) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(c) Except as otherwise provided in section 41, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

(2) On receipt of the documents required by subsection (1), the registering court shall:

(a) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(b) Serve notice upon the persons named pursuant to paragraph (1)(c) and provide them with an opportunity to contest the registration in accordance with this section.

(3) The notice required by paragraph (2)(b) must state that:

(a) A registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;

(b) A hearing to contest the validity of the registered determination must be requested within 20 days after service of notice; and

(c) Failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

(4) A person seeking to contest the validity of a registered order must request a hearing within 20 days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(a) The issuing court did not have jurisdiction under sections 33 through 42;

(b) The child custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under sections 33 through 42; or

(c) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of section 28 in the proceedings before the court that issued the order for which registration is sought.

(5) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

(6) Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter which could have been asserted at the time of registration.

Section 48. *Enforcement of registered determination.—*

(1) A court of this state may grant any relief normally available under the laws of this state to enforce a registered child custody determination made by a court of another state.

(2) A court of this state shall recognize and enforce, but may not modify, except in accordance with sections 33 through 42, a registered child custody determination of another state.

Section 49. *Simultaneous proceedings.—If a proceeding for enforcement under sections 43 through 59 is commenced in a court of this state and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under sections 33 through 42, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.*

Section 50. *Expedited enforcement of child custody determination.—*

(1) A petition under sections 43 through 59 must be verified. Certified copies of all orders sought to be enforced and of any order confirming registration must be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

(2) A petition for enforcement of a child custody determination must state:

(a) Whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;

(b) Whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this act and, if so, identify the court, the case number, and the nature of the proceeding;

(c) Whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;

(d) The present physical address of the child and the respondent, if known;

(e) Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officers and, if so, the relief sought; and

(f) If the child custody determination has been registered and confirmed under section 47, the date and place of registration.

(3) Upon the filing of a petition, the court shall issue an order directing the respondent to appear in person with or without the child at a hearing and may enter any order necessary to ensure the safety of the parties and the child. The hearing must be held on the next judicial day after service of the order unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The court may extend the date of the hearing at the request of the petitioner.

(4) An order issued under subsection (3) must state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under section 54, and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:

(a) The child custody determination has not been registered and confirmed under section 47 and that:

1. The issuing court did not have jurisdiction under sections 33 through 42;

2. The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 33 through 42; or

3. The respondent was entitled to notice, but notice was not given in accordance with the standards of section 28 in the proceedings before the court that issued the order for which enforcement is sought; or

(b) The child custody determination for which enforcement is sought was registered and confirmed under section 47, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 33 through 42.

Section 51. *Service of petition and order.—Except as otherwise provided in section 53, the petition and order must be served by any method authorized by the laws of this state upon the respondent and any person who has physical custody of the child.*

Section 52. *Hearing and order.—*

(1) Unless the court enters a temporary emergency order pursuant to section 36, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(a) The child custody determination has not been registered and confirmed under section 47 and that:

1. The issuing court did not have jurisdiction under sections 33 through 42;

2. The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 33 through 42; or

3. The respondent was entitled to notice, but notice was not given in accordance with the standards of section 28 in the proceedings before the court that issued the order for which enforcement is sought; or

(b) The child custody determination for which enforcement is sought was registered and confirmed under section 47, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 33 through 42.

(2) The court shall award the fees, costs, and expenses authorized under section 54 and may grant additional relief, including a request for the assistance of law enforcement officers, and set a further hearing to determine whether additional relief is appropriate.

(3) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(4) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under sections 43 through 59.

Section 53. *Warrant to take physical custody of child.—*

(1) Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is likely to imminently suffer serious physical harm or removal from this state.

(2) If the court, upon the testimony of the petitioner or other witness, finds that the child is likely to imminently suffer serious physical harm or removal from this state, it may issue a warrant to take physical custody of the child. The petition must be heard on the next judicial day after the warrant is executed unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The application for the warrant must include the statements required by section 50(2).

(3) A warrant to take physical custody of a child must:

(a) Recite the facts upon which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;

(b) Direct law enforcement officers to take physical custody of the child immediately; and

(c) Provide for the placement of the child pending final relief.

(4) The respondent must be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(5) A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

(6) The court may impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian.

Section 54. *Costs, fees, and expenses.—*

(1) The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

(2) The court may not assess fees, costs, or expenses against a state unless authorized by law other than this act.

Section 55. *Recognition and enforcement.—A court of this state shall accord full faith and credit to an order issued by another state and consistent with this act which enforces a child custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court having jurisdiction to do so under sections 33 through 42.*

Section 56. *Appeals.—An appeal may be taken from a final order in a proceeding under sections 43 through 59 in accordance with expedited appellate procedures in other civil cases. Unless the court enters a temporary emergency order under section 36, the enforcing court may not stay an order enforcing a child custody determination pending appeal.*

Section 57. *Role of state attorney.—*

(1) In a case arising under this act or involving the Hague Convention on the Civil Aspects of International Child Abduction, the state attorney may take any lawful action, including resort to a proceeding under sections 43 through 59 or any other available civil proceeding, to locate a child, obtain the return of a child, or enforce a child custody determination, if there is:

(a) An existing child custody determination;

(b) A request to do so from a court in a pending child custody proceeding;

(c) A reasonable belief that a criminal statute has been violated; or

(d) A reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

(2) A state attorney acting under this section acts on behalf of the court and may not represent any party.

Section 58. *Role of law enforcement officers.—At the request of a state attorney acting under section 57, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist a state attorney with responsibilities under section 57.*

Section 59. *Costs and expenses.—If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the state attorney and law enforcement officers under section 57 or section 58.*

Section 60. *Application and construction.—In applying and construing this act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Section 61. *Severability clause.—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 this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 62. *Transitional provision.—A motion or other request for relief made in a child custody proceeding or to enforce a child custody determination which was commenced before the effective date of this act is governed by the law in effect at the time the motion or other request was made.*

Section 63. Effective October 1, 2000, subsection (7) of section 39.502, Florida Statutes, is amended to read:

39.502 Notice, process, and service.—

(7) Service of the summons and service of pleadings, papers, and notices subsequent to the summons on persons outside this state must be made pursuant to *section 28 of the Uniform Child Custody Jurisdiction and Enforcement Act* ~~s. 61.1312~~.

Section 64. Effective October 1, 2000, paragraph (b) of subsection (2) of section 61.13, Florida Statutes, is amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction *and Enforcement* Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. 39.806(1)(d), creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities that the court finds unique to a particular family.

b. The court shall order "sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of" the minor child.

c. The court may award the grandparents visitation rights with a minor child if it is in the child's best interest. Grandparents have legal standing to seek judicial enforcement of such an award. This section does not require that grandparents be made parties or given notice of dissolution pleadings or proceedings~~, nor do grandparents have legal standing as "contestants" as defined in s. 61.1306~~. A court may not order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to a parent because the parent is not the child's primary residential parent.

Section 65. Effective October 1, 2000, paragraph (d) of subsection (3), subsection (4), and paragraph (a) of subsection (7) of section 741.30, Florida Statutes, are 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.—

(3)

(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 *section 41* ~~s. 61.132~~ of the Uniform Child Custody Jurisdiction *and Enforcement* Act.

(4) 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, financial affidavit, uniform child custody jurisdiction *and enforcement* act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

(7)(a)1. The clerk of the court shall furnish a copy of the petition, financial affidavit, uniform child custody jurisdiction *and enforcement* act affidavit, if any, 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 jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section shall use service and verification procedures consistent with those of the sheriff.

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 placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against domestic 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.

3. All orders issued, changed, continued, extended, or vacated subsequent to the original service of documents enumerated under subparagraph 1., shall be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. In the event a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

If the respondent has been served previously with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent petition for injunction seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer.

Section 66. *Effective October 1, 2000, sections 61.1302, 61.1304, 61.1306, 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132, 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334, 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and 61.1348, Florida Statutes, are repealed.*

Section 67. This act shall take effect July 1, 2000, except that the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act shall take effect October 1, 2000.

And the title is amended as follows:
remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to family safety; 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. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 90.5036, F.S.; redefining the terms “domestic violence center” and “domestic violence advocate”; specifying the persons to whom confidential communication provisions apply; providing for confidentiality of certain communications only if the domestic violence advocate is registered with the Department of Children and Family Services; amending s. 470.002, F.S.; revising the definition of “legally authorized person” for purposes of domestic violence cases; amending s. 741.2901, F.S.; prohibiting certain family or household members from qualifying as legally authorized persons in cases involving domestic violence; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; providing legislative intent with regard to victim protection; authorizing the court to grant extensions of temporary injunctions; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; requiring a batterers' intervention program to provide notification of discharge; providing that respondents must complete a batterers' intervention program if ordered; providing circumstances under which the court may not grant a request to modify or dissolve an injunction; providing for recording of proceedings; directing the Office of the State Courts Administrator to examine and develop recommendations concerning certain court practices; requiring a report to the Governor and Legislature; amending s. 414.0252, F.S.; modifying the definition of “family” under the WAGES Program, for specified purposes; creating s. 753.01, F.S.; providing legislative findings and intent; creating s. 753.02, F.S.; providing definitions; creating s. 753.03, F.S.; establishing the Office for Certification and Monitoring of Supervised Visitation Programs under the Clearinghouse on Supervised Visitation within the Institute for Family Violence Studies of the Florida State University School of Social Work; providing for certification and monitoring of supervised visitation programs; creating s. 753.04, F.S.; providing duties of the Clearinghouse on Supervised Visitation; providing for minimum program standards; providing for appointment of an advisory board; providing board membership; providing for approval of program certification and funding; providing for certain training and assistance for supervised visitation programs; providing for rules; repealing ss. 753.001, 753.002, and 753.004, F.S., relating to the Florida Family Visitation Network and supervised visitation projects; providing a directive to statute editors; providing that implementation of provisions of this act relating to supervised family visitation is contingent on appropriations; restricting certain appropriations expenditures; creating the “Uniform Child Custody Jurisdiction and Enforcement Act”; providing definitions; specifying proceedings not governed by the act; providing application to Indian tribes; providing international application of the act; providing the effect of a child custody determination; providing priority for questions of jurisdiction under the act; providing for notice to persons outside the state; providing for appearance at proceedings and limited immunity; providing for communication between courts of this state and courts of other states; providing for taking testimony in another state; providing for cooperation between courts and the preservation of records; providing for initial child custody jurisdiction; providing for exclusive, continuing jurisdiction; providing for jurisdiction to modify a child custody determination; providing for temporary emergency jurisdiction; providing for notice, opportunity to be heard, and joinder; providing procedures with respect to simultaneous proceedings; providing for determination of an inconvenient forum; providing procedures for a decline of jurisdiction by reason of conduct; specifying information to be submitted to the court; providing for the appearance of the parties and the child at proceedings; providing definitions relating to enforcement; providing for enforcement under the Hague Convention; providing duty of the court to enforce child custody determinations of a court of another state; providing for temporary visitation; providing for registration of out-of-state child custody determinations; providing for enforcement of registered determinations; providing procedures with respect to simultaneous proceedings; providing for expedited enforcement of a

child custody determination; providing for service of petition and order; providing for hearing and order; providing for issuance of a warrant to take physical custody of a child under certain circumstances; providing for award of costs, fees, and expenses to the prevailing party; providing for recognition of enforcement orders of a court of another state; providing for appeals; providing for actions by the state attorney; providing for actions by law enforcement officers; providing for assessment of costs and expenses incurred by the state attorney and law enforcement officers; providing for application and construction of the act; providing severability; providing for transition; amending ss. 39.502, 61.13, and 741.30, F.S.; conforming references and cross references; repealing ss. 61.1302, 61.1304, 61.1306, 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132, 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334, 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and 61.1348, F.S., relating to the "Uniform Child Custody Jurisdiction Act"; providing effective dates.

Rep. Roberts moved the adoption of the amendment, which was adopted.

On motion by Rep. Roberts, the rules were suspended and CS for SB 708, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 583

Yeas—119

The Chair	Crow	Johnson	Ritchie
Albright	Detert	Jones	Ritter
Alexander	Diaz de la Portilla, R.	Kelly	Roberts
Andrews	Dockery	Kilmer	Rojas
Argenio	Edwards	Kosmas	Rubio
Argenziano	Effman	Kyle	Russell
Arnall	Eggelletion	Lacasa	Ryan
Bainter	Farkas	Lawson	Sanderson
Ball	Fasano	Lee	Sembler
Barreiro	Feeney	Levine	Smith, C.
Bense	Fiorentino	Littlefield	Smith, K.
Betancourt	Flanagan	Logan	Sobel
Bilirakis	Frankel	Lynn	Sorensen
Bitner	Fuller	Maygarden	Spratt
Bloom	Futch	Melvin	Stafford
Boyd	Garcia	Merchant	Stansel
Bradley	Gay	Miller, J.	Starks
Bronson	Goode	Miller, L.	Suarez
Brown	Goodlette	Minton	Sublette
Brummer	Gottlieb	Morroni	Trovillion
Bullard	Green, C.	Murman	Tullis
Bush	Greene, A.	Ogles	Turnbull
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wallace
Casey	Harrington	Posey	Wasserman Schultz
Chestnut	Hart	Prieguez	Waters
Constantine	Henriquez	Pruitt	Wiles
Cosgrove	Heyman	Putnam	Wilson
Crady	Hill	Rayson	Wise
Crist	Jacobs	Reddick	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1334, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Governmental Oversight and Productivity, Commerce and Economic Opportunities and Senator Klein—

CS for CS for SB 1334—A bill to be entitled An act relating to information technology; requiring facilitation of a Network Access Point by the State Technology Office; requiring Enterprise Florida, Inc., to create and implement a marketing and image campaign; requiring development and maintenance of a website for information and technology industry marketing and workforce recruitment; providing that certain limitations expressed in development orders do not preclude the approval of a Network Access Point (NAP), if the NAP satisfies specified conditions; amending s. 212.08, F.S.; providing a sales tax exemption on certain equipment used to deploy broadband technologies associated with a Network Access Point; requiring a study by the Legislature to identify obstacles related to the affordable access to consumers by Internet service providers; providing an appropriation; authorizing the State Technology Office to adopt rules; providing an effective date.

—was read the first time by title.

On motion by Rep. Rojas, further consideration of **CS for CS for SB 1334** was temporarily postponed under Rule 141.

Bills and Joint Resolutions on Second Reading

On motion by Rep. Russell, the rules were suspended and—

SB 150—A bill to be entitled An act relating to the sale of dog and cat fur; creating s. 828.123, F.S.; prohibiting the killing of a dog or cat with the sole intent of selling or giving away the pelt of the animal; providing a third degree felony penalty for violation; prohibiting the possession, import into this state, selling, buying, giving away, or acceptance of any pelt of a dog or cat with the sole intent of selling or giving away the pelt; providing a first degree misdemeanor penalty for violation; prohibiting the possession, import into the state, selling, buying, giving away, or acceptance of any dog or cat with the sole intent of killing such dog or cat, or having such dog or cat killed, for the purpose of selling or giving away the pelt of such animal; providing a third degree felony penalty for violation; providing that it is unlawful to engage in the business of a dealer or buyer in the pelts of any dog or cat or to purchase such pelts or furs; prohibiting common carriers from knowingly shipping, transporting, or receiving such pelts; providing penalties; creating s. 828.1231, F.S.; providing that it is unlawful to sell any item of clothing made in whole or in part from dog or cat fur; providing that it is unlawful to sell any dog or cat pelt; providing penalties; providing an effective date.

—was read the second time by title. On motion by Rep. Russell, the rules were suspended and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 584

Yeas—116

The Chair	Bush	Fuller	Lacasa
Albright	Byrd	Futch	Lawson
Alexander	Cantens	Gay	Lee
Andrews	Casey	Goode	Levine
Argenio	Chestnut	Goodlette	Logan
Argenziano	Constantine	Gottlieb	Lynn
Arnall	Cosgrove	Green, C.	Maygarden
Bainter	Crady	Greene, A.	Merchant
Ball	Crist	Greenstein	Miller, J.
Barreiro	Crow	Hafner	Miller, L.
Bense	Detert	Harrington	Minton
Betancourt	Diaz de la Portilla, R.	Hart	Morroni
Bilirakis	Dockery	Henriquez	Murman
Bitner	Edwards	Heyman	Ogles
Bloom	Effman	Hill	Patterson
Boyd	Eggelletion	Jacobs	Posey
Bradley	Farkas	Johnson	Prieguez
Bronson	Fasano	Jones	Pruitt
Brown	Feeney	Kelly	Putnam
Brummer	Fiorentino	Kilmer	Rayson
Bucher	Flanagan	Kosmas	Reddick
Bullard	Frankel	Kyle	Ritchie

Ritter	Sembler	Stansel	Villalobos
Roberts	Smith, C.	Starks	Wallace
Rojas	Smith, K.	Suarez	Wasserman Schultz
Rubio	Sobel	Sublette	Waters
Russell	Sorensen	Trovillion	Wiles
Ryan	Spratt	Tullis	Wilson
Sanderson	Stafford	Turnbull	Wise

Nays—None

Votes after roll call:
Yeas—Littlefield

So the bill passed and was immediately certified to the Senate.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB 1406, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Policy, Comprehensive Planning, Local and Military Affairs, Natural Resources and Senator Latvala—

CS for CS for CS for SB 1406—A bill to be entitled An act relating to state regulation of lands; amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances; amending s. 197.432, F.S.; conforming statutory cross-references; amending s. 197.502, F.S.; authorizing local governments to file tax deed applications in a specified manner; amending s. 197.522, F.S.; conforming a statutory cross-reference; amending s. 199.1055, F.S.; broadening the contaminated site rehabilitation tax credit against the intangible personal property tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for building materials used in the rehabilitation of real property located in a designated brownfield area; providing an exemption from the sales and use tax for business property purchased for use by businesses located in a designated brownfield area; amending s. 212.096, F.S.; providing for a brownfield area jobs credit against the sales and use tax; amending s. 212.20, F.S.; providing for distribution of funds; amending s. 220.181, F.S.; providing for a designated brownfield area jobs credit against the corporate income tax; amending s. 220.182, F.S.; providing for a designated brownfield area property tax credit against the corporate income tax; amending s. 220.183, F.S.; providing a partial credit against the corporate income tax for community contributions that benefit designated brownfield areas; amending s. 220.1845, F.S.; broadening the contaminated site rehabilitation tax credit against the corporate income tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 252.87, F.S.; revising reporting requirements under the Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 288.047, F.S.; requiring Enterprise Florida, Inc., to set aside each fiscal year a certain amount of the appropriation for the Quick Response Training Program for businesses located in a brownfield area; amending s. 288.107, F.S.; redefining the term "eligible business"; providing for bonus refunds for businesses that can demonstrate a fixed capital investment in certain mixed use activities in the brownfield area; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., to develop comprehensive marketing strategies for redevelopment of brownfield areas; amending s. 290.007, F.S.; providing for state incentives in designated brownfield areas; amending s. 376.301, F.S.; redefining the terms "antagonistic effects," "discharge," "institutional controls," and "site rehabilitation"; amending s. 376.3078, F.S.; providing for rehabilitation criteria; amending s. 376.30781, F.S.; broadening the partial tax credits for the rehabilitation of certain contaminated sites; clarifying provisions regarding the filing for the tax credits; amending s. 376.79, F.S.; defining the terms "contaminant" and "risk reduction"; redefining the terms "natural attenuation," "institutional control," and "source removal"; amending s. 376.80, F.S.; allowing local governments or persons responsible for brownfield area rehabilitation and redevelopment to use an existing advisory committee; deleting the requirement that the advisory committee must review and provide recommendations to the local government with jurisdiction on the proposed brownfield site rehabilitation agreement; providing that the person responsible for site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement; requiring the person responsible for site rehabilitation to hold a meeting or attend a regularly scheduled meeting of the advisory committee to inform the advisory committee of the outcome of the environmental assessment; requiring the person responsible for site rehabilitation to enter into a brownfield site rehabilitation agreement only if actual contamination exists; clarifying provisions relating to the required comprehensive general liability and comprehensive automobile liability insurance; amending s. 376.81, F.S.; providing direction regarding the risk-based corrective action rule; requiring the department to establish alternative cleanup levels under certain circumstances; amending s. 376.82, F.S.; providing immunity for liability regarding contaminated site remediation under certain circumstances; amending s. 376.84, F.S.; authorizing entities approved by the local government for the purpose of redeveloping brownfield areas to use tax increment financing; amending s. 376.86, F.S.; increasing the limits of the state loan guaranty in brownfield areas; creating s. 376.876, F.S.; providing for a Brownfield Redevelopment Grants Program in the Department of Environmental Protection; specifying the uses of grant funds; requiring matching funds; authorizing the department to adopt rules; providing for interim application requirements; creating s. 376.88, F.S.; providing for the Brownfield Program Review Advisory Council; providing duties and responsibilities; requiring that certain unencumbered moneys be used for grants to fund assessment and remediation at specified brownfield sites or certain federal brownfield pilot projects; amending s. 403.973, F.S.; providing that projects located in a designated brownfield area are eligible for the expedited permitting process; amending ss. 712.01, 712.03, F.S.; prohibiting subsequent property owners from removing certain deed restrictions under other provisions of the Marketable Record Title Act; providing for implementation to the extent funds are appropriated; amending s. 376.303, F.S.; providing authority for mapping and registering contamination within brownfields; repealing s. 211.3103(9), F.S.; deleting requirements for a county that accepts real property of mined or reclaimed land from phosphate mining companies to forfeit a portion of its share of severance tax equal to the value of property donated; amending s. 376.051, F.S.; authorizing the Department of Environmental Protection to utilize certain criteria in conducting cleanups on lands owned by the state university system; amending s. 220.191, F.S.; redefining the term "qualifying project" with respect to capital investment tax credits; providing capital investment tax credits for certain projects; providing an effective date.

—was read the first time by title. On motion by Rep. Constantine, the rules were suspended and the bill was read the second time by title.

Representative(s) Albright offered the following:

(Amendment Bar Code: 431183)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 206.9935, Florida Statutes, is amended to read:

206.9935 Taxes imposed.—

(2) TAX FOR WATER QUALITY.—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel or other unit of pollutant, other than petroleum products, when first produced in or imported into this state. The tax on pollutants first imported into or produced in this state shall be imposed when the product is first sold or first removed from storage. The tax shall be paid and remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, diesel fuel, aviation fuel, or other pollutants.

3. The tax shall be imposed on petroleum products and remitted to the department in the same manner as the motor fuel tax imposed pursuant to s. 206.41.

(b) The excise tax shall be the applicable rate as specified in subparagraph 1. per barrel or per unit of pollutant, or equivalent measure as established by the department, produced in or imported into the state. If the unobligated balance of the Water Quality Assurance Trust Fund is or falls below $3 million, the tax shall be increased to the applicable rates specified in subparagraph 2. and shall remain at said rates until the unobligated balance in the fund exceeds $5 million, at which time the tax shall be imposed at the rates specified in subparagraph 1. If the unobligated balance of the fund exceeds $12 million, the levy of the tax shall be discontinued until the unobligated balance of the fund falls below $5 million, at which time the tax shall be imposed at the rates specified in subparagraph 1. Changes in the tax rates pursuant to this paragraph shall take effect on the first day of the month after 30 days' notification to the Department of Revenue when the unobligated balance of the fund falls below or exceeds a limit set pursuant to this paragraph. *The unobligated balance of the Water Quality Assurance Trust Fund as it relates to determination of the applicable excise tax rate shall exclude the unobligated balances of funds of the Dry Cleaning, Operator Certification, and nonagricultural nonpoint source programs, and other required reservations of fund balance. The unobligated balance in the Water Quality Assurance Trust Fund is based upon the current unreserved fund balance, projected revenues, authorized legislative appropriations, and funding for the department's base budget for the subsequent fiscal year. Determination of the unobligated balance of the Water Quality Assurance Trust Fund shall be performed annually subsequent to the annual legislative appropriations becoming law.*

1. As provided in this paragraph, the tax shall be 2.36 cents per gallon of solvents, 1 cent per gallon of motor oil or other lubricants, and 2 cents per barrel of petroleum products, pesticides, ammonia, and chlorine.

2. As provided in this paragraph, the tax shall be 5.9 cents per gallon of solvents, 2.5 cents per gallon of motor oil or other lubricants, 2 cents per barrel of ammonia, and 5 cents per barrel of petroleum products, pesticides, and chlorine. ingestion.

(3) TAX FOR INLAND PROTECTION.—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel of pollutant produced in or imported into this state in the same manner as the motor fuel tax imposed pursuant to s. 206.41. The tax shall be paid or remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, diesel fuel, aviation fuel, or other pollutants.

(b)1. The excise tax per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state shall be:

a. Thirty cents if the unobligated balance of the fund is between $100 million and $150 million.

b. Sixty cents if the unobligated balance of the fund is above $50 million, but below $100 million.

c. Eighty cents if the unobligated balance of the fund is $50 million or less.

2. Any change in the tax rate shall be effective for a minimum of 6 months, unless the unobligated balance of the fund requires that a higher rate be levied.

3. If the unobligated balance of the fund exceeds $150 million, the tax shall be discontinued until such time as the unobligated balance of the fund reaches $100 million.

4. The Secretary of Environmental Protection shall immediately notify the Department of Revenue when the unobligated balance of the fund falls below or exceeds an amount set herein. Changes in the tax rates pursuant to this subsection shall take effect on the first day of the month after 30 days' notification to the Department of Revenue by the Secretary of Environmental Protection when the unobligated balance of the fund falls below or exceeds a limit set pursuant to this subsection. *The unobligated balance of the Inland Protection Trust Fund as it relates to determination of the applicable excise tax rate shall exclude any required reservations of fund balance. The unobligated balance of the Inland Protection Trust Fund is based upon the current unreserved fund balance, projected revenues, authorized legislative appropriations, and funding for the department's base budget for the subsequent fiscal year. Determination of the unobligated balance of the Inland Protection Trust Fund shall be performed annually subsequent to the annual legislative appropriations becoming law.*

(c) This subsection shall be reviewed by the Legislature during the 1998 regular legislative session.

Section 2. Paragraph (f) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

5. Of the remaining proceeds:

a. Beginning July 1, 1992, $166,667 shall be distributed monthly by the department to each applicant that has been certified as a “facility for a new professional sports franchise” or a “facility for a retained professional sports franchise” pursuant to s. 288.1162 and $41,667 shall be distributed monthly by the department to each applicant that has been certified as a “new spring training franchise facility” pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional

renovations and improvements to the facility for the franchise without additional certification.

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

c. Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as a business located and operated in an enterprise zone or designated brownfield area pursuant to s. 376.80, an amount equal to the tax rebate calculated pursuant to s. 290.007(9) shall be distributed, on a monthly basis and within a 12 month period, to the certified business by the Department of Revenue.

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

Section 3. Subsections (4) and (7) of section 252.87, Florida Statutes, are amended to read:

252.87 Supplemental state reporting requirements.—

(4) Each employer that owns or operates a facility in this state at which hazardous materials are present in quantities at or above the thresholds established under ss. 311(b) and 312(b) of EPCRA shall comply with the reporting requirements of ss. 311 and 312 of EPCRA. Such employer shall also be responsible for notifying the department, *the local emergency planning committee* and the local fire department in writing within 30 days if there is a discontinuance or abandonment of the employer's business activities that could affect any stored hazardous materials.

(7) The department shall avoid duplicative reporting requirements by utilizing the reporting requirements of other state agencies that regulate hazardous materials *to the extent feasible* and shall ~~only~~ request the ~~necessary~~ information *authorized* ~~required~~ under EPCRA ~~or required to implement the fee provisions of this part~~. *With the advice and consent of the State Emergency Response Commission for Hazardous Materials, the department may require by rule that the maximum daily amount entry on the chemical inventory report required under s. 312 of EPCRA provide for reporting in estimated actual amounts. The department may also require by rule an entry for the Federal Employer Identification Number on this report. To the extent feasible, the department shall encourage and accept required information in a form initiated through electronic data interchange and shall describe by rule the format, manner of execution, and method of electronic transmission necessary for using such form*. To the extent feasible, the Department of Insurance, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Public Service Commission, the Department of Revenue, the Department of Labor and Employment Security, and other state agencies which regulate hazardous materials shall coordinate with the department in order to avoid duplicative requirements contained in each agency's respective reporting or registration forms. The other state agencies that inspect facilities storing hazardous materials and suppliers and distributors of covered substances shall assist the department in informing the facility owner or operator of the requirements of this part. The department shall provide the other state agencies with the necessary information and materials to inform the owners and operators of the requirements of this part to ensure that the budgets of these agencies are not adversely affected.

Section 4. Subsection (5) of section 288.047, Florida Statutes, is amended to read:

288.047 Quick-response training for economic development.—

(5) For the first 6 months of each fiscal year, Enterprise Florida, Inc., shall set aside 30 percent of the amount appropriated for the Quick-Response Training Program by the Legislature to fund instructional programs for businesses located in an enterprise zone or *brownfield area* ~~to instruct residents of an enterprise zone~~. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide funding for any program qualifying for funding pursuant to this section.

Section 5. Section 288.107, Florida Statutes, is amended to read:

288.107 Brownfield redevelopment bonus refunds.—

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

(a) "Account" means the Economic Development Incentives Account as authorized in s. 288.095.

(b) "Brownfield sites" means sites that are generally abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination.

(c) "Brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental-Protection-Agency-designated brownfield pilot projects.

(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(e) "Eligible business" means a qualified target industry business as defined in s. 288.106(2)(o) *or other business that can demonstrate a fixed capital investment of at least $2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas and which pays wages that are at least 80 percent of the average of all private sector wages in the county in which the business is located*.

(f) "Jobs" means full-time equivalent positions, consistent with the use of such terms by the 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 and which are not associated with the implementation of the site rehabilitation as provided in s. 376.80.

(g) "Office" means the Office of Tourism, Trade, and Economic Development.

(h) "Project" means the creation of a new business or the expansion of an existing business as defined in s. 288.106.

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—There shall be allowed from the account a bonus refund of $2,500 to any qualified target industry business *or other eligible business as defined in paragraph (1)(e)* for each new Florida job created in a brownfield which is claimed on the qualified target industry business's annual refund claim authorized in s. 288.106(6) *or other similar annual claim procedure for other eligible business as defined in paragraph (1)(e)* and approved by the office as specified in the final order issued by the director.

(3) CRITERIA.—The minimum criteria for participation in the brownfield redevelopment bonus refund are:

(a) The creation of at least 10 new full-time permanent jobs. Such jobs shall not include construction or site rehabilitation jobs associated with the implementation of a brownfield site agreement as described in s. 376.80(5).

(b) The completion of a fixed capital investment of at least $2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas and which pay

wages that are at least 80 percent of the average of all private sector wages in the county in which the business is located.

(c)~~(b)~~ That the designation as a brownfield will diversify and strengthen the economy of the area surrounding the site.

(d)~~(c)~~ That the designation as a brownfield will promote capital investment in the area beyond that contemplated for the rehabilitation of the site.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield, a business must have been certified as a qualified target industry business under s. 288.106 *or eligible business as defined in paragraph (1)(e)* and must have indicated on the qualified target industry tax refund application form submitted in accordance with s. 288.106(4) *or other similar agreement for other eligible business as defined in paragraph (1)(e)* that the project for which the application is submitted is or will be located in a brownfield and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry tax refund agreement with the office which indicates that the business has been certified as a qualified target industry business located in a brownfield and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the requirements of paragraph (a) must submit a claim once each fiscal year on a claim form approved by the office which indicates the location of the brownfield, the address of the business facility's brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within the brownfield as defined in s. 288.106 *or other eligible business as defined in paragraph (1)(e)* and the administrative rules and policies for that section.

(c) The bonus refunds shall be available on the same schedule as the qualified target industry tax refund payments scheduled in the qualified target industry tax refund agreement authorized in s. 288.106 *or other similar agreement for other eligible businesses as defined in paragraph (1)(e).*

(d) After entering into a tax refund agreement as provided in s. 288.106 *or other similar agreement for other eligible businesses as defined in paragraph (1)(e),* an eligible business may receive brownfield redevelopment bonus refunds from the account pursuant to s. 288.106(3)(c).

(e) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund, which shall be deposited into the General Revenue Fund.

2. Commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(f) The office shall review all applications submitted under s. 288.106 *or other similar application forms for other eligible businesses as defined in paragraph (1)(e)* which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.

(g) The office shall approve all claims for a brownfield redevelopment bonus refund payment that are found to meet the requirements of paragraphs (b) and (d).

(h) The director, with such assistance as may be required from the office and the Department of Environmental Protection, shall specify by written final order the amount of the brownfield redevelopment bonus refund that is authorized 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.

(i) The total amount of the bonus refunds approved by the director under this section in any fiscal year must not exceed the total amount appropriated to the Economic Development Incentives Account for this purpose for the fiscal year. In the event that the Legislature does not appropriate an amount sufficient to satisfy projections by the office for brownfield redevelopment bonus refunds under this section in a fiscal year, the office shall, not later than July 15 of such year, determine the proportion of each brownfield redevelopment bonus refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of brownfield redevelopment bonus refund claims for the fiscal year. The amount of each claim for a brownfield redevelopment bonus 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 brownfield redevelopment tax refunds, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(j) Upon approval of the brownfield redevelopment bonus refund, payment shall be made for the amount specified in the final order. If the final order is appealed, payment may not be made for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(5) 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 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 Department of Labor and Employment Security, to the Department of Environmental Protection, or to any local government authority. The office may request the assistance of those entities with respect to monitoring the payment of the taxes listed in s. 288.106(3).

Section 6. Paragraph (b) of subsection (3) of section 288.905, Florida Statutes, is amended to read:

288.905 Duties of the board of directors of Enterprise Florida, Inc.—

(3)

(b)1. The strategic plan required under this section shall include specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state.

2. Enterprise Florida, Inc., shall involve local governments, local and regional economic development organizations, and other local, state, and federal economic, international, and workforce development entities, both public and private, in developing and carrying out policies, strategies, and programs, seeking to partner and collaborate to produce enhanced public benefit at a lesser cost.

3. Enterprise Florida, Inc., shall involve rural, urban, small-business, and minority-business development agencies and organizations, both public and private, in developing and carrying out policies, strategies, and programs.

4. Enterprise Florida, Inc., shall develop a comprehensive marketing plan for redevelopment of brownfield areas designated pursuant to s. 376.80. The plan must include, but is not limited to, strategies to distribute information about current designated brownfield areas and the available economic incentives for redevelopment of brownfield areas. Such strategies are to be used in the promotion of business formation, expansion, recruitment, retention, and workforce development programs.

Section 7. Subsection (9) of section 290.007, Florida Statutes, is added to said section to read:

290.007 State incentives available in enterprise zones.—The following incentives are provided by the state to encourage the revitalization of enterprise zones:

(9) The tax rebate pursuant to s. 212.20 for a person or entity who establishes a new business or expands an existing business in an enterprise zone or designated brownfield area as provided in this subsection.

(a) As used in this section, the term:

1. "New business" means a business entity as defined in s. 220.03(1)(e) authorized to do business in this state operating a professional sports franchise that exists within the National League or American League of Major League Baseball or the National Football League in a county having a population of at least 1.5 million people which generates taxes imposed under chapter 212 from the use and operation of the business and which commences operations from property located in an enterprise zone or brownfield area after it is designated as such.

2. "Expanded business" means any business entity as defined in s. 220.03(1)(e) authorized to do business in this state operating a professional sports franchise that exists within the National League or American League of Major League Baseball or the National Football League in a county having a population of at least 1.5 million people which generates taxes imposed under chapter 212 from the use and operation of the business and which expands by or through additions to real and personal property within an enterprise zone or brownfield area after it is designated as such.

(b) The Office of Tourism, Trade, and Economic Development is responsible for certifying an applicant as a new business or expanded business in an enterprise zone or designated brownfield area. Each applicant shall file an application with the Office of Tourism, Trade, and Economic Development on a form prescribed by the Office of Tourism, Trade, and Economic Development which provides:

1. Evidence that the new or expanded business is located in an enterprise zone or designated brownfield area;

2. An economic analysis showing that the amount of the revenues generated or to be generated by the taxes imposed under chapter 212 from the use and operation of the business will equal or exceed $1 million annually;

3. In the case of an expanded business, evidence indicating the amount of taxes imposed under chapter 212 with respect to the use and operation of the business during the 12 consecutive months before the commencement of expansion; and

4. A sworn statement, under the penalty of perjury, from the applicant or, if applicable, the applicant's general contractor licensed in this state to make the improvements necessary to accomplish the construction, reconstruction, renovation, expansion, or rehabilitation of property where a new or expanded business is located and operated, which states the actual cost of the construction, reconstruction, renovation, expansion, or rehabilitation of the property and of the applicant's share of cleanup costs if in a brownfield area.

(c) The Office of Tourism, Trade, and Economic Development shall certify an applicant within 90 days of its submission of a complete application. The Office of Tourism, Trade, and Economic Development may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(d) An applicant certified as a new or expanded business in an enterprise zone or designated brownfield area may use funds provided pursuant to s. 212.20(6)(f)5.d. only for the public purpose of paying for the construction, reconstruction, renovation, expansion, or rehabilitation of the premises from which the business is located and operated or for the reimbursement of such costs and for the cleanup costs incurred in a brownfield area which have not otherwise been reimbursed to the applicant, directly or indirectly, by operation of another provision of law.

(e) The amount of the tax rebate under s. 212.20 to be provided to a business certified pursuant to this section shall be computed annually as follows:

1. In the case of a new business in an enterprise zone or designated brownfield area, an amount equal to 75 percent of the taxes imposed under chapter 212 generated each year from the business; and

2. In the case of an expanded business in an enterprise zone or designated brownfield area, an amount equal to 75 percent of the additional taxes imposed under chapter 212 generated each year from the business in excess of the taxes imposed under chapter 212 generated from the business during the 12 months before the commencement of expansion of the business.

In no event shall the total amount of the tax rebate provided under s. 212.20(6)(f)5.d. to a business certified hereunder exceed 75 percent of the cost of construction, reconstruction, renovation, expansion, or rehabilitation of the property where the business is located and operated and the cost of cleanup of contamination of property in a brownfield area, as set forth in the application submitted to the Office of Tourism, Trade, and Economic Development pursuant to this section.

Section 8. Subsection (6) of section 376.051, Florida Statutes, is added to said section to read:

376.051 Powers and duties of the Department of Environmental Protection.—

(6) The department is specifically authorized to utilize risk-based cleanup criteria as described in ss. 376.3071, 376.3078, and 376.81 in conducting cleanups on lands owned by the state university system.

Section 9. Section 376.301, Florida Statutes, is amended to read:

376.301 Definitions of terms used in ss. 376.30-376.319, 376.70, and 376.75.—When used in ss. 376.30-376.319, 376.70, and 376.75, unless the context clearly requires otherwise, the term:

(1) "Aboveground hazardous substance tank" means any stationary aboveground storage tank and onsite integral piping that contains hazardous substances which are liquid at standard temperature and pressure and has an individual storage capacity greater than 110 gallons.

(2) "Additive effects" means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which the individual is exposed.

(3) "Antagonistic effects" means a scientific principle that the toxicity that occurs *as a result of exposure* is less than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(4) "Backlog" means reimbursement obligations incurred pursuant to s. 376.3071(12), prior to March 29, 1995, or authorized for reimbursement under the provisions of s. 376.3071(12), pursuant to chapter 95-2, Laws of Florida. Claims within the backlog are subject to adjustment, where appropriate.

(5) "Barrel" means 42 U.S. gallons at 60 degrees Fahrenheit.

(6) "Bulk product facility" means a waterfront location with at least one aboveground tank with a capacity greater than 30,000 gallons which is used for the storage of pollutants.

(7) "Cattle-dipping vat" means any structure, excavation, or other facility constructed by any person, or the site where such structure, excavation, or other facility once existed, for the purpose of treating cattle or other livestock with a chemical solution pursuant to or in compliance with any local, state, or federal governmental program for the prevention, suppression, control, or eradication of any dangerous, contagious, or infectious diseases.

(8) "Compression vessel" means any stationary container, tank, or onsite integral piping system, or combination thereof, which has a capacity of greater than 110 gallons, that is primarily used to store pollutants or hazardous substances above atmospheric pressure or at a

reduced temperature in order to lower the vapor pressure of the contents. Manifold compression vessels that function as a single vessel shall be considered as one vessel.

(9) "Contaminant" means any physical, chemical, biological, or radiological substance present in any medium which may result in adverse effects to human health or the environment or which creates an adverse nuisance, organoleptic, or aesthetic condition in groundwater.

(10) "Contaminated site" means any contiguous land, sediment, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.

(11) "Department" means the Department of Environmental Protection.

(12) "Discharge" includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, *releasing,* or dumping of any pollutant *or hazardous substance* which occurs and which affects lands and the surface and ground waters of the state not regulated by ss. 376.011-376.21.

(13) "Drycleaning facility" means a commercial establishment that operates or has at some time in the past operated for the primary purpose of drycleaning clothing and other fabrics utilizing a process that involves any use of drycleaning solvents. The term "drycleaning facility" includes laundry facilities that use drycleaning solvents as part of their cleaning process. The term does not include a facility that operates or has at some time in the past operated as a uniform rental company or a linen supply company regardless of whether the facility operates as or was previously operated as a drycleaning facility.

(14) "Drycleaning solvents" means any and all nonaqueous solvents used in the cleaning of clothing and other fabrics and includes perchloroethylene (also known as tetrachloroethylene) and petroleum-based solvents, and their breakdown products. For purposes of this definition, "drycleaning solvents" only includes those drycleaning solvents originating from use at a drycleaning facility or by a wholesale supply facility.

(15) "Dry drop-off facility" means any commercial retail store that receives from customers clothing and other fabrics for drycleaning or laundering at an offsite drycleaning facility and that does not clean the clothing or fabrics at the store utilizing drycleaning solvents.

(16) "Engineering controls" means modifications to a site to reduce or eliminate the potential for exposure to petroleum products' chemicals of concern, drycleaning solvents, or other contaminants. Such modifications may include, but are not limited to, physical or hydraulic control measures, capping, point of use treatments, or slurry walls.

(17) "Wholesale supply facility" means a commercial establishment that supplies drycleaning solvents to drycleaning facilities.

(18) "Facility" means a nonresidential location containing, or which contained, any underground stationary tank or tanks which contain hazardous substances or pollutants and have individual storage capacities greater than 110 gallons, or any aboveground stationary tank or tanks which contain pollutants which are liquids at standard ambient temperature and pressure and have individual storage capacities greater than 550 gallons. This subsection shall not apply to facilities covered by chapter 377, or containers storing solid or gaseous pollutants, and agricultural tanks having storage capacities of less than 550 gallons.

(19) "Flow-through process tank" means an aboveground tank that contains hazardous substances or specified mineral acids as defined in s. 376.321 and that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks include, but are not limited to, seal tanks, vapor recovery units, surge tanks, blend tanks, feed tanks, check and delay tanks, batch tanks, oil-water separators, or tanks in which mechanical, physical, or chemical change of a material is accomplished.

(20) "Hazardous substances" means those substances defined as hazardous substances in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(21) "Institutional controls" means the restriction on use or access to a site to eliminate or minimize exposure to petroleum products' chemicals of concern, drycleaning solvents, or other contaminants. Such restrictions may include, but are not limited to, deed restrictions, *restrictive covenants, or conservation easements* ~~use restrictions, or restrictive zoning~~.

(22) "Laundering on a wash, dry, and fold basis" means the service provided by the owner or operator of a coin-operated laundry to its customers whereby an employee of the laundry washes, dries, and folds laundry for its customers.

(23) "Marine fueling facility" means a commercial or recreational coastal facility, excluding a bulk product facility, providing fuel to vessels.

(24) "Natural attenuation" means *a verifiable* ~~an~~ approach to site rehabilitation that allows natural processes to contain the spread of contamination and reduce the concentrations of contaminants in contaminated groundwater and soil. Natural attenuation processes may include the following: sorption, biodegradation, chemical reactions with subsurface materials, diffusion, dispersion, and volatilization.

(25) "Operator" means any person operating a facility, whether by lease, contract, or other form of agreement.

(26) "Owner" means any person owning a facility.

(27) "Person" means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.

(28) "Person in charge" means the person on the scene who is in direct, responsible charge of a facility from which pollutants are discharged, when the discharge occurs.

(29) "Person responsible for conducting site rehabilitation" means the site owner, operator, or the person designated by the site owner or operator on the reimbursement application. Mortgage holders and trust holders may be eligible to participate in the reimbursement program pursuant to s. 376.3071(12).

(30) "Petroleum" includes:

(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and

(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph (a).

(31) "Petroleum product" means any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils, bunker C residual oils, intermediate fuel oils (IFO) used for marine bunkering with a viscosity of 30 and higher, asphalt oils, and petrochemical feedstocks.

(32) "Petroleum products' chemicals of concern" means the constituents of petroleum products, including, but not limited to, xylene, benzene, toluene, ethylbenzene, naphthalene, and similar chemicals, and constituents in petroleum products, including, but not limited to, methyl tert-butyl ether (MTBE), lead, and similar chemicals found in additives, provided the chemicals of concern are present as a result of a discharge of petroleum products.

(33) "Petroleum storage system" means a stationary tank not covered under the provisions of chapter 377, together with any onsite

integral piping or dispensing system associated therewith, which is used, or intended to be used, for the storage or supply of any petroleum product. Petroleum storage systems may also include oil/water separators, and other pollution control devices installed at petroleum product terminals as defined in this chapter and bulk product facilities pursuant to, or required by, permits or best management practices in an effort to control surface discharge of pollutants. Nothing herein shall be construed to allow a continuing discharge in violation of department rules.

(34) "Pollutants" includes any "product" as defined in s. 377.19(11), pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.

(35) "Pollution" means the presence on the land or in the waters of the state of pollutants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(36) "Real property owner" means the individual or entity that is vested with ownership, dominion, or legal or rightful title to the real property, or which has a ground lease interest in the real property, on which a drycleaning facility or wholesale supply facility is or has ever been located.

(37) "Response action" means any activity, including evaluation, planning, design, engineering, construction, and ancillary services, which is carried out in response to any discharge, release, or threatened release of a hazardous substance, pollutant, or other contaminant from a facility or site identified by the department under the provisions of ss. 376.30-376.319.

(38) "Response action contractor" means a person who is carrying out any response action, including a person retained or hired by such person to provide services relating to a response action.

(39) "Risk reduction" means the lowering or elimination of the level of risk posed to human health or the environment through interim remedial actions, remedial action, or institutional and, if appropriate, engineering controls.

(40)~~(39)~~ "Secretary" means the Secretary of Environmental Protection.

(41)~~(40)~~ "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. *For purposes of sites subject to the Resource Conservation and Recovery Act, as amended, the term includes removal, decontamination, and corrective action of releases of hazardous substances.*

(42)~~(41)~~ "Source removal" means the removal of free product, or the removal of contaminants from soil or sediment that has been contaminated to the extent that leaching to groundwater or surface water has occurred or is occurring.

(43)~~(42)~~ "Storage system" means a stationary tank not covered under the provisions of chapter 377, together with any onsite integral piping or dispensing system associated therewith, which is or has been used for the storage or supply of any petroleum product, pollutant, or hazardous substance as defined herein, and which is registered with the Department of Environmental Protection under this chapter or any rule adopted pursuant hereto.

(44)~~(43)~~ "Synergistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(45)~~(44)~~ "Terminal facility" means any structure, group of structures, motor vehicle, rolling stock, pipeline, equipment, or related appurtenances which are used or capable of being used for one or more of the following purposes: pumping, refining, drilling for, producing, storing, handling, transferring, or processing pollutants, provided such pollutants are transferred over, under, or across any water, estuaries, tidal flats, beaches, or waterfront lands, including, but not limited to, any such facility and related appurtenances owned or operated by a public utility or a governmental or quasi-governmental body. In the event of a ship-to-ship transfer of pollutants, the vessel going to or coming from the place of transfer and a terminal facility shall also be considered a terminal facility. For the purposes of ss. 376.30-376.319, the term "terminal facility" shall not be construed to include spill response vessels engaged in response activities related to removal of pollutants, or temporary storage facilities created to temporarily store recovered pollutants and matter, or waterfront facilities owned and operated by governmental entities acting as agents of public convenience for persons engaged in the drilling for or pumping, storing, handling, transferring, processing, or refining of pollutants. However, each person engaged in the drilling for or pumping, storing, handling, transferring, processing, or refining of pollutants through a waterfront facility owned and operated by such a governmental entity shall be construed as a terminal facility.

(46)~~(45)~~ "Transfer" or "transferred" includes onloading, offloading, fueling, bunkering, lightering, removal of waste pollutants, or other similar transfers, between terminal facility and vessel or vessel and vessel.

Section 10. Subsections (5) and (6) of section 376.303, Florida Statutes, are added to read:

(5) MAPPING.—If an institutional control is implemented at any contaminated site in a brownfield area designated pursuant to s. 376.80, the property owner must provide information regarding the institutional control to the local government for mapping purposes. The local government must then note the existence of the institutional control on any relevant local land use and zoning maps with a cross reference to the department's site registry developed pursuant to subsection (6). If the type of institutional control used requires recording with the local government, then the map notation shall also provide a cross reference to the book and page number where recorded. When a local government is provided with evidence that the department has subsequently issued a no further action order without institutional controls for a site currently noted on such maps, the local government shall remove the notation.

(6) REGISTRY.—The department shall prepare and maintain a registry of all contaminated sites located in a brownfield area designated pursuant to s. 376.80, which are subject to institutional and engineering controls, in order to provide a mechanism for the public and local governments to monitor the status of these controls, monitor the department's short-term and long-term protection of human health and the environment in relation to these sites, and evaluate economic revitalization efforts in these areas. At a minimum, the registry shall include the type of institutional or engineering controls employed at a particular site, types of contaminants and affected media, land use limitations, and the county in which the site is located. Sites listed on the registry at which the department has subsequently issued a no further action order without institutional controls shall be removed from the registry. The department shall make the registry available to the public and local governments within 1 year after the effective date of this act. The department shall provide local governments with actual notice when the registry becomes available. Local zoning and planning offices shall post information on how to access the registry in public view.

Section 11. Paragraph (i) of subsection (4) and paragraph (a) of subsection (9) of section 376.3078, Florida Statutes, are amended, to read:

376.3078 Drycleaning facility restoration; funds; uses; liability; recovery of expenditures.—

(4) REHABILITATION CRITERIA.—It is the intent of the Legislature to protect the health of all people under actual circumstances of exposure. By July 1, 1999, the secretary of the department shall establish criteria by rule for the purpose of determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program, including a voluntary site rehabilitation program, and the level at which a rehabilitation program

task and a site rehabilitation program may be deemed completed. In establishing the rule, the department shall incorporate, to the maximum extent feasible, risk-based corrective action principles to achieve protection of human health and safety and the environment in a cost-effective manner as provided in this subsection. The rule shall also include protocols for the use of natural attenuation and the issuance of "no further action" letters. The criteria for determining what constitutes a rehabilitation program task or completion of a site rehabilitation program task or site rehabilitation program, including a voluntary site rehabilitation program, must:

(i) Establish appropriate cleanup target levels for soils.

1. In establishing soil cleanup target levels for human exposure to each contaminant found in soils from the land surface to 2 feet below land surface, the department shall consider the following, as appropriate: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limit; or the naturally occurring background concentration. Institutional controls or other methods shall be used to prevent human exposure to contaminated soils more than 2 feet below the land surface. Any removal of such institutional controls shall require such contaminated soils to be remediated.

2. Leachability-based soil target levels shall be based on protection of the groundwater cleanup target levels or the alternate cleanup target levels for groundwater established pursuant to this paragraph, as appropriate. Source removal and other cost-effective alternatives that are technologically feasible shall be considered in achieving the leachability soil target levels established by the department. The leachability goals shall not be applicable if the department determines, based upon individual site characteristics, that contaminants will not leach into the groundwater at levels which pose a threat to human health, public safety, and the environment.

3. *Using risk-based corrective action principles,* the department *shall approve* ~~may set~~ alternative cleanup target levels based upon the person responsible for site rehabilitation *demonstrating,* using site-specific modeling and risk assessment studies, that human health, public safety, and the environment are protected.

The department shall require source removal, *as a risk reduction measure,* if warranted and cost-effective. Once source removal at a site is complete, the department shall reevaluate the site to determine the degree of active cleanup needed to continue. Further, the department shall determine if the reevaluated site qualifies for monitoring only or if no further action is required to rehabilitate the site. If additional site rehabilitation is necessary to reach "no further action" status, the department is encouraged to utilize natural attenuation and monitoring where site conditions warrant.

(9) REQUIREMENT FOR DRYCLEANING FACILITIES.—It is the intent of the Legislature that the following drycleaning solvent containment shall be required of the owners or operators of drycleaning facilities, as follows:

(a) Owners or operators of drycleaning facilities shall by January 1, 1997, install dikes or other containment structures around each machine or item of equipment in which drycleaning solvents are used and around any area in which solvents or waste-containing solvents are stored. Such dikes or containment structures shall be capable of containing 110 percent of the capacity of each such machine and each such storage area. To the extent practicable, each owner or operator of a drycleaning facility shall seal or otherwise render impervious those portions of all dikes' floor surfaces upon which any drycleaning solvents may leak, spill, or otherwise be released. *A drycleaning facility that commenced operating before January 1, 1996, and applied to the program by December 30, 1997, is considered to have had secondary containment timely installed for the purpose of determining eligibility for state-funded site rehabilitation under this section if the drycleaning facility meets the following criteria:*

1. Reported in the completed application that the facility was not in compliance with paragraph (a) of this subsection, and entered into a consent order with the department to install secondary containment and installed the required containment by April 15, 1999; or

2. Reported in the completed application that the facility had installed secondary containment but stated in the application that the date the facility installed secondary containment was not known, and was requested by the department subsequent to April 30, 1997, to apply for program eligibility and did so apply within 90 days of the request, and installed secondary containment by February 28, 1998.

The department shall reconsider the applications of facilities that meet the criteria set forth in this paragraph and that were previously determined to be ineligible due to failure to comply with secondary containment requirements. The facilities must meet all other eligibility requirements.

Section 12. Section 376.79, Florida Statutes, is amended to read:

376.79 Definitions.—As used in ss. 376.77-376.85, the term:

(1) "Additive effects" means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which the individual is exposed.

(2) "Antagonistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is less than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(3) "Brownfield sites" means sites that are generally abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination.

(4) "Brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects.

(5) "Contaminant" means any physical, chemical, biological, or radiological substance present in any medium which may result in adverse effects to human health or the environment or which creates an adverse nuisance, organoleptic, or aesthetic condition in groundwater.

(6)~~(5)~~ "Contaminated site" means any contiguous land, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.

(7)~~(6)~~ "Department" means the Department of Environmental Protection.

(8)~~(7)~~ "Engineering controls" means modifications to a site to reduce or eliminate the potential for exposure to contaminants. Such modifications may include, but are not limited to, physical or hydraulic control measures, capping, point of use treatments, or slurry walls.

(9)~~(8)~~ "Environmental justice" means the fair treatment of all people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

(10)~~(9)~~ "Institutional controls" means the restriction on use of or access to a site to eliminate or minimize exposure to contaminants. Such restrictions may include, but are not limited to, deed restrictions, *restrictive covenants, or conservation easements* ~~use restrictions, or restrictive zoning~~.

(11)~~(10)~~ "Local pollution control program" means a local pollution control program that has received delegated authority from the Department of Environmental Protection under ss. 376.80(11) and 403.182.

(12)~~(11)~~ "Natural attenuation" means *a verifiable approach to site rehabilitation which allows natural processes to contain the spread of contamination and reduce the concentrations of contaminants in*

contaminated groundwater and soil. Natural attenuation processes may include sorption, biodegradation, chemical reactions with subsurface materials, diffusion, dispersion, and volatilization. ~~the verifiable reduction of contaminants through natural processes, which may include diffusion, dispersion, adsorption, and biodegradation.~~

(13)~~(12)~~ "Person responsible for brownfield site rehabilitation" means the individual or entity that is designated by the local government to enter into the brownfield site rehabilitation agreement with the department or an approved local pollution control program and enters into an agreement with the local government for redevelopment of the site.

(14)~~(13)~~ "Person" means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.

(15) "Risk reduction" means the lowering or elimination of the level of risk posed to human health or the environment through interim remedial actions, remedial action, or institutional, and if appropriate, engineering controls.

(16)~~(14)~~ "Secretary" means the secretary of the Department of Environmental Protection.

(17)~~(15)~~ "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site.

(18)~~(16)~~ "Source removal" means the removal of free product, or *the removal of* contaminants from soil *or sediment* that has been contaminated to the extent that leaching to groundwater *or surface water* has *occurred* or is occurring.

(19)~~(17)~~ "Synergistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which the individual is exposed.

Section 13. Subsections (4) and (5) and paragraph (c) of subsection (7) of section 376.80, Florida Statutes, are amended to read:

376.80 Brownfield program administration process.—

(4) Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee *or use an existing advisory committee that has formally expressed its intent to address redevelopment of the specific brownfield area* for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. Such advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. *The person responsible for brownfield site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement, and provide the committee with a copy of the draft plan for site rehabilitation which addresses elements required by subsection (5). This includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed. The advisory committee shall review the proposed redevelopment agreement required pursuant to paragraph (5)(i) and provide comments, if appropriate, to the board of the local government with jurisdiction over the brownfield area. The advisory committee must receive a copy of the executed brownfield site rehabilitation agreement. When the person responsible for brownfield site rehabilitation submits a site assessment report or the technical document containing the proposed course of action following site assessment to the department or the local pollution control program for review, the person responsible for brownfield site rehabilitation must hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.* ~~The advisory committee must review and provide recommendations to the board of the local government with jurisdiction on the proposed site rehabilitation agreement provided in subsection (5).~~

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local pollution control program *if actual contamination exists at the brownfield site.* The brownfield site rehabilitation agreement must include:

(a) A brownfield site rehabilitation schedule, including milestones for completion of site rehabilitation tasks and submittal of technical reports and rehabilitation plans as agreed upon by the parties to the agreement;

(b) A commitment to conduct site rehabilitation activities under the observation of professional engineers or geologists who are registered in accordance with the requirements of chapter 471 or chapter 492, respectively. Submittals provided by the person responsible for brownfield site rehabilitation must be signed and sealed by a professional engineer registered under chapter 471, or a professional geologist registered under chapter 492, certifying that the submittal and associated work comply with the law and rules of the department and those governing the profession. In addition, upon completion of the approved remedial action, the department shall require a professional engineer registered under chapter 471 or a professional geologist registered under chapter 492 to certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the department;

(c) A commitment to conduct site rehabilitation in accordance with an approved comprehensive quality assurance plan under department rules;

(d) A commitment to conduct site rehabilitation consistent with state, federal, and local laws and consistent with the brownfield site contamination cleanup criteria in s. 376.81, including any applicable requirements for risk-based corrective action;

(e) Timeframes for the department's review of technical reports and plans submitted in accordance with the agreement. The department shall make every effort to adhere to established agency goals for reasonable timeframes for review of such documents;

(f) A commitment to secure site access for the department or approved local pollution control program to all brownfield sites within the eligible brownfield area for activities associated with site rehabilitation;

(g) Other provisions that the person responsible for brownfield site rehabilitation and the department agree upon, that are consistent with ss. 376.77-376.85, and that will improve or enhance the brownfield site rehabilitation process;

(h) A commitment to consider appropriate pollution prevention measures and to implement those that the person responsible for brownfield site rehabilitation determines are reasonable and cost-effective, taking into account the ultimate use or uses of the brownfield site. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include goals for the reduction of releases of toxic materials; and

(i) Certification that an agreement exists between the person responsible for brownfield site rehabilitation and the local government with jurisdiction over the brownfield area. Such agreement shall contain terms for the redevelopment of the brownfield area.

(7) The contractor must certify to the department that the contractor:

(c) Maintains comprehensive general liability and comprehensive automobile liability insurance with minimum limits of at least $1 million per *claim* ~~occurrence~~ and $1 million annual aggregate, sufficient to protect it from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise

from performance of work under the program, designating the state as an additional insured party.

Section 14. Section 376.81, Florida Statutes, is amended to read:

376.81 Brownfield site and brownfield areas contamination cleanup criteria.—

(1) It is the intent of the Legislature to protect the health of all people under actual circumstances of exposure. By July 1, *2001* ~~1998~~, the secretary of the department shall establish criteria by rule for the purpose of determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed completed. In establishing the rule, the department shall *apply* ~~incorporate~~, to the maximum extent feasible, *a* risk-based corrective action *process* ~~principles~~ to achieve protection of human health and safety and the environment in a cost-effective manner *based on the principles set forth* ~~as provided~~ in this subsection. *The rule must prescribe a phased risk-based corrective action process that is iterative and that tailors site rehabilitation tasks to site-specific conditions and risks. The department and the person responsible for brownfield site rehabilitation are encouraged to establish decision points at which risk management decisions will be made. The department shall provide an early decision, when requested, regarding applicable exposure factors and a risk management approach based on the current and future land use at the site.* The rule shall also include protocols for the use of natural attenuation, *the use of institutional and engineering controls,* and the issuance of "no further action" letters. The criteria for determining what constitutes a rehabilitation program task or completion of a site rehabilitation program task or site rehabilitation program must:

(a) Consider the current exposure and potential risk of exposure to humans and the environment, including multiple pathways of exposure. The physical, chemical, and biological characteristics of each contaminant must be considered in order to determine the feasibility of risk-based corrective action assessment.

(b) Establish the point of compliance at the source of the contamination. However, the department is authorized to temporarily move the point of compliance to the boundary of the property, or to the edge of the plume when the plume is within the property boundary, while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding. The department also is authorized, pursuant to criteria provided for in this section, to temporarily extend the point of compliance beyond the property boundary with appropriate monitoring, if such extension is needed to facilitate natural attenuation or to address the current conditions of the plume, provided human health, public safety, and the environment are protected. When temporarily extending the point of compliance beyond the property boundary, it cannot be extended further than the lateral extent of the plume at the time of execution of the brownfield site rehabilitation agreement, if known, or the lateral extent of the plume as defined at the time of site assessment. Temporary extension of the point of compliance beyond the property boundary, as provided in this paragraph, must include actual notice by the person responsible for brownfield site rehabilitation to local governments and the owners of any property into which the point of compliance is allowed to extend and constructive notice to residents and business tenants of the property into which the point of compliance is allowed to extend. Persons receiving notice pursuant to this paragraph shall have the opportunity to comment within 30 days of receipt of the notice.

(c) Ensure that the site-specific cleanup goal is that all contaminated brownfield sites and brownfield areas ultimately achieve the applicable cleanup target levels provided in this section. In the circumstances provided below, and after constructive notice and opportunity to comment within 30 days from receipt of the notice to local government, to owners of any property into which the point of compliance is allowed to extend, and to residents on any property into which the point of compliance is allowed to extend, the department may allow concentrations of contaminants to temporarily exceed the applicable cleanup target levels while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding, if human health, public safety, and the environment are protected.

(d) Allow brownfield site and brownfield area rehabilitation programs to include the use of institutional or engineering controls, where appropriate, to eliminate or control the potential exposure to contaminants of humans or the environment. The use of controls must be preapproved by the department and only after constructive notice and opportunity to comment within 30 days from receipt of notice is provided to local governments, to owners of any property into which the point of compliance is allowed to extend, and to residents on any property into which the point of compliance is allowed to extend. When institutional or engineering controls are implemented to control exposure, the removal of the controls must have prior department approval and must be accompanied by the resumption of active cleanup, or other approved controls, unless cleanup target levels under this section have been achieved.

(e) Consider the additive effects of contaminants. The synergistic and antagonistic effects shall also be considered when the scientific data become available.

(f) Take into consideration individual site characteristics, which shall include, but not be limited to, the current and projected use of the affected groundwater and surface water in the vicinity of the site, current and projected land uses of the area affected by the contamination, the exposed population, the degree and extent of contamination, the rate of contaminant migration, the apparent or potential rate of contaminant degradation through natural attenuation processes, the location of the plume, and the potential for further migration in relation to site property boundaries.

(g) Apply state water quality standards as follows:

1. Cleanup target levels for each contaminant found in groundwater shall be the applicable state water quality standards. Where such standards do not exist, the cleanup target levels for groundwater shall be based on the minimum criteria specified in department rule. The department shall *apply* ~~consider~~ the following, as appropriate, in establishing the applicable *cleanup target levels* ~~minimum criteria~~: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limit; *and* ~~the naturally occurring background concentration; or~~ nuisance, organoleptic, and aesthetic considerations. *However, the department shall not require site rehabilitation to achieve a cleanup target level for any individual contaminant which is more stringent than the site-specific, naturally occurring background concentration for that contaminant.*

2. Where surface waters are exposed to contaminated groundwater, the cleanup target levels for the contaminants shall be based on the *more protective of the groundwater or* surface water standards as established by department rule. The point of measuring compliance with the surface water standards shall be in the groundwater immediately adjacent to the surface water body.

3. *Using risk-based corrective action principles,* the department *shall approve* ~~may set~~ alternative cleanup target levels *in conjunction with institutional and engineering controls, if needed,* based upon an applicant's demonstration, using site-specific *data,* modeling *results,* ~~and~~ risk assessment studies, *risk reduction techniques, or a combination thereof,* that human health, public safety, and the environment are protected to the same degree as provided in subparagraphs 1. and 2. Where a state water quality standard is applicable, a deviation may not result in the application of cleanup target levels more stringent than the standard. In determining whether it is appropriate to establish alternative cleanup target levels at a site, the department must consider the effectiveness of source removal, *if any, which* ~~that~~ has been completed at the site and the practical likelihood of the use of low yield or poor quality groundwater, the use of groundwater near marine surface water bodies, the current and projected use of the affected groundwater in the vicinity of the site, or the use of groundwater in the immediate vicinity of the contaminated area, where it has been demonstrated that the groundwater contamination is not migrating

away from such localized source, provided human health, public safety, and the environment are protected. *When using alternative cleanup target levels at a brownfield site, institutional controls shall not be required if:*

a. The only cleanup target levels exceeded are the groundwater cleanup target levels derived from nuisance, organoleptic, or aesthetic considerations;

b. Concentrations of all contaminants meet the state water quality standards or minimum criteria, based on protection of human health, provided in subparagraph 1.;

c. All of the groundwater cleanup target levels established pursuant to subparagraph 1. are met at the property boundary;

d. The person responsible for brownfield site rehabilitation has demonstrated that the contaminants will not migrate beyond the property boundary at concentrations exceeding the groundwater cleanup target levels established pursuant to subparagraph 1.;

e. The property has access to and is using an offsite water supply and no unplugged private wells are used for domestic purposes; and

f. The real property owner provides written acceptance of the "no further action" proposal to the department or the local pollution control program.

(h) Provide for the department to issue a "no further action order," with conditions*, including, but not limited to, the use of institutional or engineering controls* where appropriate, when alternative cleanup target levels established pursuant to subparagraph (g)3. have been achieved, or when the person responsible for brownfield site rehabilitation can demonstrate that the cleanup target level is unachievable within available technologies. Prior to issuing such an order, the department shall consider the feasibility of an alternative site rehabilitation technology in the brownfield area.

(i) Establish appropriate cleanup target levels for soils.

1. In establishing soil cleanup target levels for human exposure to each contaminant found in soils from the land surface to 2 feet below land surface, the department shall *apply* ~~consider~~ the following, as appropriate: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; *and* the best achievable detection limit~~; or the naturally occurring background concentration~~. *However, the department shall not require site rehabilitation to achieve a cleanup target level for an individual contaminant which is more stringent than the site-specific, naturally occurring background concentration for that contaminant.* Institutional controls or other methods shall be used to prevent human exposure to contaminated soils more than 2 feet below the land surface. Any removal of such institutional controls shall require such contaminated soils to be remediated.

2. Leachability-based soil target levels shall be based on protection of the groundwater cleanup target levels or the alternate cleanup target levels for groundwater established pursuant to this paragraph, as appropriate. Source removal and other cost-effective alternatives that are technologically feasible shall be considered in achieving the leachability soil target levels established by the department. The leachability goals shall not be applicable if the department determines, based upon individual site characteristics, *and in conjunction with institutional and engineering controls, if needed,* that contaminants will not leach into the groundwater at levels *that* ~~which~~ pose a threat to human health, public safety, and the environment.

3. *Using risk-based corrective action principles,* the department *shall approve* ~~may set~~ alternative cleanup target levels *in conjunction with institutional and engineering controls, if needed,* based upon an applicant's demonstration, using site-specific *data,* modeling *results,* ~~and~~ risk assessment studies*, risk reduction techniques, or a combination thereof,* that human health, public safety, and the environment are protected *to the same degree as provided in subparagraphs 1. and 2.*

(2) The department shall require source removal*, as a risk reduction measure,* if warranted and cost-effective. Once source removal at a site is complete, the department shall reevaluate the site to determine the degree of active cleanup needed to continue. Further, the department shall determine if the reevaluated site qualifies for monitoring only or if no further action is required to rehabilitate the site. If additional site rehabilitation is necessary to reach "no further action" status, the department is encouraged to utilize natural attenuation and monitoring where site conditions warrant.

(3) The cleanup criteria described in this section govern only site rehabilitation activities occurring at the contaminated site. Removal of contaminated media from a site for offsite relocation or treatment must be in accordance with all applicable federal, state, and local laws and regulations.

Section 15. Paragraph (k) is added to subsection (2) of section 376.82, Florida Statutes, to read:

376.82 Eligibility criteria and liability protection.—

(2) LIABILITY PROTECTION.—

(k) A person whose property becomes contaminated due to geophysical or hydrologic reasons, including the migration of contaminants onto their property from the operation of facilities and activities on a nearby designated brownfield area, and whose property has never been occupied by a business that utilized or stored the contaminants or similar constituents is not subject to administrative or judicial action brought by or on behalf of another to compel the rehabilitation of or the payment of the costs for the rehabilitation of sites contaminated by materials that migrated onto the property from the designated brownfield area, if the person:

1. Does not own and has never held an ownership interest in, or shared in the profits of, activities in the designated brownfield area operated at the source location;

2. Did not participate in the operation or management of the activities in the designated brownfield area operated at the source location; and

3. Did not cause, contribute to, or exacerbate the release or threat of release of any hazardous substance through any act or omission.

Section 16. Section 376.84, Florida Statutes, is amended to read:

376.84 Brownfield redevelopment economic incentives.—It is the intent of the Legislature that brownfield redevelopment activities be viewed as opportunities to significantly improve the utilization, general condition, and appearance of these sites. *Alternative* ~~Different~~ standards than those in place for new development, as allowed under current state and local laws, should be used to the fullest extent to encourage the redevelopment of a brownfield. State and local governments are encouraged to offer redevelopment incentives for this purpose, as an ongoing public investment in infrastructure and services, to help eliminate the public health and environmental hazards, and to promote the creation of jobs in these areas. *These* ~~Such~~ incentives may include financial, regulatory, and technical assistance to persons and businesses involved in the redevelopment of the brownfield pursuant to this act.

(1) Financial incentives and local incentives for redevelopment may include, but not be limited to:

(a) Tax increment financing through community redevelopment agencies, pursuant to part III of chapter 163*, or any other entities approved by the local government for the purpose of redeveloping brownfield areas.*

(b) Enterprise zone tax exemptions for businesses pursuant to chapters 196 and 290.

(c) Safe neighborhood improvement districts as provided in ss. 163.501-163.523.

(d) Waiver, reduction, or limitation by line of business with respect to occupational license taxes pursuant to chapter 205.

(e) Tax exemption for historic properties as provided in s. 196.1997.

(f) Residential electricity exemption of up to the first 500 kilowatts of use may be exempted from the municipal public service tax pursuant to s. 166.231.

(g) Minority business enterprise programs as provided in s. 287.0943.

(h) Electric and gas tax exemption as provided in s. 166.231(6).

(i) Economic development tax abatement as provided in s. 196.1995.

(j) Grants, including community development block grants.

(k) Pledging of revenues to secure bonds.

(l) Low-interest revolving loans and zero-interest loan pools.

(m) Local grant programs for facade, storefront, signage, and other business improvements.

(n) Governmental coordination of loan programs with lenders, such as microloans, business reserve fund loans, letter of credit enhancements, gap financing, land lease and sublease loans, and private equity.

(o) Payment schedules over time for payment of fees, within criteria, and marginal cost pricing.

(p) The tax rebate established for certified businesses located and operated in a designated brownfield area under s. 290.007(9).

(2) Regulatory incentives may include, but not be limited to:

(a) Cities' absorption of developers' concurrency needs.

(b) Developers' performance of certain analyses.

(c) Exemptions and lessening of state and local review requirements.

(d) Water and sewer regulatory incentives.

(e) Waiver of transportation impact fees and permit fees.

(f) Zoning incentives to reduce review requirements for redevelopment changes in use and occupancy; establishment of code criteria for specific uses; and institution of credits for previous use within the area.

(g) Flexibility in parking standards and buffer zone standards.

(h) Environmental management through specific code criteria and conditions allowed by current law.

(i) Maintenance standards and activities by ordinance and otherwise, and increased security and crime prevention measures available through special assessments.

(j) Traffic-calming measures.

(k) Historic preservation ordinances, loan programs, and review and permitting procedures.

(l) One-stop permitting and streamlined development and permitting process.

(3) Technical assistance incentives may include, but not be limited to:

(a) Expedited development applications.

(b) Formal and informal information on business incentives and financial programs.

(c) Site design assistance.

(d) Marketing and promotion of projects or areas.

(4) A local government having a designated brownfield area under s. 376.80 and a brownfield site rehabilitation agreement under subsection (5) of that section may issue revenue bonds under s. 163.385 and employ tax increment financing under s. 163.387 for the purpose of financing the implementation of the brownfield site rehabilitation agreement and the local government's approved plan for revitalizing the brownfield area, except that in a charter county such incentive shall be employed consistent with the provisions of s. 163.410.

(5) A local government having a designated brownfield area as described in subsection (4) may also exercise the powers granted under s. 163.514 for community redevelopment improvement districts, including the authority to levy special assessments when such mechanisms will assist in revitalizing the brownfield area.

Section 17. Paragraph (d) is added to subsection (3) of section 403.973, Florida Statutes, to read:

403.973 Expedited permitting; comprehensive plan amendments.—

(3)

(d) Projects located in a designated brownfield area are eligible for the expedited permitting process.

Section 18. Subsection (1) of section 190.012, Florida Statutes, is amended to read:

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:

(1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.

(b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.

(d)1. District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.

2. Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage.

(e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination.

(f)~~(e)~~ Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.

(g)~~(f)~~ Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 or s. 380.061 approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.

Section 19. Section 712.01, Florida Statutes, is amended to read:

712.01 Definitions.—As used in this law:

(1) The term "person" as used herein denotes singular or plural, natural or corporate, private or governmental, including the state and any political subdivision or agency thereof as the context for the use thereof requires or denotes and including any homeowners' association.

(2) "Root of title" means any title transaction purporting to create or transfer the estate claimed by any person and which is the last title transaction to have been recorded at least 30 years prior to the time when marketability is being determined. The effective date of the root of title is the date on which it was recorded.

(3) "Title transaction" means any recorded instrument or court proceeding which affects title to any estate or interest in land and which describes the land sufficiently to identify its location and boundaries.

(4) The term "homeowners' association" means a homeowners' association as defined in s. 617.301(7), or an association of parcel owners which is authorized to enforce use restrictions that are imposed on the parcels.

(5) The term "parcel" means real property which is used for residential purposes that is subject to exclusive ownership and which is subject to any covenant or restriction of a homeowners' association.

(6) The term "covenant or restriction" means any agreement or limitation contained in a document recorded in the public records of the county in which a parcel is located which subjects the parcel to any use restriction which may be enforced by a homeowners' association or which authorizes a homeowners' association to impose a charge or assessment against the parcel or the owner of the parcel *or which may be enforced by the Florida Department of Environmental Protection pursuant to chapter 376 or chapter 403*.

Section 20. Section 712.03, Florida Statutes, is amended to read:

712.03 Exceptions to marketability.—Such marketable record title shall not affect or extinguish the following rights:

(1) Estates or interests, easements and use restrictions disclosed by and defects inherent in the muniments of title on which said estate is based beginning with the root of title; provided, however, that a general reference in any of such muniments to easements, use restrictions or other interests created prior to the root of title shall not be sufficient to preserve them unless specific identification by reference to book and page of record or by name of recorded plat be made therein to a recorded title transaction which imposed, transferred or continued such easement, use restrictions or other interests; subject, however, to the provisions of subsection (5).

(2) Estates, interests, claims, or charges, or any covenant or restriction, preserved by the filing of a proper notice in accordance with the provisions hereof.

(3) Rights of any person in possession of the lands, so long as such person is in such possession.

(4) Estates, interests, claims, or charges arising out of a title transaction which has been recorded subsequent to the effective date of the root of title.

(5) Recorded or unrecorded easements or rights, interest or servitude in the nature of easements, rights-of-way and terminal facilities, including those of a public utility or of a governmental agency, so long as the same are used and the use of any part thereof shall except from the operation hereof the right to the entire use thereof. No notice need be filed in order to preserve the lien of any mortgage or deed of trust or any supplement thereto encumbering any such recorded or unrecorded easements, or rights, interest, or servitude in the nature of easements, rights-of-way, and terminal facilities. However, nothing herein shall be construed as preserving to the mortgagee or grantee of any such mortgage or deed of trust or any supplement thereto any greater rights than the rights of the mortgagor or grantor.

(6) Rights of any person in whose name the land is assessed on the county tax rolls for such period of time as the land is so assessed and which rights are preserved for a period of 3 years after the land is last assessed in such person's name.

(7) State title to lands beneath navigable waters acquired by virtue of sovereignty.

(8) A restriction or covenant recorded pursuant to chapter 376 or chapter 403.

Section 21. Paragraph (j) of subsection (3) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.—

(3) A local government seeking to designate a geographic area within its jurisdiction as an urban infill and redevelopment area shall prepare a plan that describes the infill and redevelopment objectives of the local government within the proposed area. In lieu of preparing a new plan, the local government may demonstrate that an existing plan or combination of plans associated with a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, or neighborhood improvement district includes the factors listed in paragraphs (a)-(n), including a collaborative and holistic community participation process, or amend such existing plans to include these factors. The plan shall demonstrate the local government and community's commitment to comprehensively address the urban problems within the urban infill and redevelopment area and identify activities and programs to accomplish locally identified goals such as code enforcement; improved educational opportunities; reduction in crime; neighborhood revitalization and preservation; provision of infrastructure needs, including mass transit and multimodal linkages; and mixed-use planning to promote multifunctional redevelopment to improve both the residential and commercial quality of life in the area. The plan shall also:

(j) Identify and adopt a package of financial and local government incentives which the local government will offer for new development, expansion of existing development, and redevelopment within the urban infill and redevelopment area. Examples of such incentives include:

1. Waiver of license and permit fees.

2. *Exemption of sales made in the urban infill and redevelopment area from* ~~Waiver of~~ local option sales *surtaxes imposed pursuant to s. 212.054* ~~taxes~~.

3. Waiver of delinquent *local* taxes or fees to promote the return of property to productive use.

4. Expedited permitting.

5. Lower transportation impact fees for development which encourages more use of public transit, pedestrian, and bicycle modes of transportation.

6. Prioritization of infrastructure spending within the urban infill and redevelopment area.

7. Local government absorption of developers' concurrency costs.

In order to be authorized to recognize the exemption from local option sales surtaxes pursuant to subparagraph 2., the owner, lessee, or lessor of the new development, expanding existing development, or redevelopment within the urban infill and redevelopment area must file an application under oath with the governing body having jurisdiction over the urban infill and redevelopment area where the business is located. The application must include the name and address of the business claiming the exclusion from collecting local option surtaxes; an address and assessment roll parcel number of the urban infill and redevelopment area for which the exemption is being sought; a description of the improvements made to accomplish the new development, expanding development, or redevelopment of the real property; a copy of the building permit application or the building permit issued for the development of the real property; a new application for a certificate of registration with the Department of Revenue with the address of the new development, expanding development, or

redevelopment; and the location of the property. The local government must review and approve the application and submit the completed application and documentation along with a copy of the ordinance adopted pursuant to subsection (5) to the Department of Revenue in order for the business to become eligible to make sales exempt from local option sales surtaxes in the urban infill and redevelopment area.

Section 22. Subsection (13) 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.

(13) No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. All laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 258.14, 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09, and the following Laws of Florida, acts of the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681. *This subsection does not supersede the authority of a local government to adopt financial and local government incentives pursuant to s. 163.2517.*

Section 23. Section 163.2523, Florida Statutes, is amended to read:

163.2523 Grant program.—An Urban Infill and Redevelopment Assistance Grant Program is created for local governments. A local government may allocate grant money to special districts, including community redevelopment agencies, and nonprofit community development organizations to implement projects consistent with an adopted urban infill and redevelopment plan or plan employed in lieu thereof. Thirty percent of the general revenue appropriated for this program shall be available for planning grants to be used by local governments for the development of an urban infill and redevelopment plan, including community participation processes for the plan. Sixty percent of the general revenue appropriated for this program shall be available for fifty/fifty matching grants for implementing urban infill and redevelopment projects that further the objectives set forth in the local government's adopted urban infill and redevelopment plan or plan employed in lieu thereof. The remaining 10 percent of the revenue must be used for outright grants for implementing projects requiring an expenditure of under $50,000. *If the volume of fundable applications under any of the allocations specified in this section does not fully obligate the amount of the allocation, the Department of Community Affairs may transfer the unused balance to the category having the highest dollar value of applications eligible but unfunded. However, in no event may the percentage of dollars allocated to outright grants for implementing projects exceed 20 percent in any given fiscal year.* Projects that provide employment opportunities to clients of the WAGES program and projects within urban infill and redevelopment areas that include a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, federal enterprise zone, enterprise community, or neighborhood improvement district must be given an elevated priority in the scoring of competing grant applications. The Division of Housing and Community Development of the Department of Community Affairs shall administer the grant program. The Department of Community Affairs shall adopt rules establishing grant review criteria consistent with this section.

Section 24. Section 258.16, Florida Statutes, is created to read:

258.16 Rodman Reservoir Recreation Area designated.—

(1) There is designated and established a state recreation area to be known as Rodman Reservoir Recreation Area, in Marion and Putman Counties, which shall include all state-owned lands within the floodplain of the Oklawaha River and those hereafter acquired by the state from Eureka Dam in Marion County to Buckman Lock in Putnam County. Such lands shall be deemed and held to be a state recreation area, under the supervision of the Division of Recreation and Parks of the Department of Environmental Protection, and the division is charged with the duty of providing for the development of multipurpose recreational opportunities at this recreation area and the care, upkeep, maintenance, and beautification of the Rodman Reservoir Recreation Area, including all those dams, locks, and other structures transferred by the Federal Government to the state. Such structures may be permanently closed and filled with suitable materials if their continued maintenance and operation is determined by the department not to be cost-effective due to the overall condition of the structures when they were transferred by the Federal Government. The Department shall not adopt any rules or regulations, nor utilize any existing rules or regulations, prohibiting recreational opportunities, including, but not limited to hunting and fishing, in the Rodman Reservoir Recreational Area. Any proposed action that would substantially alter the recreation area as it existed on January 1, 2000, shall be approved by the Legislature prior to implementation.

(2) The Division of State Lands may acquire in the name of the Board of Trustees of the Internal Improvement Trust Fund any additional property adjacent or contiguous to the Rodman Reservoir Recreation Area, from private owners or from the United States Government, for improved management and recreational opportunities.

(3) The Division of State Lands is directed to identify, contact, and inform all property owners who entered into easements located within the taking line of the Rodman Reservoir of the designation of this area as a state recreation area.

(4) By January 1, 2001, the Division of State Lands is directed to submit a report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives that:

(a) Identifies each entity that has an easement within the taking line of the reservoir.

(b) Indicates whether the holder of the easement is willing to sell the easement.

(c) Estimates the cost of acquiring the easements.

(d) Identifies any additional issues resulting from this designation.

Section 25. *Section 376.3195, Florida Statutes, is repealed.*

Section 26. *Subsection (9) of section 211.3103, Florida Statutes, is repealed.*

Section 27. *In fiscal year 2000-2001, any unencumbered funds remaining undisbursed on June 30, 2001, from the Quick-Response Training Program, Brownfield Redevelopment Bonus Refunds, and funds appropriated in the General Appropriations Act for cleanup of state-owned lands, shall be used for grants to fund assessment and remediation at brownfield sites or areas designated pursuant to s. 376.80, Florida Statues, prior to April 1, 2000, that are United States Environmental Protection Agency brownfield pilot projects designated prior to July 1, 1997, at which site assessment has been initiated as of April 1, 2000. Grants shall be distributed to eligible pilot projects under this part on a pro-rata basis in an amount not to exceed $500,000 per pilot project.*

Section 28. This act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, line 2 through page 6, line 4
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to state regulation of lands; amending s. 206.9935, F.S.; providing requirements for determination

of the rate; amending s. 212.20, F.S.; providing for distribution of funds; amending s. 252.87, F.S.; revising reporting requirements under the Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 288.047, F.S.; requiring Enterprise Florida, Inc., to set aside each fiscal year a certain amount of the appropriation for the Quick Response Training Program for businesses located in a brownfield area; amending s. 288.107, F.S.; redefining the term "eligible business"; providing for bonus refunds for businesses that can demonstrate a fixed capital investment in certain mixed use activities in the brownfield area; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., to develop comprehensive marketing strategies for redevelopment of brownfield areas; amending s. 290.007, F.S.; providing for state incentives in designated brownfield areas; amending s. 376.051, F.S.; providing for the use of risk-based cleanup criteria on state university lands; amending s. 376.301, F.S.; redefining the terms "antagonistic effects," "discharge," "institutional controls," "natural attenuation," and "site rehabilitation" and defining the term "risk reduction"; amending s. 376.303, F.S.; providing authority for mapping and registering contamination within brownfields; amending s. 376.3078, F.S.; providing conditions with respect to determination of eligibility of specified drycleaning facilities for state-funded site rehabilitation; providing for rehabilitation criteria; amending s. 376.79, F.S.; defining the terms "contaminant" and "risk reduction"; redefining the terms "natural attenuation," "institutional control," and "source removal"; amending s. 376.80, F.S.; allowing local governments or persons responsible for brownfield area rehabilitation and redevelopment to use an existing advisory committee; deleting the requirement that the advisory committee must review and provide recommendations to the local government with jurisdiction on the proposed brownfield site rehabilitation agreement; providing that the person responsible for site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement; requiring the person responsible for site rehabilitation to hold a meeting or attend a regularly scheduled meeting of the advisory committee to inform the advisory committee of the outcome of the environmental assessment; requiring the person responsible for site rehabilitation to enter into a brownfield site rehabilitation agreement only if actual contamination exists; clarifying provisions relating to the required comprehensive general liability and comprehensive automobile liability insurance; amending s. 376.81, F.S.; providing direction regarding the risk-based corrective action rule; requiring the department to establish alternative cleanup levels under certain circumstances; amending s. 376.82, F.S.; providing immunity for liability regarding contaminated site remediation under certain circumstances; amending s. 376.84, F.S.; authorizing entities approved by the local government for the purpose of redeveloping brownfield areas to use tax increment financing; amending s. 403.973, F.S.; providing that projects located in a designated brownfield area are eligible for the expedited permitting process; amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances; amending ss. 712.01, 712.03, F.S.; prohibiting subsequent property owners from removing certain deed restrictions under other provisions of the Marketable Record Title Act; amending s. 163.2517, F.S.; revising the financial incentives which a local government may offer in an urban infill and redevelopment area which relate to exemption from local option sales surtaxes and waiver of delinquent taxes or fees; providing that, in order to be eligible for the exemption from collecting local option sales surtaxes, a business must submit an application under oath to the local government, which must be approved and submitted to the Department of Revenue; amending s. 212.08, F.S.; specifying that the authority of a local government to adopt financial and local government incentives under s. 163.2517, F.S., is not superseded by certain provisions relating to sales tax exemptions; amending s. 163.2523, F.S.; authorizing transfer of unused funds between grant categories under the Urban Infill and Redevelopment Assistance Grant Program; creating s. 258.16, F.S.; designating and establishing a state recreation area; providing duties of the Division of Recreation and Parks of the Department of Environmental Protection; providing for closure of certain structures; providing for approval by the Legislature of actions which would substantially alter the recreation area; authorizing the Division of State Lands of the department to acquire contiguous property; requiring the Division of State Lands to notify certain easement holders of the state recreation area designation; requiring a report to the Governor and Legislature; repealing s. 376.3195, F.S.; providing for distribution of certain unspent appropriations; providing an effective date.

Rep. Albright moved the adoption of the amendment.

Representative(s) Casey offered the following:

(Amendment Bar Code: 812591)

Amendment 1 to Amendment 1 (with title amendment)—On page 61, line 7 through page 62, line 27,
remove from the amendment: all of said lines

And the title is amended as follows:

On page 67, lines 6 through 19, of the amendment
remove: all of said lines

and insert in lieu thereof: repealing s. 376.3195, F.S.;

Rep. Casey moved the adoption of the amendment to the amendment.

Further consideration of **CS for CS for CS for SB 1406**, with pending amendments, was temporarily postponed under Rule 141.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 219, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 219—A bill to be entitled An act relating to the Florida Building Code; amending s. 120.80, F.S.; prohibiting the Florida Building Commission from granting a waiver or variance from code requirements; providing for alternative means of compliance and enforcement; amending s. 125.01, F.S.; authorizing counties to enforce and amend the Florida Building Code, rather than adopt a building code; amending s. 125.56, F.S.; substituting references to the Florida Building Code for references to locally adopted building codes; providing for enforcement and amendment of the Florida Fire Prevention Code; amending s. 161.0415, F.S.; requiring the permitting agency to cite to a specific provision of the Florida Building Code when requesting information on a coastal construction permit; amending ss. 161.052, 161.053, F.S.; providing that certain provisions must be incorporated into the Florida Building Code; providing rulemaking authority to the Florida Building Commission; preserving certain rights and authority of the Department of Environmental Protection; amending s. 161.05301, F.S.; deleting authority of the department to delegate coastal construction building codes review to local governments; amending the deadline by which current department positions must support implementation of a beach management plan; amending s. 161.55, F.S.; deleting structural requirements for specific types of coastal structures; amending s. 161.56, F.S.; deleting authority of local governments to enforce coastal construction standards; deleting authority of local governments to adopt specific building codes; amending s. 235.26, F.S.; eliminating authority of the Commissioner of Education to adopt a uniform statewide building code for public educational and ancillary facilities; authorizing the commissioner to develop such a code and submit it to the Florida Building Commission for adoption; providing specific requirements for the development of the code; requiring specific types of construction to conform to the Florida Building Code and the Florida Fire Prevention Code; providing for enforcement of the codes by school districts, community colleges, and the Department of Education; providing for review of and updates to the code; creating s. 240.2945, F. S.; exempting state universities from local amendments to the Florida Building Code and the Fire Prevention Code; amending s. 253.033, F.S.; replacing references to local building codes with references to the Florida Building Code; amending s. 255.25, F.S.; deleting the requirement that the Department of Management Services approve design and construction plans for state agency buildings; amending s. 255.31, F.S.; eliminating authority of the department to conduct plan

reviews and inspection services; providing exceptions; amending s. 316.1955, F.S.; deleting parking requirements for persons who have disabilities; amending s. 381.006, F.S.; eliminating the Department of Health's authority to adopt regulations governing sanitary facilities in public places and places of employment; amending s. 383.301, F.S.; amending the legislative intent regarding regulation of birth centers; amending s. 383.309, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt certain rules governing birth centers; providing for adoption of those standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 394.879, F.S.; eliminating the authority of the Department of Children and Family Services or the Agency for Health Care Administration to adopt certain rules governing crisis stabilization units; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code; amending s. 395.0163, F.S.; providing that construction of certain facilities is governed by the Florida Building Code and the Florida Fire Prevention Code; providing for plan reviews and construction surveys by the Agency for Health Care Administration; clarifying that inspection and approval includes compliance with the Florida Building Code; amending s. 395.1055, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt standards for construction of licensed facilities; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 395.10973, F.S.; authorizing the Agency for Health Care Administration to enforce specified provisions of the Florida Building Code; amending s. 399.02, F.S.; eliminating the Division of Elevator Safety's authority to adopt certain codes and provide exceptions thereto; requiring the division to develop a code and submit it to the Florida Building Commission for adoption; authorizing the division to enforce specified provisions of the Florida Building Code; requiring the division to review and recommend revisions to the Florida Building Code; amending ss. 399.03, 399.13, F.S.; substituting references to the Florida Building Code for references to the Elevator Safety Code; amending s. 399.061, F.S.; revising requirements for elevator inspections and service maintenance contracts; amending s. 400.011, F.S.; revising the purpose of part I of ch. 400, F.S., to eliminate the provision of construction standards for nursing homes and related health care facilities; amending s. 400.23, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt construction regulations for nursing homes and related health care facilities; authorizing the agency to enforce specified provisions of the Florida Building Code; directing the agency to assist the Florida Building Commission; amending s. 400.232, F.S.; providing that the design and construction of nursing homes is governed by the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to conduct plan reviews and construction surveys of those facilities; amending s. 455.2286, F.S.; extending the implementation date for an automated information system; amending s. 468.604, F.S.; substituting references to the Florida Building Code for references to listed locally adopted codes; amending s. 468.607, F.S.; providing for the continuing validity of the certifications of certain building inspectors and plans examiners for a certain period of time; amending s. 468.609, F.S.; clarifying the prerequisites for taking certain certification examinations; providing for certain persons employed by an educational board to continue employment in certain capacities under limited certificates; amending s. 468.617, F.S.; adding school boards, community college boards, state agencies, and state universities as entities that may contract for joint inspection services or contract with other certified persons to perform plan reviews and inspection services; amending s. 469.002, F.S.; eliminating a required asbestos disclosure statement; providing for inclusion of such a statement within the Florida Building Code; amending s. 471.015, F.S.; authorizing the Board of Professional Engineers to establish qualifications for special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; providing for minimum qualifications for qualified representatives; amending s. 481.213, F.S.; authorizing the Board of Architecture and Interior Design to establish qualifications for certifying licensed architects as special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; amending s. 489.103, F.S.; substituting references to the Florida Building Code for references to locally adopted codes; amending s. 489.109, F.S.; providing for administration of certain fees by the Department of Community Affairs for certain purposes instead of the Department of Education; amending ss. 489.115, 497.255, 553.06, 553.141, 553.503, 553.506, 553.512, 553.73, 553.74, F.S.; replacing references to the Board of Building Codes and Standards with references to the Florida Building Commission; amending s. 500.09, F.S.; clarifying that the Department of Agriculture and Consumer Services may not adopt construction regulations for food establishments; requiring the adoption of such regulations within the Florida Building Code; authorizing the department to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 500.12, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; providing a requirement for obtaining or renewing a local occupational license; amending s. 500.147, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; amending s. 509.032, F.S.; clarifying that the Division of Hotels and Restaurants may not adopt construction standards for public food and public lodging establishments; providing for the adoption of such standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the division to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; preserving the authority of local governments to inspect public food and public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code; amending s. 509.221, F.S.; substituting references to the Florida Building Code for references to other state and local codes; amending s. 514.021, F.S.; providing that the Department of Health may not adopt construction regulations for public swimming pools and bathing places; providing for the adoption of such standards within the Florida Building Code; authorizing the department to conduct plan reviews, to issue approvals, and to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 514.03, F.S.; preserving local governments' authority to conduct plan reviews and inspections for compliance with the Florida Building Code; amending s. 553.06, F.S.; amending portions of the State Plumbing Code by replacing a reference to the board with a reference to the commission; amending s. 553.141, F.S.; deleting specific requirements for the ratio of public restroom facilities for men and women; requiring the incorporation of such requirements into the Florida Building Code; requesting the Division of Statutory Revision to change a title; creating s. 553.355, F.S.; establishing minimum construction requirements for manufactured buildings; amending s. 553.36, F.S.; providing for approval of building components; redefining the term "manufactured building" to include certain storage sheds and to exclude manufactured housing; defining the term "module"; updating references to the Florida Building Code; amending s. 553.37, F.S.; authorizing the Department of Community Affairs to adopt certain rules; providing that, if the department delegates certain authority, manufacturers shall have plan reviews and inspections conducted by a single agency; transferring rulemaking authority to the Florida Building Commission; creating s. 553.375, F.S.; providing for recertification of manufactured buildings; amending s. 553.38, F.S.; transferring to the Florida Building Commission authority to adopt rules governing manufactured buildings; amending s. 553.381, F.S.; providing for certification of manufacturers of manufactured buildings; providing certification requirements; transferring authority for construction standards to the Florida Building Commission; amending s. 553.39, F.S.; replacing the department's rules with the Florida Building Code; creating s. 553.41, F.S.; providing for construction and installation of factory-built school buildings; providing purposes; providing requirements; requiring the department to adopt certain emergency rules; providing criteria, requirements, and procedures for such construction and installation; creating s. 553.5041, F.S.; providing requirements for parking accommodations for persons who have disabilities; amending s. 553.512, F.S.; providing that the commission may not waive specified requirements for parking for persons who have disabilities; providing that applicants for waiver must have applied for variance from specified local requirements; deleting the word

"handicapped"; amending s. 553.71, F.S.; redefining the term "threshold building"; redefining the term "local enforcement agency"; defining the terms "special inspector," "prototype building," and "exposure category C"; amending s. 553.72, F.S.; amending legislative intent relating to the Florida Building Code; amending s. 553.73, F.S.; prohibiting the Florida Building Commission from adopting a fire prevention or life safety code; expanding the list of regulations to be included in the Florida Building Code; clarifying the limitations applicable to administrative amendments to the code; clarifying the effect on local governments of adopting and updating the Florida Building Code; specifying that amendments to certain standards or criteria are effective statewide only upon adoption by the commission; providing for the immediate effect of certain amendments to the Florida Building Code in certain circumstances; revising criteria for commission approval of amendments to the Florida Building Code; prescribing which edition of the Florida Building Code applies to a given project; providing an additional exemption from the Florida Building Code; authorizing the Florida Building Commission to provide exceptions to the exemptions; providing for review of decisions of certain local government officials; delegating certain responsibilities to the State Fire Marshal, rather than the Department of Insurance; amending s. 553.77, F.S.; revising the powers of the commission; providing for fees for product approval; correcting a cross-reference; amending s. 553.781, F.S.; clarifying that the Department of Business and Professional Regulation conducts disciplinary investigations and takes disciplinary actions; amending s. 553.79, F.S.; replacing the term "mobile home" with the term "manufactured home"; deleting the authority of the Department of Community Affairs to establish qualifications for and certify special inspectors; revising the responsibilities of special inspectors; requiring the Florida Building Commission to establish standards for specified structures; deleting standards for specified structures; clarifying that building code plan review is required independent of firesafety plan review; deleting specific requirements for the submittal of plans; directing the Florida Building Commission to adopt requirements for plan review; amending s. 553.80, F.S.; consolidating all exemptions from local enforcement of the building code; providing for uses of facility maintenance permits by school boards, community college boards, and state universities; amending ss. 553.83, 553.84, 553.85, F.S.; replacing references to local codes and state minimum codes with references to the Florida Building Code; amending s. 553.841, F.S.; authorizing the commission to establish the Building Code Training Program by rule; providing that the State Fire Marshal is to be consulted on the Building Code Training Program; amending coursework requirements; establishing the Office of Building Code Training Program Administration; providing responsibilities; amending s. 553.842, F.S.; requiring the commission to make recommendations to the Legislature for a statewide product approval system; transferring, renumbering, and amending s. 553.19, F.S.; authorizing the Florida Building Commission to recommend National Electrical Installation Standards; amending s. 553.901, F.S.; transferring the authority to adopt the thermal efficiency code from the Department of Community Affairs to the Florida Building Commission; amending s. 553.902, F.S.; amending the term "exempted building"; deleting an exemption; authorizing the commission to recommend additional exemptions; deleting the term "energy performance index"; amending s. 553.903, F.S.; deleting an obsolete requirement relating to thermal efficiency; amending s. 553.907, F.S.; deleting requirements for certification of compliance to local governments; amending s. 553.9085, F.S.; deleting obsolete references; amending s. 553.909, F.S.; deleting specific requirements for water heaters; directing that such requirements be set in the energy code; amending s. 627.0629, F.S.; requiring a rating manual on residential property insurance to include certain discounts and credits for certain fixtures or construction techniques; providing requirements; amending ss. 633.01, 633.0215, 633.025, F.S.; replacing references to the Department of Insurance with references to the State Fire Marshal; amending s. 633.0215, F.S., the Florida Fire Prevention Code; providing for triennial adoption of the code; providing requirements for local amendments; providing requirements for adopting local firesafety codes and standards; amending s. 633.025, F.S.; amending provisions relating to smoke detector requirements in residential buildings; providing requirements for adopting local firesafety codes and standards; amending s. 633.72, F.S.; revising the membership of the Florida Fire Code Advisory Council; revising duties of the council with regard to the Florida Building Commission; amending s. 62 of ch. 98-287, Laws of Florida; deleting the requirement that the Legislature approve or reject the Florida Building Code, provide for repeal of local codes on a date certain, and provide for certain local ordinances to remain effective; amending s. 68 of ch. 98-287, Laws of Florida; revising the future repeal of certain sections of the Florida Statutes to provide a date certain; providing that the Legislature has reviewed the Florida Building Code and directing the Florida Building Commission to continue the process to adopt the code; requiring the commission to continue to review modifications to certain base codes; providing requirements; prescribing a publication format for amendments to the Florida Building Code; requiring the commission to adopt certain wind protection requirements; providing that certain changes in the code are not subject to rule challenge; requiring the Florida Building Commission to amend the plumbing section of the Florida Building Code as specified; directing the Florida Building Commission to revise certain provisions of the Florida Building Code; providing certain responsibilities of certain building officials; requiring the Department of Community Affairs to undertake certain home construction demonstration projects for certain purposes; providing requirements; requiring the Residential Mitigation Construction Advisory Council to serve as an advisory group; requiring the Department of Community Affairs to report the results of the projects to the Governor, President of the Senate, and Speaker of the House of Representatives; continuing the existence of a certain select committee relating to application of fire codes to educational facilities; providing an appropriation to the State Fire Marshal for certain purposes; requiring the Division of State Fire Marshal to review an alternative fire safety code for existing educational facilities and authorizes the division to adopt such code for certain purposes;requiring the Florida Building Commission to consider application of the Florida Building Code to buildings manufactured and assembled offsite but not intended for human habitation; amending sections 1, 2, 3, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29, 31, 32, 34, 38, 40, 44, 46, 47, 49, 51, 56, 57, 58, and 59 of chapter 98-287, Laws of Florida; revising the effective date of amendments to ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 468.602, 468.621, 471.033, 481.215, 481.225, 481.2251, 481.313, 481.325, 489.115, 489.131, 489.533, 489.537, 500.459, 553.18, 553.72, 553.73, 553.76, 553.77, 553.781, 553.79, 627.351, 633.01, 633.0215, and 633.025, F.S.; amending section 61 of chapter 98-419, Laws of Florida; revising the effective date of an amendment to s. 553.73, F.S.; amending section 30 of chapter 98-287, Laws of Florida; revising an effective date; providing that nothing in the act is intended to imply any repeal or sunset of any existing general or special law not specifically identified; specifying the effective date of certain provisions authorizing rulemaking; repealing s. 125.0106, F.S., relating to authorizing ordinances restricting construction of floating residential structures; repealing s. 255.21(2), F.S., relating to Department of Management Services authority to establish a code panel for purposes of modification of or waivers to certain codes and standards; repealing s. 395.1055(1)(d) and (e), F.S., relating to certain rulemaking authority of the Agency for Health Care Administration relating to certain codes and standards; repealing s. 553.79(11), F.S., relating to certain obsolete asbestos notification requirements; providing effective dates.

Senate Amendment 1—On page 210, line 30, after the period,

insert: *However, from the eastern border of Franklin County to the Florida-Alabama line, only land within 1 mile of the coast shall be subject to the windborne-debris requirements adopted by the commission.*

On motion by Rep. Constantine, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 219. The vote was:

Session Vote Sequence: 585

Yeas—119

The Chair	Andrews	Arnall	Barreiro
Albright	Argenio	Bainter	Bense
Alexander	Argenziano	Ball	Betancourt

Bilirakis	Fasano	Kyle	Roberts
Bitner	Feeney	Lacasa	Rojas
Bloom	Fiorentino	Lawson	Rubio
Boyd	Flanagan	Lee	Russell
Bradley	Frankel	Levine	Ryan
Bronson	Fuller	Littlefield	Sanderson
Brown	Futch	Logan	Sembler
Brummer	Garcia	Lynn	Smith, C.
Bucher	Gay	Maygarden	Smith, K.
Bullard	Goode	Melvin	Sobel
Bush	Goodlette	Merchant	Sorensen
Byrd	Gottlieb	Miller, J.	Spratt
Cantens	Green, C.	Miller, L.	Stafford
Casey	Greene, A.	Minton	Stansel
Chestnut	Greenstein	Morroni	Starks
Constantine	Hafner	Murman	Suarez
Cosgrove	Harrington	Ogles	Sublette
Crady	Hart	Patterson	Trovillion
Crist	Henriquez	Peaden	Tullis
Crow	Heyman	Posey	Turnbull
Detert	Hill	Prieguez	Villalobos
Diaz de la Portilla, R.	Jacobs	Pruitt	Wallace
Dockery	Johnson	Putnam	Wasserman Schultz
Edwards	Jones	Rayson	Waters
Effman	Kelly	Reddick	Wiles
Eggelletion	Kilmer	Ritchie	Wise
Farkas	Kosmas	Ritter	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1226, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senator Holzendorf—

CS for SB 1226—A bill to be entitled An act relating to insurance; amending s. 284.33, F.S.; authorizing the Department of Insurance to directly purchase annuities through a structured settlement insurance services consultant; providing procedures and requirements; amending s. 625.121, F.S.; deleting a reference to deficiency reserves for certain term life insurance policies; authorizing the Department of Insurance to adopt a certain valuation of life insurance policies model regulation; amending s. 626.99, F.S.; revising a reference to a more current edition of a cited buyer's guide; amending s. 627.6487, F.S.; clarifying that creditable coverage must have been in effect in this state; amending s. 627.901, F.S.; increasing maximum service charge for financing insurance premiums; amending s. 627.902, F.S.; revising applicability of premium finance rate of interest; creating a study commission on the availability of health care coverage for the employee leasing industry; providing an effective date.

—was read the first time by title. On motion by Rep. Goode, the rules were suspended and the bill was read the second time by title.

Representative(s) Rayson offered the following:

(Amendment Bar Code: 132923)

Amendment 1 (with title amendment)—On page 14, line 22 through page 16, line 8
remove from the bill: all of said lines

And the title is amended as follows:

On page 1, lines 14-17
remove from the title of the bill: all of said lines
and insert in lieu thereof: edition of a cited buyer's guide; amending s. 627.901, F.S; increasing

Rep. Rayson moved the adoption of the amendment, which failed of adopted.

On motion by Rep. Goode, the rules were suspended and CS for SB 1226 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 586

Yeas—117

The Chair	Crow	Jones	Roberts
Albright	Detert	Kelly	Rojas
Alexander	Diaz de la Portilla, R.	Kilmer	Rubio
Andrews	Dockery	Kosmas	Russell
Argenio	Edwards	Kyle	Ryan
Argenziano	Effman	Lawson	Sanderson
Arnall	Eggelletion	Lee	Sembler
Bainter	Farkas	Levine	Smith, C.
Ball	Fasano	Littlefield	Smith, K.
Barreiro	Feeney	Logan	Sobel
Bense	Fiorentino	Lynn	Sorensen
Betancourt	Flanagan	Maygarden	Spratt
Bilirakis	Frankel	Melvin	Stafford
Bitner	Fuller	Merchant	Stansel
Bloom	Futch	Miller, J.	Starks
Boyd	Garcia	Miller, L.	Suarez
Bradley	Gay	Minton	Sublette
Bronson	Goode	Morroni	Trovillion
Brown	Goodlette	Murman	Tullis
Brummer	Gottlieb	Ogles	Turnbull
Bucher	Green, C.	Patterson	Villalobos
Bullard	Greene, A.	Peaden	Wallace
Byrd	Greenstein	Posey	Wasserman Schultz
Cantens	Hafner	Prieguez	Waters
Casey	Hart	Pruitt	Wiles
Chestnut	Henriquez	Putnam	Wilson
Constantine	Heyman	Rayson	Wise
Cosgrove	Hill	Reddick	
Crady	Jacobs	Ritchie	
Crist	Johnson	Ritter	

Nays—None

So the bill passed and was immediately certified to the Senate.

REPRESENTATIVE L. MILLER IN THE CHAIR

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 86 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Sullivan—

SB 86—A bill to be entitled An act relating to residential swimming pools, spas, and hot tubs; creating ch. 515, F.S., the "Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act"; providing legislative findings and intent; providing definitions; providing pool safety feature requirements and options; providing penalties; providing pool barrier requirements; providing for a drowning prevention education program and a public information publication; providing for a fee; requiring pool contractors, home builders, and developers to provide buyers with certain information; providing rulemaking authority; providing exemptions; providing an effective date.

—was read the first time by title. On motion by Rep. Wasserman Schultz, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 587

Yeas—109

The Chair	Crow	Johnson	Ritter
Albright	Detert	Jones	Roberts
Andrews	Diaz de la Portilla, R.	Kelly	Rubio
Argenio	Edwards	Kilmer	Russell
Argenziano	Effman	Kosmas	Ryan
Arnall	Eggelletion	Lacasa	Sanderson
Ball	Farkas	Lawson	Sembler
Barreiro	Fasano	Lee	Smith, C.
Bense	Feeney	Levine	Smith, K.
Betancourt	Fiorentino	Littlefield	Sobel
Bilirakis	Flanagan	Logan	Sorensen
Bloom	Frankel	Lynn	Spratt
Boyd	Fuller	Maygarden	Stafford
Bradley	Futch	Melvin	Stansel
Bronson	Garcia	Merchant	Starks
Brown	Gay	Miller, J.	Suarez
Brummer	Goode	Morroni	Trovillion
Bucher	Goodlette	Murman	Tullis
Bullard	Gottlieb	Ogles	Turnbull
Bush	Green, C.	Patterson	Villalobos
Byrd	Greene, A.	Peaden	Wasserman Schultz
Cantens	Greenstein	Posey	Waters
Casey	Hafner	Prieguez	Wiles
Chestnut	Hart	Pruitt	Wilson
Constantine	Henriquez	Putnam	Wise
Cosgrove	Heyman	Rayson	
Crady	Hill	Reddick	
Crist	Jacobs	Ritchie	

Nays—8

Alexander	Bitner	Harrington	Rojas
Bainter	Dockery	Kyle	Wallace

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

CS for CS for CS for SB 1406—A bill to be entitled An act relating to state regulation of lands; amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances; amending s. 197.432, F.S.; conforming statutory cross-references; amending s. 197.502, F.S.; authorizing local governments to file tax deed applications in a specified manner; amending s. 197.522, F.S.; conforming a statutory cross-reference; amending s. 199.1055, F.S.; broadening the contaminated site rehabilitation tax credit against the intangible personal property tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for building materials used in the rehabilitation of real property located in a designated brownfield area; providing an exemption from the sales and use tax for business property purchased for use by businesses located in a designated brownfield area; amending s. 212.096, F.S.; providing for a brownfield area jobs credit against the sales and use tax; amending s. 212.20, F.S.; providing for distribution of funds; amending s. 220.181, F.S.; providing for a designated brownfield area jobs credit against the corporate income tax; amending s. 220.182, F.S.; providing for a designated brownfield area property tax credit against the corporate income tax; amending s. 220.183, F.S.; providing a partial credit against the corporate income tax for community contributions that benefit designated brownfield areas; amending s. 220.1845, F.S.; broadening the contaminated site rehabilitation tax credit against the corporate income tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 252.87, F.S.; revising reporting requirements under the Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 288.047, F.S.; requiring Enterprise Florida, Inc., to set aside each fiscal year a certain amount of the appropriation for the Quick Response Training Program for businesses located in a brownfield area; amending s. 288.107, F.S.; redefining the term "eligible business"; providing for bonus refunds for businesses that can demonstrate a fixed capital investment in certain mixed use activities in the brownfield area; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., to develop comprehensive marketing strategies for redevelopment of brownfield areas; amending s. 290.007, F.S.; providing for state incentives in designated brownfield areas; amending s. 376.301, F.S.; redefining the terms "antagonistic effects," "discharge," "institutional controls," and "site rehabilitation"; amending s. 376.3078, F.S.; providing for rehabilitation criteria; amending s. 376.30781, F.S.; broadening the partial tax credits for the rehabilitation of certain contaminated sites; clarifying provisions regarding the filing for the tax credits; amending s. 376.79, F.S.; defining the terms "contaminant" and "risk reduction"; redefining the terms "natural attenuation," "institutional control," and "source removal"; amending s. 376.80, F.S.; allowing local governments or persons responsible for brownfield area rehabilitation and redevelopment to use an existing advisory committee; deleting the requirement that the advisory committee must review and provide recommendations to the local government with jurisdiction on the proposed brownfield site rehabilitation agreement; providing that the person responsible for site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement; requiring the person responsible for site rehabilitation to hold a meeting or attend a regularly scheduled meeting of the advisory committee to inform the advisory committee of the outcome of the environmental assessment; requiring the person responsible for site rehabilitation to enter into a brownfield site rehabilitation agreement only if actual contamination exists; clarifying provisions relating to the required comprehensive general liability and comprehensive automobile liability insurance; amending s. 376.81, F.S.; providing direction regarding the risk-based corrective action rule; requiring the department to establish alternative cleanup levels under certain circumstances; amending s. 376.82, F.S.; providing immunity for liability regarding contaminated site remediation under certain circumstances; amending s. 376.84, F.S.; authorizing entities approved by the local government for the purpose of redeveloping brownfield areas to use tax increment financing; amending s. 376.86, F.S.; increasing the limits of the state loan guaranty in brownfield areas; creating s. 376.876, F.S.; providing for a Brownfield Redevelopment Grants Program in the Department of Environmental Protection; specifying the uses of grant funds; requiring matching funds; authorizing the department to adopt rules; providing for interim application requirements; creating s. 376.88, F.S.; providing for the Brownfield Program Review Advisory Council; providing duties and responsibilities; requiring that certain unencumbered moneys be used for grants to fund assessment and remediation at specified brownfield sites or certain federal brownfield pilot projects; amending s. 403.973, F.S.; providing that projects located in a designated brownfield area are eligible for the expedited permitting process; amending ss. 712.01, 712.03, F.S.; prohibiting subsequent property owners from removing certain deed restrictions under other provisions of the Marketable Record Title Act; providing for implementation to the extent funds are appropriated; amending s. 376.303, F.S.; providing authority for mapping and registering contamination within brownfields; repealing s. 211.3103(9), F.S.; deleting requirements for a county that accepts real property of mined or reclaimed land from phosphate mining companies to forfeit a portion of its share of severance tax equal to the value of property donated; amending s. 376.051, F.S.; authorizing the Department of Environmental Protection to utilize certain criteria in conducting cleanups on lands owned by the state university system; amending s. 220.191, F.S.; redefining the term "qualifying project" with respect to capital investment tax credits; providing capital investment tax credits for certain projects; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Casey to adopt **Amendment 1 to Amendment 1**.

The question recurred on the adoption of **Amendment 1 to Amendment 1**, which was withdrawn.

The question recurred on the adoption of **Amendment 1**, which was adopted.

On motion by Rep. Constantine, the rules were suspended and CS for CS for CS for SB 1406, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 588

Yeas—66

The Chair	Byrd	Kyle	Rubio
Albright	Cantens	Lacasa	Russell
Andrews	Crady	Lawson	Sanderson
Argenio	Detert	Littlefield	Sembler
Argenziano	Farkas	Maygarden	Smith, K.
Arnall	Fasano	Melvin	Sorensen
Bainter	Feeney	Merchant	Spratt
Ball	Fiorentino	Miller, J.	Stansel
Barreiro	Fuller	Minton	Starks
Bense	Futch	Murman	Trovillion
Betancourt	Garcia	Ogles	Tullis
Bilirakis	Green, C.	Patterson	Villalobos
Bitner	Harrington	Peaden	Wallace
Bradley	Hart	Posey	Waters
Bronson	Jones	Prieguez	Wise
Brummer	Kelly	Pruitt	
Bullard	Kilmer	Roberts	

Nays—48

Alexander	Effman	Jacobs	Ritchie
Bloom	Eggelletion	Johnson	Ritter
Boyd	Flanagan	Kosmas	Ryan
Brown	Frankel	Lee	Smith, C.
Bucher	Goodlette	Levine	Sobel
Casey	Gottlieb	Logan	Stafford
Chestnut	Greene, A.	Lynn	Suarez
Constantine	Greenstein	Miller, L.	Sublette
Crist	Hafner	Morroni	Turnbull
Crow	Henriquez	Putnam	Wasserman Schultz
Dockery	Heyman	Rayson	Wiles
Edwards	Hill	Reddick	Wilson

Votes after roll call:
Yeas—Goode
Yeas to Nays—Andrews, Bilirakis, Bullard, Detert, Fiorentino, Hart, Kyle, Lawson, Ogles
Nays to Yeas—Edwards, Ritchie, Wiles

So the bill passed, as amended, and was immediately certified to the Senate.

CS for CS for SB 1334—A bill to be entitled An act relating to information technology; requiring facilitation of a Network Access Point by the State Technology Office; requiring Enterprise Florida, Inc., to create and implement a marketing and image campaign; requiring development and maintenance of a website for information and technology industry marketing and workforce recruitment; providing that certain limitations expressed in development orders do not preclude the approval of a Network Access Point (NAP), if the NAP satisfies specified conditions; amending s. 212.08, F.S.; providing a sales tax exemption on certain equipment used to deploy broadband technologies associated with a Network Access Point; requiring a study by the Legislature to identify obstacles related to the affordable access to consumers by Internet service providers; providing an appropriation; authorizing the State Technology Office to adopt rules; providing an effective date.

—was taken up, having been read the first time earlier today.

On motion by Rep. Rojas, the rules were suspended and the bill was read the second time by title.

Representative(s) Merchant offered the following:

(Amendment Bar Code: 170533)

Amendment 1 (with title amendment)—On page 9, lines 1 through 2
remove from the bill: all of said lines

and insert in lieu thereof:

Section 11. Subsections (1) through (13) of section 847.001, Florida Statutes, are renumbered as subsections (2) through (14), respectively, present subsections (1), (11) and (13) are amended, and a new subsection (1) is added to said section to read:

847.001 Definitions.—When used in this chapter:

(1) "Child pornography" means any image depicting, or intending to depict, a minor engaged in sexual conduct as defined in subsection (12). An image of a mother's breastfeeding of her baby does not under any circumstance constitute "child pornography."

(2)~~(1)~~ "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device *or system* performing logical, arithmetic, or storage functions and includes any data storage facility or communications facility directly related to or operating in conjunction with such device. The term also includes: any on-line service, Internet service, or local bulletin board; any electronic storage device, including a floppy disk or other magnetic storage device; or any compact disc that has read-only memory and the capacity to store audio, video, or written materials.

(12)~~(11)~~ "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, *with the intent to arouse or gratify the sexual desire of either party*; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

(14)~~(13)~~ "Simulated" means the explicit depiction of conduct described in subsection *(12)* ~~(11)~~ which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

Section 12. Section 847.0135, Florida Statutes, is amended to read:

847.0135 Computer pornography; penalties.—

(1) SHORT TITLE.—This section shall be known and may be cited as the "Computer Pornography and Child Exploitation Prevention Act of 1986."

(2) COMPUTER PORNOGRAPHY.—A person who:

(a) Knowingly compiles, enters into, or transmits by means of computer;

(b) Makes, prints, publishes, or reproduces by other computerized means;

(c) Knowingly causes or allows to be entered into or transmitted by means of computer; or

(d) Buys, sells, receives, exchanges, or disseminates,

any notice, statement, or advertisement *of*~~, or~~ any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information~~,~~ for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any minor, or the visual depiction of such conduct, *commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.* The fact that an undercover operative or law enforcement officer was

involved in the detection and investigation of an offense under this section shall not constitute a defense to a prosecution under this section. ~~Any person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided for in s. 775.082, s. 775.083, or s. 775.084.~~

(3) CERTAIN USES OF COMPUTER SERVICES PROHIBITED.—Any person who knowingly utilizes a computer on-line service, Internet service, or local bulletin board service to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit any illegal act described in chapter 794, relating to sexual battery; chapter 800, relating to lewdness and indecent exposure; or chapter 827, relating to child abuse, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) OWNERS OR OPERATORS OF COMPUTER SERVICES LIABLE.—It is unlawful for any owner or operator of a computer on-line service, Internet service, or local bulletin board service knowingly to permit a subscriber to utilize the service to commit a violation of this section. Any person who violates this section commits a misdemeanor of the first degree, punishable by a fine not exceeding $2,000.

(5) MANDATORY REPORTING REQUIREMENTS.—Any person, including, but not limited to, any computer repair technician, computer system administrator, or Internet service provider, who comes to know or to have reason to believe, while in the course of modifying, updating, or repair ng, maintaining, or servicing, that:

(a) a computer, as defined in s. 847.001(2);

(b) a computer program, as defined in s. 815.03(2);

(c) computer software, as defined in s. 815.03(4);

(d) a computer system, as defined in s. 815.03(5); or

(e) a computer network, as defined in s. 815.03(6)

contains images of child pornography, as defined in s. 847.001, or evidence of violations of subsection (2) or subsection (3), shall immediately report such knowledge or belief to the Florida Department of Law Enforcement. Any person who fails to make a required report commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. No person shall be held civilly liable for making disclosures required by this subsection in good faith to the Florida Department of Law Enforcement. Any person who knowingly and willfully makes a false report under this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The Florida Department of Law Enforcement shall promulgate rules pursuant to ss. 120.54 and 120.536(1) necessary to catalog and document reports of information pursuant to this subsection.

(6) SEARCHES AND SEIZURES BY LAW ENFORCEMENT OFFICERS AND EMPLOYEES IN CONNECTION WITH INVESTIGATION OR PROSECUTION—Notwithstanding any other law, it shall be unlawful for a government officer or employee, in connection with the investigation or prosecution of a criminal offense under this section, to search for or seize any materials reasonably believed to be possessed by a person for the lawful purpose of disseminating to the public, a newspaper, book, broadcast, or other similar form of public communication, but this provision shall not impair or affect the ability of any government officer of employee, if:

(a) The materials in question constitute child pornography or are obscene; or

(b) There is probable cause to believe that a person possessing such materials has committed or is committing a criminal offense and the materials are evidence of said offense; or

(c) There is reason to believe that the immediate seizure of such materials is necessary to prevent the death of, or serious injury to, a human being; or

(d) There is a reason to believe that the giving of notice pursuant to a subpoena duces tecum would result in the destruction, alteration, or concealment of such materials; or

(e) Such materials have not been produced in response to a court order directing compliance with a subpoena duces tecum, and

1. All appellate remedies have been exhausted; or

2. There is reason to believe that the delay in an investigation or trial occasioned by further proceedings relating to the subpoena would threaten the interests of justice.

(7) ACTIONS ARISING UNDER THIS SECTION—

(a) The sole and exclusive right of action for the willful and knowing failure to make a report pursuant to the requirements of this section is a criminal prosecution pursuant to subsection (5).

(b) A person aggrieved by a search for or seizure of materials in violation of subsection (6) of this section shall have a civil cause of action for damages for such search for or seizure against:

1. Any governmental unit, which shall be liable for violations of this section by their officers or employees while acting within the scope or under color of their office or employment; and

2. Against an officer or employee of a governmental unit who has violated this section while acting within the scope or under color of his office or employment.

The remedy provided in this paragraph is exclusive of any other civil action or proceeding for conduct constituting a violation of this section, against the officer or employee whose violation gave rise to the claim, against the estate of such officer or employee, or against the governmental unit employing such officer or employee.

(c) It shall be a complete defense to a civil action brought under paragraph (b) of this subsection that the officer or employee had a reasonable good faith belief in the lawfulness of his or her conduct.

(d) A governmental unit liable for violations of this section may not assert as a defense to a claim arising under this section the immunity of the officer or employee whose violation is complained of or his or her reasonably-good faith belief in the lawfulness of his or her conduct, except that such a defense may be asserted if the violation complained of is that of a judicial officer.

(e) Evidence otherwise admissible in a proceeding shall not be excluded on the basis of a violation of this section.

(f) A person having a cause of action under this subsection shall be entitled to recover actual damages but not less than liquidated damages of $1,000, and such reasonable attorneys' fees and other litigation costs reasonably incurred as the court, in its discretion, may award, however there shall be no liability for interest prior to judgment.

(g) The Florida Department of Law Enforcement, in cooperation with the Office of the Statewide Prosecutor, shall publish recommended regulations and procedures for the investigation and prosecution of offenses arising under this section.

(7)~~(5)~~ STATE CRIMINAL JURISDICTION.—A person is subject to prosecution in this state pursuant to chapter 910 for any conduct proscribed by this section which the person engages in, while either within or outside this state, if by such conduct the person commits a violation of this section involving a child residing in this state, or another person believed by the person to be a child residing in this state.

Section 13. This act shall take effect October 1, 2000.

And the title is amended as follows:

On page 1, line 27

after the word "rules;" insert: amending s. 847.001, F.S.; defining "child pornography"; amending definition of computer; amending definition of "sexual conduct"; conforming a cross reference; amending s. 847.0135, F.S.; requiring any person who comes to know or to believe, while in the course of modifying, updating, repairing, maintaining, or servicing, that a computer, a computer program, computer software, a computer system, or a computer network, contains images of child

pornography or evidence of violations of certain provisions of the "Computer Pornography and Child Exploitation Prevention Act of 1986," to report such knowledge or belief to the Florida Department of Law Enforcement; providing a penalty for failure to make such report; providing immunity from civil liability for persons making disclosures in compliance with the act; providing a penalty for making a false report; requiring the Florida Department of Law Enforcement to promulgate rules; relating to documenting reports; limiting searches and seizures by law enforcement officers and government employees in connection with investigation or prosecution; providing actions and remedies pursuant to a violation of this act; requiring the Florida Department of Law Enforcement, in cooperation with the Office of the Statewide Prosecutor, to publish recommended regulations and procedures for investigation and prosecution of offenses arising under this act; providing an effective date.

Rep. Merchant moved the adoption of the amendment.

Representative(s) Frankel offered the following:

(Amendment Bar Code: 564475)

Amendment 1 to Amendment 1—On page 4, lines 23-26,
remove from the amendment: all of said lines

and insert in lieu thereof:
belief to the Florida Department of Law Enforcement. No person shall be held civilly liable

Rep. Frankel moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended.

On motion by Rep. Rojas, the amendment was laid on the table.

Representative(s) Rojas offered the following:

(Amendment Bar Code: 960907)

Amendment 2 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *(1) SHORT TITLE.—This section may be cited as the "Uniform Electronic Transaction Act."*

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

(a) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under provisions of law otherwise applicable to a particular transaction.

(b) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

(c) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(d) "Contract" means the total legal obligation resulting from the parties' agreement as affected by this act and other applicable provisions of law.

(e) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(f) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

(g) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(h) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(i) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of this state, including a county, municipality, or other political subdivision of this state and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

(j) "Information" means data, text, images, sounds, codes, computer programs, software, databases, or other similar representations of knowledge.

(k) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

(l) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(m) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including public records as defined in s. 119.011(1), Florida Statutes.

(n) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(o) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.

(p) "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, insurance, or governmental affairs.

(3) SCOPE.—

(a) Except as otherwise provided in paragraph (b), this section applies to electronic records and electronic signatures relating to a transaction.

(b) This section does not apply to a transaction to the extent the transaction is governed by:

1. A provision of law governing the creation and execution of wills, codicils, or testamentary trusts;

2. The Uniform Commercial Code other than ss. 671.107 and 671.206, Florida Statutes, and chapters 672 and 680, Florida Statutes;

3. The Uniform Computer Information Transactions Act; or

4. Rules relating to judicial procedure.

(c) This section applies to an electronic record or electronic signature otherwise excluded under paragraph (b) to the extent such record or signature is governed by a provision of law other than those specified in paragraph (b).

(d) A transaction subject to this section is also subject to other applicable provisions of substantive law.

(4) PROSPECTIVE APPLICATION.—This section applies to any electronic record or electronic signature created, generated, sent, communicated, received, or stored on or after July 1, 2000.

(5) USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES; VARIATION BY AGREEMENT.—

(a) This section does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

(b) This section applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties' conduct.

(c) A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this paragraph may not be waived by agreement.

(d) Except as otherwise provided in this section, the effect of any provision of this section may be varied by agreement. The presence in certain provisions of this section of the words "unless otherwise agreed," or words of similar import, does not imply that the effect of other provisions may not be varied by agreement.

(e) Whether an electronic record or electronic signature has legal consequences is determined by this section and other applicable provisions of law.

(6) CONSTRUCTION AND APPLICATION.—This section shall be construed and applied to:

(a) Facilitate electronic transactions consistent with other applicable provisions of law.

(b) Be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices.

(c) Effectuate its general purpose to make uniform the law with respect to the subject of this section among states enacting similar legislation.

(7) LEGAL RECOGNITION OF ELECTRONIC RECORDS, ELECTRONIC SIGNATURES, AND ELECTRONIC CONTRACTS.—

(a) A record or signature may not be denied legal effect or enforceability solely because the record or signature is in electronic form.

(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in the formation of the contract.

(c) If a provision of law requires a record to be in writing, an electronic record satisfies such provision.

(d) If a provision of law requires a signature, an electronic signature satisfies such provision.

(8) PROVISION OF INFORMATION IN WRITING; PRESENTATION OF RECORDS.—

(a) If parties have agreed to conduct a transaction by electronic means and a provision of law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent, or delivered, as the case may be, in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or the sender's information processing system inhibits the ability of the recipient to print or store the electronic record.

(b) If a provision of law other than this section requires a record to be posted or displayed in a certain manner; to be sent, communicated, or transmitted by a specified method; or to contain information that is formatted in a certain manner, the following rules apply:

1. The record must be posted or displayed in the manner specified in the other provision of law.

2. Except as otherwise provided in subparagraph (d)2., the record must be sent, communicated, or transmitted by the method specified in the other provision of law.

3. The record must contain the information formatted in the manner specified in the other provision of law.

(c) If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient.

(d) The requirements of this section may not be varied by agreement, provided:

1. To the extent a provision of law other than this section requires information to be provided, sent, or delivered in writing but permits that requirement to be varied by agreement, the requirement under paragraph (a) that the information be in the form of an electronic record capable of retention may also be varied by agreement.

2. A requirement under a law other than this section to send, communicate, or transmit a record by first-class mail, postage prepaid, or other regular United States mail, may be varied by agreement to the extent permitted by the other provision of law.

(9) ATTRIBUTION AND EFFECT OF ELECTRONIC RECORD AND ELECTRONIC SIGNATURE.—

(a) An electronic record or electronic signature is attributable to a person if the record or signature was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

(b) The effect of an electronic record or electronic signature attributed to a person under paragraph (a) is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.

(10) EFFECT OF CHANGE OR ERROR.—If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules apply:

(a) If the parties have agreed to use a security procedure to detect changes or errors and one party has conformed to the procedure, but the other party has not, and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record.

(b) In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error made by the individual in dealing with the electronic agent of another person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

1. Promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person.

2. Takes reasonable steps, including steps that conform to the other person's reasonable instructions, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record.

3. Has not used or received any benefit or value from the consideration, if any, received from the other person.

(c) If paragraphs (a) and (b) do not apply, the change or error has the effect provided by the other provision of law, including the law of mistake, and the parties' contract, if any.

(d) Paragraphs (b) and (c) may not be varied by agreement.

(11) NOTARIZATION AND ACKNOWLEDGMENT.—

(a) If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized by applicable law to perform those acts, together with all other information required to be

included by other applicable law, is attached to or logically associated with the signature or record. Neither a rubber stamp nor an impression type seal is required for an electronic notarization.

(b) A first-time applicant for a notary commission must submit proof that the applicant has, within 1 year prior to the application, completed at least 3 hours of interactive or classroom instruction, including electronic notarization, and covering the duties of the notary public. Courses satisfying this section may be offered by any public or private sector person or entity registered with the Executive Office of the Governor and must include a core curriculum approved by that office.

(12) RETENTION OF ELECTRONIC RECORDS; ORIGINALS.—

(a) If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

1. Accurately reflects the information set forth in the record after the record was first generated in final form as an electronic record or otherwise.

2. Remains accessible for later reference.

(b) A requirement to retain a record in accordance with paragraph (a) does not apply to any information the sole purpose of which is to enable the record to be sent, communicated, or received.

(c) A person may satisfy paragraph (a) by using the services of another person if the requirements of paragraph (a) are satisfied.

(d) If a provision of law requires a record to be presented or retained in its original form, or provides consequences if the record is not presented or retained in its original form, that law is satisfied by an electronic record retained in accordance with paragraph (a).

(e) If a provision of law requires retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with paragraph (a).

(f) A record retained as an electronic record in accordance with paragraph (a) satisfies a provision of law requiring a person to retain a record for evidentiary, audit, or similar purposes, unless a provision of law enacted after July 1, 2000, specifically prohibits the use of an electronic record for the specified purpose.

(g) This section does not preclude a governmental agency of this state from specifying additional requirements for the retention of a record subject to the agency's jurisdiction.

(13) ADMISSIBILITY IN EVIDENCE.—In a proceeding, evidence of a record or signature may not be excluded solely because the record or signature is in electronic form.

(14) AUTOMATED TRANSACTIONS.—In an automated transaction, the following rules apply:

(a) A contract may be formed by the interaction of electronic agents of the parties, even if no individual was aware of or reviewed the electronic agents' actions or the resulting terms and agreements.

(b) A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual's own behalf or for another person, including by an interaction in which the individual performs actions that the individual is free to refuse to perform and which the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance.

(c) The terms of the contract are determined by the substantive law applicable to the contract.

(15) TIME AND PLACE OF SENDING AND RECEIVING.—

(a) Unless otherwise agreed between the sender and the recipient, an electronic record is sent when the record:

1. Is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record.

2. Is in a form capable of being processed by that system.

3. Enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.

(b) Unless otherwise agreed between a sender and the recipient, an electronic record is received when the record enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and is in a form capable of being processed by that system.

(c) Paragraph (b) applies even if the place the information processing system is located is different from the place the electronic record is deemed to be received under paragraph (d).

(d) Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the sender's place of business and to be received at the recipient's place of business. For purposes of this paragraph, the following rules apply:

1. If the sender or recipient has more than one place of business, the place of business of that person is the place having the closest relationship to the underlying transaction.

2. If the sender or the recipient does not have a place of business, the place of business is the sender's or recipient's residence, as the case may be.

(e) An electronic record is received under paragraph (b) even if no individual is aware of its receipt.

(f) Receipt of an electronic acknowledgment from an information processing system described in paragraph (b) establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

(g) If a person is aware that an electronic record purportedly sent under paragraph (a), or purportedly received under paragraph (b), was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable provisions of law. Except to the extent permitted by the other provisions of law, the requirements of this paragraph may not be varied by agreement.

(h) An automated transaction does not establish the acceptability of an electronic record for recording purposes.

(16) TRANSFERABLE RECORDS.—

(a) For purposes of this paragraph, "transferable record" means an electronic record that:

1. Would be a note under chapter 673, Florida Statutes, or a document under chapter 677, Florida Statutes, if the electronic record were in writing.

2. The issuer of the electronic record expressly has agreed is a transferable record.

(b) A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

(c) A system satisfies paragraph (b), and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that:

1. A single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in subparagraphs 4., 5., and 6., unalterable.

2. The authoritative copy identifies the person asserting control as the person to which the transferable record was issued or, if the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred.

3. The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian.

4. Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control.

5. Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy.

6. Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(d) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in s. 671.201(20), of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under s. 673.3021, s. 677.501, or s. 679.308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and indorsement are not required to obtain or exercise any of the rights under this paragraph.

(e) Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the Uniform Commercial Code.

(f) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

(17) CREATION AND RETENTION OF ELECTRONIC RECORDS AND CONVERSION OF WRITTEN RECORDS BY GOVERNMENTAL AGENCIES.—Each governmental agency shall determine whether, and the extent to which, such agency will create and retain electronic records and convert written records to electronic records.

(18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY GOVERNMENTAL AGENCIES.—

(a) Except as otherwise provided in paragraph (12)(f), each governmental agency shall determine whether, and the extent to which, such agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(b) To the extent that a governmental agency uses electronic records and electronic signatures under paragraph (a), the state technology office, in consultation with the governmental agency, giving due consideration to security, may specify:

1. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

2. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process.

3. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

4. Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

(c) Except as otherwise provided in paragraph (12)(f), this section does not require a governmental agency of this state to use or permit the use of electronic records or electronic signatures.

(d) Service charges and fees otherwise established by law applicable to the filing of nonelectronic records shall apply in kind to the filing of electronic records.

(19) INTEROPERABILITY.—The governmental agency which adopts standards pursuant to subsection (18) may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other states and the Federal Government and nongovernmental persons interacting with governmental agencies of this state. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing the most appropriate standard for a particular application.

(20) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 2. *(1) The Legislature finds that a proper and legitimate state purpose is served by providing the public with access to public records and information on the Internet and hereby determines that the provisions of this section fulfill and further an important state interest.*

(2) No later than January 1, 2002, the county recorder in each county shall provide a current index of documents recorded in the official records of the county for the period beginning no later than January 1, 1990, on a publicly available Internet website which shall also contain a document requisition point for obtaining images or copies of the documents reflected in the index and which has the capability of electronically providing the index data to a central statewide search site.

(3) Each county recorder shall use appropriate Internet security measures to ensure that no person has the ability to alter or to modify any public record.

(4) Unless otherwise provided by law, no information retrieved electronically pursuant to this section shall be admissible in court as an authenticated document.

(5) By January 1, 2006, each county recorder shall provide for electronic retrieval, at a minimum, of images of documents referenced as the index required to be maintained on the county's official records website by this section.

Section 3. Section 282.005, Florida Statutes, is amended to read:

282.005 Legislative findings and intent.—The Legislature finds that:

(1) Information is a strategic asset of the state, and, as such, it should be managed as a valuable state resource.

(2) The state makes significant investments in information technology resources in order to manage information and to provide services to its citizens.

(3) An office must be created to provide support and guidance to enhance the state's use and management of information technology resources and to design, procure, and deploy, on behalf of the state, information technology resources.

(4) The cost-effective deployment of technology and information resources by state agencies can best be managed by a Chief Information Officer.

(5)~~(3)~~ The head of each state agency, *in consultation with the State Technology Office,* has primary responsibility and accountability for the

planning, budgeting, acquisition, development, implementation, use, and management of information technology resources within the agency.

(6)~~(4)~~ The expanding need for, use of, and dependence on information technology resources requires focused management attention and managerial accountability by state agencies and the state as a whole.

(7)~~(5)~~ The agency head*, in consultation with the State Technology Office,* has primary responsibility for the agency's information technology resources and for their use in accomplishing the agency's mission. However, each agency shall also use its information technology resources in the best interests of the state as a whole and thus contribute to and make use of shared data and related resources whenever appropriate.

(8)~~(6)~~ The state shall provide, by whatever means is most cost-effective and efficient, the information resources management infrastructure needed to collect, store, and process the state's data and information, provide connectivity, and facilitate the exchange of data and information among both public and private parties.

(9)~~(7)~~ A necessary part of the state's information resources management infrastructure is a statewide communications system for all types of signals, including voice, data, video, radio, and image.

(10)~~(8)~~ To ensure the best management of the state's information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the Florida Community College System; to the Supreme Court, for the judicial branch; ~~and~~ to each state attorney and public defender*; and to the State Technology Office for the executive branch of state government.*

(11) Notwithstanding anything to the contrary contained in this act, the State Technology Office shall take no action affecting the supervision or control of the personnel or data-processing equipment that the Comptroller deems necessary for the exercise of his or her official constitutional duties as set forth in s. 4(d) and 4(e) of Art. IV of the State Constitution.

(12) Notwithstanding anything to the contrary contained in this act, the State Technology Office shall take no action affecting the supervision and control of the personnel or data-processing equipment which the Attorney General deems necessary for the exercise of his or her official constitutional duties as set forth in s. 4(c) of Art. IV of the State Constitution.

Section 4. Section 282.101, Florida Statutes, is amended to read:

282.101 Construction of terms, *"information technology"* ~~"communications"~~ or *"information technology* ~~"communications~~ system."—Any reference in this part to *"information technology"* ~~"communications"~~ or "*information technology* ~~"communications~~ system" means any transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by all agencies and political subdivisions of state government*, and a full-service, information-processing facility offering hardware, software, operations, integration, networking, and consulting services.*

Section 5. Section 282.102, Florida Statutes, is amended to read:

282.102 Powers and duties of the *State Technology Office of the* Department of Management Services.—*There is created a State Technology Office, administratively placed within* the Department of Management Services*, which shall be headed by a Chief Information Officer who is appointed by the Governor and is in the Senior Management Service. The office* shall have the following powers, duties, and functions:

(1) To publish electronically the portfolio of services available from the *office* ~~department~~, including pricing information; the policies and procedures of the *office* ~~department~~ governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years. The *office* ~~department~~ shall provide a hard copy of its portfolio of services upon request.

(2) To coordinate the purchase, lease, and use of all *information technology* ~~communications~~ services for state *agencies* ~~government~~, including communications services provided as part of any other total system to be used by the state or any of its agencies.

(3) To advise and render aid to state agencies and political subdivisions of the state as to systems or methods to be used for organizing and meeting *information technology* ~~communications~~ requirements efficiently and effectively.

(4) To *integrate* ~~consolidate~~ the *information technology* ~~communications~~ systems and services of state agencies ~~and to provide for their joint use by the agencies when determined by the department to be economically efficient or performance-effective~~.

(5) To adopt technical standards for the state *information technology* ~~communications~~ system which will assure the interconnection of computer networks and information systems of state agencies.

(6) To assume management responsibility for any *integrated information technology* ~~consolidated communications~~ system or service when determined by the *office* ~~department~~ to be economically efficient or performance-effective.

(7) To enter into agreements for the support and use of the *information technology* ~~communications~~ services of state agencies and of political subdivisions of the state.

(8) To use or acquire, with agency concurrence, *information technology* ~~communications~~ facilities now owned or operated by any state agency.

(9) To standardize policies and procedures for the use of such services.

(10) To purchase from or contract with *information technology providers* ~~suppliers and communications companies~~ for *information technology* ~~communications~~ facilities or services, including private line services.

(11) To apply for, receive, and hold, or assist agencies in applying for, receiving, or holding, such authorizations, licenses, and allocations or channels and frequencies to carry out the purposes of ss. 282.101-282.109.

(12) To acquire real estate, equipment, and other property.

(13) To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(14) To delegate to state agencies the powers of acquisition and utilization of *information technology* ~~communications~~ equipment, facilities, and services or to control and approve the purchase, lease, and use of all *information technology* ~~communications~~ equipment, services, and facilities, including communications services provided as part of any other total system to be used by the state or any of its agencies. ~~This subsection does not apply to the data processing hardware of an agency as defined in this part.~~

(15) To take ownership, custody, and control of existing communications equipment and facilities, with agency concurrence, including all right, title, interest, and equity therein, to carry out the purposes of ss. 282.101-282.109. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications company.

(16) To *adopt* ~~prescribe~~ rules *pursuant to ss. 120.54 and 120.536(1) relating to information technology and to administer the provisions of*

this part ~~and regulations for the use of the state communications system~~.

(17) To provide a means whereby political subdivisions of the state may use the state *information technology* ~~communications~~ system upon such terms and under such conditions as the *office* ~~department~~ may establish.

(18) To apply for and accept federal funds for any of the purposes of ss. 282.101-282.109 as well as gifts and donations from individuals, foundations, and private organizations.

(19) To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(20) Unless delegated to the agencies *by the Chief Information Officer*, to manage and control, but not intercept or interpret, communications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with the standards and policies of all state agencies and the service agreements executed with state agencies.

(21) To plan, design, and conduct experiments *for information technology* ~~in communications~~ services, equipment, and technologies, and to implement enhancements in the state *information technology* ~~communications~~ system when *in the public interest* ~~justified~~ and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed *2*~~1~~ percent of the annual budget for the SUNCOM Network for any fiscal year *or as provided in the General Appropriations Act for fiscal year 2000-2001*. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

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

(23) To provide an integrated electronic system for deploying government products, services, and information to individuals and businesses.

(a) The integrated electronic system shall reflect cost-effective deployment strategies in keeping with industry standards and practices, including protections of security of private information as well as maintenance of public records.

(b) The office shall provide a method for assessing fiscal accountability for the integrated electronic system and shall establish the organizational structure required to implement this system.

(24) To provide administrative support to the Chief Information Officers' Council and other workgroups created by the Chief Information Officer.

(25) To facilitate state information technology education and training for senior management and other agency staff.

(26) To prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resources management, when requested.

(27) To prepare, publish, and disseminate the State Annual Report on Enterprise Resource Planning and Management under s. 282.310.

(28) To study and make a recommendation to the Governor and Legislature on the feasibility of implementing online voting in this state.

(29) To facilitate the development of a network access point in this state, as needed.

Section 6. Section 282.103, Florida Statutes, is amended to read:

282.103 SUNCOM Network; exemptions from the required use.—

(1) There is created within the *State Technology Office of the* Department of Management Services the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(2) The *State Technology Office of the* Department of Management Services shall design, engineer, implement, manage, and operate through state ownership, commercial leasing, or some combination thereof, the facilities and equipment providing SUNCOM Network services, and shall develop a system of equitable billings and charges for communication services.

(3) All state agencies are required to use the SUNCOM Network for agency communications services as the services become available; however, no agency is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency, the agency shall notify the *State Technology Office of the* Department of Management Services in writing and detail the requirements for that communications service. If the *office* ~~department~~ is unable~~, within 90 days,~~ to meet an agency's requirements by enhancing SUNCOM Network service, the *office* ~~department~~ shall grant the agency an exemption from the required use of specified SUNCOM Network services.

Section 7. Section 282.104, Florida Statutes, is amended to read:

282.104 Use of state SUNCOM Network by municipalities.—Any municipality may request the *State Technology Office of the* Department of Management Services to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and under such conditions as the department may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM Network services and as invoiced by the *office* ~~department~~. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 8. Section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(1) The *State Technology Office of the* Department of Management Services shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Expend the majority of its total direct revenues for the provision of contractual services to the state, a municipality, or a political subdivision of the state; and

(b) Receive only a small portion of its total revenues from any source other than a state agency, a municipality, or a political subdivision of the state during the period of time SUNCOM Network services are requested.

(2) Each nonprofit corporation seeking authorization to use the state SUNCOM Network pursuant to this section shall provide to the *office* ~~department~~, upon request, proof of compliance with subsection (1).

(3) Nonprofit corporations established pursuant to general law and an association of municipal governments which is wholly owned by the municipalities shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the *office* ~~department~~.

(4) Institutions qualified pursuant to s. 240.605 shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the *office* ~~department~~. Such entities shall not be required to satisfy the other criteria of this section.

(5) Private, nonprofit elementary and secondary schools shall be eligible for rates and services on the same basis as public schools, providing these nonpublic schools do not have an endowment in excess of $50 million.

Section 9. Section 282.106, Florida Statutes, is amended to read:

282.106 Use of SUNCOM Network by libraries.—The *State Technology Office of the* Department of Management Services may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, the State University System, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 10. Subsections (1) and (2) of section 282.107, Florida Statutes, are amended to read:

282.107 SUNCOM Network; criteria for usage.—

(1) The *State Technology Office* ~~division~~ shall periodically review the qualifications of subscribers using the state SUNCOM Network and shall terminate services provided to any facility not qualified pursuant to ss. 282.101-282.111 or rules adopted hereunder. In the event of nonpayment of invoices by subscribers whose SUNCOM Network invoices are paid from sources other than legislative appropriations, such nonpayment represents good and sufficient reason to terminate service.

(2) The *State Technology Office* ~~division~~ shall adopt rules setting forth its procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties prior to termination of voice communications service.

Section 11. Section 282.1095, Florida Statutes, is amended to read:

282.1095 State agency law enforcement radio system.—

(1) The *State Technology Office of the* Department of Management Services may acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through a mutual aid channel. The Joint Task Force on State Agency Law Enforcement Communications is established in the *State Technology Office of the* Department of Management Services to advise the *office* ~~department~~ of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the *State Technology Office of the* Department of Management Services. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(2)(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of eight members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Fish and Wildlife Conservation Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Insurance who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

(b) Each appointed member of the joint task force shall serve at the pleasure of the appointing official. Any vacancy on the joint task force shall be filled in the same manner as the original appointment.

(c) The joint task force shall elect a chair from among its members to serve a 1-year term. A vacancy in the chair of the joint task force must be filled for the remainder of the unexpired term by an election of the joint task force members.

(d) The joint task force shall meet as necessary, but at least quarterly, at the call of the chair and at the time and place designated by him or her.

(e) The per diem and travel expenses incurred by a member of the joint task force in attending its meetings and in attending to its affairs shall be paid pursuant to s. 112.061, from funds budgeted to the state agency that the member represents.

(f) The *State Technology Office of the* Department of Management Services is hereby authorized to rent or lease space on any tower under its control. The *office* ~~department~~ may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the *office* ~~department~~ for each site, when it is determined to be practicable and feasible to make space available. The *office* ~~department~~ may refuse to lease space on any tower at any site. All moneys collected by the *office* ~~department~~ for such rents, leases, and subleases shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund and may be used by the *office* ~~department~~ to construct, maintain, or support the system.

(g) The *State Technology Office of the* Department of Management Services is hereby authorized to rent, lease, or sublease ground space on lands acquired by the *office* ~~department~~ for the construction of privately owned or publicly owned towers. The *office* ~~department~~ may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the *office* ~~department~~ to accomplish its duties under this paragraph and paragraph (f) shall be

established in the General Appropriations Act and shall be funded by the State Agency Law Enforcement Radio System Trust Fund.

(3) Upon appropriation, moneys in the trust fund may be used by the *office* ~~department~~ to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the *office* ~~department~~ to provide for payment of the recurring maintenance costs of the system. Moneys in the trust fund may be appropriated to maintain and enhance, over and above existing agency budgets, existing radio equipment systems of the state agencies represented by the task force members, in an amount not to exceed 10 percent per year per agency, of the existing radio equipment inventory until the existing radio equipment can be replaced pursuant to implementation of the statewide radio communications system.

(4)(a) The joint task force, shall establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(b) The joint task force shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.

(5)(a) The *State Technology Office of the* Department of Management Services shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

(b) The positions necessary for the *office* ~~department~~ to accomplish its duties under this section shall be established through the budgetary process and shall be funded by the State Agency Law Enforcement Radio System Trust Fund.

Section 12. Section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the *State Technology Office of the* Department of Management Services with any information the *office* ~~department~~ requests for the purpose of implementing the provisions of subsection (2).

(2) The *State Technology Office of the* Department of Management Services is hereby authorized and directed to develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the *office* ~~department~~ shall divide the state into appropriate regions and shall develop a program which shall include, but not be limited to, the following provisions:

(a) The communications requirements for each county and municipality comprising the region.

(b) An interagency communications provision which shall depict the communication interfaces between municipal, county, and state law enforcement entities which operate within the region.

(c) Frequency allocation and use provision which shall include, on an entity basis, each assigned and planned radio channel and the type of operation, simplex, duplex, or half-duplex, on each channel.

(3) The *office* ~~department~~ shall adopt any necessary rules and regulations for implementing and coordinating the statewide system of regional law enforcement communications.

(4) The *Chief Information Officer of the State Technology Office* ~~Secretary of Management Services~~ or his or her designee is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

(5) No law enforcement communications system shall be established or present system expanded without the prior approval of the *State Technology Office of the* Department of Management Services.

(6) Within the limits of its capability, the Department of Law Enforcement is encouraged to lend assistance to the *State Technology Office of the* Department of Management Services in the development of the statewide system of regional law enforcement communications proposed by this section.

Section 13. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.—

(1)(a) The *State Technology Office* ~~Division of Information Services~~ of the Department of Management Services shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

1. "*Office*" ~~"Department"~~ means the *State Technology Office of the* Department of Management Services.

~~2. "Division" means the Division of Information Services of the Department of Management Services.~~

2.~~3.~~ "Information-system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

3.~~4.~~ "Customer" means a state agency or other entity which is authorized to utilize the SUNCOM Network pursuant to this part.

(2) The ~~division and the~~ Technology Resource Center shall:

(a) Serve the *office* ~~department~~ and other customers as an information-system utility.

(b) Cooperate with ~~the Information Resource Commission and with other~~ customers to offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the *office* ~~Division of Communications of the department~~ to facilitate interdepartmental networking and integration of network services for its customers.

(e) Assist customers in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The *office* ~~division~~ may contract with customers to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4) Acceptance of any new customer other than a state agency which is expected to pay during the initial 12 months of use more than 5 percent of the previous year's revenues of the Technology Resource Center shall be contingent upon approval of the Office of Planning and Budgeting in a manner similar to the budget amendment process in s. 216.181.

(5) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any *single* fiscal year. Any experiment, pilot project, plan, or design

must be approved by the *Chief Information Officer of the State Technology Office* ~~data processing policy board of the center~~.

(6) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend the funds in the reserve account of its working capital trust fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the *Chief Information Officer of the State Technology Office* ~~data processing policy board of the center~~. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the *Chief Information Officer of the State Technology Office, provided that such approval conforms to any applicable provisions of chapter 216* ~~policy board~~.

Section 14. Section 282.21, Florida Statutes, is amended to read:

282.21 *The State Technology Office of the* Department of Management Services' electronic access services.—The *State Technology Office of the* Department of Management Services may collect fees for providing remote electronic access pursuant to s. 119.085. The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 15. Section 282.22, Florida Statutes, is amended to read:

282.22 *The State Technology Office of the* Department of Management Services production and dissemination of materials and products.—

(1) It is the intent of the Legislature that when materials, ~~and~~ products, *information, and services* are *collected or* developed by or under the direction of the *State Technology Office of the* Department of Management Services, through research and development or other efforts, including those subject to copyright, patent, or trademark, they shall be made available for use by state and local government entities at the earliest practicable date and in the most economical and efficient manner possible and consistent with chapter 119.

(2) To accomplish this objective the *office* ~~department~~ is authorized to publish *or partner with private sector entities to*~~,~~ produce~~,~~ or have produced materials and products and to make them readily available for appropriate use. The *office* ~~department~~ is authorized to charge an amount *or receive value-added services* adequate to cover the essential cost of producing and disseminating such materials, *information, services, or* ~~and~~ products and is authorized to sell *services, when appropriate,* ~~copies for use~~ to any entity who is authorized to *use* ~~utilize~~ the SUNCOM Network pursuant to this part and to the public.

(3) In cases in which the materials or products are of such nature, or the circumstances are such, that it is not practicable or feasible for the *office* ~~department~~ to produce or have produced materials and products so developed, it is authorized, after review and approval by the *Executive Office of the Governor* ~~Department of State~~, to license, lease, assign, sell, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis, or for such other consideration as the *office* ~~department~~ shall deem proper and in the best interest of the state; the *office* ~~department~~ is authorized and directed to protect same against improper or unlawful use or infringement and to enforce the collection of any sums due for the manufacture or use thereof by any other party.

(4) All proceeds from the sale of such materials and products or other money collected pursuant to this section shall be deposited into the Grants and Donations Trust Fund of the *office* ~~department~~ and, when properly budgeted as approved by the Legislature and the Executive Office of the Governor, used to pay the cost of producing and disseminating materials and products to carry out the intent of this section.

Section 16. Section 282.303, Florida Statutes, is amended to read:

282.303 Definitions.—For the purposes of ss. 282.303-282.322, the term:

(1) "Agency" means those entities described in *s. 216.011(1)(mm)* ~~chapter 216~~.

~~(2) "State Technology Council" means the council created in s. 282.3091 to develop a statewide vision for, and make recommendations on, information resources management.~~

(2)~~(3)~~ "Chief Information Officer" means the person appointed by the agency head*, in consultation with the State Technology Office,* to coordinate and manage the information resources management policies and activities within that agency.

(3)~~(4)~~ "Chief Information Officers Council" means the council created in s. 282.315 to facilitate the sharing and coordination of information resources management issues and initiatives among the agencies.

(4)~~(5)~~ "State Technology Office" means the office created in *s. 282.102* ~~s. 282.3093~~ to support *and coordinate cost-effective deployment of technology and information resources and services across state government* ~~specified information resources management activities and to facilitate educational and training opportunities~~.

(5)~~(6)~~ *"Information technology* ~~"Data processing~~ hardware" means ~~information technology~~ equipment designed for the automated storage, manipulation, and retrieval of data*, voice or video,* by electronic or mechanical means, or both, and includes, but is not limited to, central processing units, front-end processing units, including miniprocessors and microprocessors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal controllers and data terminal equipment, ~~computer-related~~ word processing systems, ~~and~~ equipment and systems for computer networks*, personal communication devices, and wireless equipment.*

(6)~~(7)~~ *"Information technology* ~~"Data processing~~ services" means all services that include, but are not limited to, feasibility studies, systems design, software development*, enterprise resource planning, application service provision, consulting,* or time-sharing services.

(7)~~(8)~~ "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

(8)~~(9)~~ "Agency Annual *Enterprise Resource Planning and* ~~Information Resources~~ Management Report" means the report prepared by the Chief Information Officer of each agency as required by s. 282.3063.

(9)~~(10)~~ "State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management" means the report prepared by the State Technology Office as defined in s. 282.3093.

(10)~~(11)~~ "Project" means an undertaking directed at the accomplishment of a strategic objective relating to *enterprise* ~~information~~ resources management or a specific appropriated program.

(11)~~(12)~~ "*Enterprise resource planning and* ~~information resources~~ management" means the planning, budgeting, acquiring, developing, organizing, directing, training, and control associated with government information *technology* resources. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(12)~~(13)~~ "Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.

(13)~~(14)~~ "*Enterprise* ~~Information~~ resources management infrastructure" means the hardware, software, networks, data, human resources, policies, standards, and facilities that are required to support the business processes of an agency *or state enterprise.*

(14)~~(15)~~ "Technology Review Workgroup" means the workgroup created in s. 216.0446 to review and make recommendations on

agencies' information resources management planning and budgeting proposals.

(15)~~(16)~~ "Total cost" means all costs associated with information resources management projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology resources to state universities to be used in instruction or research does not include fair market value.

(16) "Standards" means the use of current, open, nonproprietary, or non-vendor-specific technologies.

Section 17. Section 282.3031, Florida Statutes, is amended to read:

282.3031 Assignment of information resources management responsibilities.—For purposes of ss. 282.303-282.322, to ensure the best management of state information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the Florida Community College System; to the Supreme Court for the judicial branch; ~~and~~ to each state attorney and public defender*; and to the State Technology Office for the agencies within the executive branch of state government.*

Section 18. Subsections (1), (2), (3), (5), (7) and (10) of section 282.3032, Florida Statutes, are amended to read:

282.3032 Development and implementation of information systems; guiding principles.—To ensure the best management of the state's information technology resources, the following guiding principles are adopted:

(1) *Enterprise resource* ~~Cooperative~~ planning by state governmental entities is a prerequisite for the effective development and implementation of information systems to enable sharing of data *and cost-effective and efficient services to individuals.*

(2) The *enterprise resource* planning process, as well as coordination of development efforts, should include all principals from the outset.

(3) State governmental entities should be committed to maximizing information sharing and *participate in enterprise-wide efforts when appropriate* ~~moving away from proprietary positions taken relative to data they collect and maintain~~.

(4) State governmental entities should maximize public access to data, while complying with legitimate security, privacy, and confidentiality requirements.

(5) State governmental entities should strive for *an integrated* electronic *system for providing individuals with* ~~sharing of~~ information ~~via networks~~ to the extent possible.

(7) The redundant capture, *storage, and dissemination* of data should, insofar as possible, be eliminated.

(10) *Integration* ~~Consistency~~ of data elements should be achieved by establishing standard ~~data~~ definitions, ~~and~~ formats, *and integrated electronic systems,* when possible.

Section 19. Section 282.3041, Florida Statutes, is amended to read:

282.3041 State agency responsibilities.—The head of each state agency, *in consultation with the State Technology Office,* is responsible and accountable for *enterprise resource planning and* ~~information resources~~ management within the agency in accordance with legislative intent and as defined in this part.

Section 20. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency Chief Information Officer; appointment; duties.—

(1)(a) To assist the agency head in carrying out the *enterprise resource planning and* ~~information resources~~ management responsibilities, the agency head shall appoint, *in consultation with the State Technology Office,* or contract for a Chief Information Officer at a level commensurate with the role and importance of information technology resources in the agency. This position may be full time or part time.

(b) The Chief Information Officer must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the Chief Information Officer include, but are not limited to:

(a) Coordinating and facilitating agency *enterprise resource planning and* ~~information resources~~ management projects and initiatives.

(b) Preparing an agency annual report on *enterprise resource planning and* ~~information resources~~ management pursuant to s. 282.3063.

(c) Developing and implementing agency *enterprise resource planning and* ~~information resources~~ management policies, procedures, and standards, including specific policies and procedures for review and approval of the agency's purchases of information technology resources.

(d) Advising agency senior management as to the *enterprise resource planning and* ~~information resources~~ management needs of the agency for inclusion in planning documents required by law.

(e) Assisting in the development and prioritization of the *enterprise resource planning and* ~~information resources~~ management schedule of the agency's legislative budget request.

Section 21. Section 282.3063, Florida Statutes, is amended to read:

282.3063 Agency Annual *Enterprise Resource Planning and* ~~Information Resources~~ Management Report.—

(1) By September 1 of each year, and for the State University System within 90 days after completion of the expenditure analysis developed pursuant to s. 240.271(4), each Chief Information Officer shall prepare and submit to the State Technology Office an Agency Annual *Enterprise Resource Planning and* ~~Information Resources~~ Management Report. Following consultation with the State Technology *Office* ~~Council~~ and the Chief Information Officers Council, the Executive Office of the Governor and the fiscal committees of the Legislature shall jointly develop and issue instructions for the format and contents of the report.

(2) The Agency Annual *Enterprise Resource Planning and* ~~Information Resources~~ Management Report shall contain, at a minimum, the following:

(a) A forecast of *enterprise resource planning and* ~~information resources~~ management priorities and initiatives for the ensuing 2 years.

(b) A description of the current *enterprise resource planning and* ~~information resources~~ management infrastructure of the agency and planned changes for the ensuing 2 years.

(c) A status report on the major *enterprise resource planning and* ~~information resources~~ management projects of the agency.

(d) An assessment of the progress made toward implementing the prior fiscal year legislative appropriation to the agency for *enterprise resource planning and* ~~information resources~~ management.

(e) The estimated expenditures by the agency for *enterprise resource planning and* ~~information resources~~ management for the prior fiscal year.

(f) An inventory list, by major categories, of the agency information technology resources, which specifically identifies the resources acquired during the previous fiscal year.

(g) An assessment of opportunities for the agency to share *enterprise resource planning and* ~~information resources~~ management projects or initiatives with other governmental or private entities.

(h) A list of *enterprise resource planning and* ~~information resources~~ management issues the agency has identified as statewide issues ~~or critical information resources management issues for which the State Technology Council could provide future leadership or assistance~~.

Section 22. Section 282.3095, Florida Statutes, is created to read:

282.3095 Task Force on Privacy and Technology.—

(1) The State Technology Office shall create a Task Force on Privacy and Technology. The task force shall include professionals in the fields of communications, government, law enforcement, law, marketing, technology, and financial services, including, but not limited to, the Florida Association of Court Clerks and Comptrollers, the Florida Insurance Council, the Society of Consumer Affairs Professionals in Business, the Florida Retail Federation, and the Office of Statewide Prosecution. The task force shall study and make policy recommendations by February 1, 2001 to the Legislature and the Governor which includes, but is not limited to:

(a) Privacy issues under the constitutions and laws of the United States and the State of Florida, the Public Records Act, and the advent of the use of advanced technologies.

(b) Technology fraud, including, but not limited to, the illegal use of citizens' identities and credit.

(c) Balancing the traditional openness of public records in the state with the need to protect the privacy and identity of individuals.

(d) The sale of public records to private individuals and companies.

(2) The task force shall recommend to the State Technology Office no fewer than three pilot projects designed to further the deployment of electronic access with protection of privacy. The pilot projects shall apply technologies and operating procedures to increase electronic access to public records and to reduce the reliance on paper documents while including safeguards for the protection of privacy rights and confidential information.

(3) In order to carry out its duties and responsibilities, the task force shall hold public meetings necessary to gather the best available knowledge regarding these issues. The State Technology Office shall staff the task force as necessary. The members of the task force shall serve without compensation, but shall be reimbursed for reasonable and necessary expenses of attending the public meetings and performing duties of the task force, including per diem and travel expenses as provided in s. 112.061. Such expenses shall be reimbursed from funds of the Department of Highway Safety and Motor Vehicles. This subsection expires July 1, 2001.

Section 23. Section 282.310, Florida Statutes, is amended to read:

282.310 State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management.—

(1) By *February* ~~January~~ 15 of each year, the State Technology Office shall develop a State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management.

(2) The State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management shall contain, at a minimum, the following:

(a) The state vision for *enterprise resource planning and* ~~information resources~~ management.

(b) A forecast of the state *enterprise resource planning and* ~~information resources~~ management priorities and initiatives for the ensuing 2 years.

(c) A summary of major statewide policies recommended by the State Technology *Office* ~~Council~~ for *enterprise resource planning and* ~~information resources~~ management.

(d) A summary of memoranda issued by the Executive Office of the Governor.

(e) An assessment of the overall progress *toward an integrated electronic system for deploying government products, services, and information to individuals and businesses and* ~~on~~ state *enterprise resource planning and* ~~information resources~~ management initiatives and priorities for the past fiscal year.

(f) A summary of major statewide issues related to improving *enterprise resource planning and* ~~information resources~~ management by the state.

(g) An inventory list, by major categories, of state information technology resources.

(h) A summary of the total *agency* expenditures *or descriptions of agreements, contracts, or partnerships* for *enterprise resource planning and* ~~information resources~~ management *and of enterprise-wide procurements done by the office on behalf of the state* ~~by each state agency~~.

(i) A summary of the opportunities for government agencies or entities to share *enterprise resource planning and* ~~information resources~~ management projects or initiatives with other governmental or private sector entities.

~~(j) A list of the information resources management issues that have been identified as statewide or critical issues for which the State Technology Council could provide leadership or assistance.~~

The state annual report shall also include *enterprise resource planning and* ~~information resources~~ management information from the annual reports prepared by the Board of Regents for the State University System, from the State Board of Community Colleges for the Florida Community College System, from the Supreme Court for the judicial branch, and from the Justice Administrative Commission on behalf of the state attorneys and public defenders. Expenditure information shall be taken from each agency's annual report as well as the annual reports of the Board of Regents, the State Board of Community Colleges, the Supreme Court, and the Justice Administrative Commission.

(3) The state annual report shall be made available in writing or through electronic means to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

Section 24. Section 282.315, Florida Statutes, is amended to read:

282.315 Chief Information Officers Council; creation.—The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide *enterprise resource planning and* ~~information resources~~ management issues is essential to improving state management of such resources.

(1) There is created a Chief Information Officers Council to:

(a) Enhance communication among the Chief Information Officers of state agencies by sharing *enterprise resource planning and* ~~information resources~~ management experiences and exchanging ideas.

(b) Facilitate the sharing of best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state agencies.

(c) Identify efficiency opportunities among state agencies.

(d) Serve as an educational forum for *enterprise resource planning and* ~~information resources~~ management issues.

(e) Assist the State Technology *Office* ~~Council~~ in identifying critical statewide issues and, when appropriate, make recommendations for solving *enterprise resource planning and* ~~information resources~~ management deficiencies.

(2) Members of the council shall include the Chief Information Officers of all state agencies, including the Chief Information Officers of

the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one Chief Information Officer selected by the state attorneys and one Chief Information Officer selected by the public defenders. The chairs, or their designees, of the Geographic Information Board, the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the Chief Information Officers Council as voting members.

(3) The State Technology Office shall provide administrative support to the council.

Section 25. Section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(1) This section may be cited as the "Security of Data and Information Technology Resources Act."

(2)(a) Each agency head, *in consultation with the State Technology Office,* is responsible and accountable for assuring an adequate level of security for all data and information technology resources of the agency and, to carry out this responsibility, shall, at a minimum:

1. Designate an information security manager who shall administer the security program of the agency for its data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology resources of the agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology resources of the agency. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology resources of the agency.

5. Ensure that periodic internal audits and evaluations of the security program for the data and information technology resources of the agency are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

6. Include appropriate security requirements, as determined by the agency, in the written specifications for the solicitation of information technology resources.

(b) In those instances in which the *State Technology Office* of the Department of Management Services develops state contracts for use by state agencies, the department shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology resources.

Section 26. Subsections (2), (3), (4), (6), (7), and (8) of section 282.404, Florida Statutes, are amended to read:

282.404 Geographic information board; definition; membership; creation; duties; advisory council; membership; duties.—

(2)(a) The Florida Geographic Information Board is created in the *State Technology* ~~Executive~~ Office ~~of the Governor~~. The purpose of the board is to facilitate the identification, coordination, collection, and sharing of geographic information among federal, state, regional, and local agencies, and the private sector. The board shall develop solutions, policies, and standards to increase the value and usefulness of geographic information concerning Florida. In formulating and developing solutions, policies, and standards, the board shall provide for and consider input from other public agencies, such as the state universities, large and small municipalities, urban and rural county governments, and the private sector.

(b) The Geographic Information Board may issue guidelines on recommended best practices, including recommended policies and standards, for the identification, coordination, collection, and sharing of geographic information.

(c) The Geographic Information Board may contract for, accept, and make gifts, grants, loans, or other aid from and to any other governmental entity and to any person. Members may contribute, and the board may receive and expend, funds for board initiatives.

(3) The board consists of the *Chief Information Officer in the State Technology Office* ~~Director of Planning and Budgeting within the Executive Office of the Governor~~, the executive director of the Fish and Wildlife Conservation Commission, the executive director of the Department of Revenue, and the State Cadastral Surveyor, as defined in s. 177.503, or their designees, and the heads of the following agencies, or their designees: the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, and the Board of Professional Surveyors and Mappers. The Governor shall appoint to the board one member each to represent the counties, municipalities, regional planning councils, water management districts, and county property appraisers. The Governor shall initially appoint two members to serve 2-year terms and three members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and the terms must be staggered. Members may be appointed to successive terms and incumbent members may continue to serve the board until a new appointment is made.

(4) The *Chief Information Officer in the State Technology Office* ~~Director of Planning and Budgeting of the Executive Office of the Governor~~, or his or her designee, shall serve as the chair of the board. A majority of the membership of the board constitutes a quorum for the conduct of business. The board shall meet at least twice each year, and the chair may call a meeting of the board as often as necessary to transact business. Administrative and clerical support to the board shall be provided by the *State Technology Office of the* Department of Management Services.

(6) The Florida Geographic Information Advisory Council is created in the *State Technology Office* ~~Executive Office of the Governor~~ to provide technical assistance and recommendations to the board.

(7) The Geographic Information Advisory Council consists of one member each from the *State Technology Office* ~~Office of Planning and Budgeting within the Executive Office of the Governor~~, the Fish and Wildlife Conservation Commission, the Department of Revenue, the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, the State Cadastral Surveyor, the Board of Professional Surveyors and Mappers, counties, municipalities, regional planning councils, water management districts, and property appraisers, as appointed by the corresponding member of the board, and the State Geologist. The Governor shall appoint to the council one member each, as recommended by the respective organization, to represent the Department of Children and Family Services, the Department of Health, the Florida Survey and Mapping Society, Florida Region of the American Society of Photogrammetry and Remote Sensing, Florida Association of Cadastral Mappers, the Florida Association of Professional Geologists, Florida Engineering Society, Florida Chapter of the Urban and Regional Information Systems Association, the forestry industry, the State University System survey and mapping academic research programs, and State University System geographic information systems academic research programs; and two members representing utilities, one from a regional utility, and one from a local or municipal utility. These persons must have technical expertise

in geographic information issues. The Governor shall initially appoint six members to serve 2-year terms and six members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and must be staggered. Members may be appointed to successive terms, and incumbent members may continue to serve the council until a successor is appointed. Representatives of the Federal Government may serve as ex officio members without voting rights.

(8) A majority of the membership constitutes a quorum for the conduct of business and shall elect the chair of the advisory council biennially. The council shall meet at least twice a year, and the chair may call meetings as often as necessary to transact business or as directed by the board. The chair, or his or her designee, shall attend all board meetings on behalf of the council. Administrative and clerical support shall be provided by the *State Technology Office of the* Department of Management Services.

Section 27. Paragraph (b) of subsection (1) and paragraph (o) of subsection (3) of section 119.07, Florida Statutes, are amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(b) If the nature or volume of public records requested to be inspected, examined, or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both. "Information technology resources" shall have the same meaning as in *s. 282.303(12)* ~~s. 282.303(13)~~.

(3)

(o) Data processing software obtained by an agency under a licensing agreement which prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software which is sensitive are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. The designation of agency-produced software as sensitive shall not prohibit an agency head from sharing or exchanging such software with another public agency. As used in this paragraph:

1. "Data processing software" has the same meaning as in *s. 282.303(7)* ~~s. 282.303(8)~~.

2. "Sensitive" means only those portions of data processing software, including the specifications and documentation, used to:

a. Collect, process, store, and retrieve information which is exempt from the provisions of subsection (1);

b. Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or

c. Control and direct access authorizations and security measures for automated systems.

Section 28. Subsection (1) of section 287.073, Florida Statutes, is amended to read:

287.073 Procurement of information technology resources.—

(1) For the purposes of this section, the term "information technology resources" has the same meaning ascribed in *s. 282.303(12)* ~~s. 282.303(13)~~.

Section 29. *Sections 282.3091 and 282.3093, Florida Statutes, are repealed.*

Section 30. Subsections (1), (2), and (3) of section 215.322, Florida Statutes, are amended to read:

215.322 Acceptance of credit cards, charge cards, or debit cards by state agencies, units of local government, and the judicial branch.—

(1) It is the intent of the Legislature to encourage state agencies, the judicial branch and units of local government to make their *goods,* services, *and information* more convenient to the public *through the* ~~and to reduce the administrative costs of government by~~ acceptance of payments by credit cards, charge cards, and debit cards to the maximum extent practicable *when the benefits to the participating agency and the public substantiate the cost of accepting these types of payments.*

(2) A state agency as defined in s. 216.011, or the judicial branch, may accept credit cards, charge cards, or debit cards in payment for goods and services ~~upon the recommendation of the Office of Planning and Budgeting and~~ with the prior approval of the Treasurer. *When the Internet or other related electronic methods are to be used as the collection medium, the State Technology Office shall review and recommend to the Treasurer whether to approve the request with regard to the process or procedure to be used.*

(3) The Treasurer shall adopt rules governing the establishment and acceptance of credit cards, charge cards, or debit cards by state agencies or the judicial branch, including, but not limited to, the following:

(a) Utilization of a standardized contract between the financial institution *or other appropriate intermediaries* and the agency or judicial branch which shall be developed by the Treasurer or approval by the Treasurer of a substitute agreement.

(b) Procedures which permit an agency or officer accepting payment by credit card, charge card, or debit card to impose a convenience fee upon the person making the payment. However, the total amount of such convenience fees shall not exceed the total cost to the state *agency* ~~of contracting for such card services~~. A convenience fee is not refundable to the payor. Notwithstanding the foregoing, this section shall not be construed to permit surcharges on any other credit card purchase in violation of s. 501.0117.

(c) All service fees payable pursuant to this section when practicable shall be invoiced and paid by state warrant or such other manner that is satisfactory to the Comptroller in accordance with the time periods specified in s. 215.422.

(d) Submission of information to the Treasurer concerning the acceptance of credit cards, charge cards, or debit cards by all state agencies or the judicial branch.

(e) A methodology for agencies to use when completing the cost-benefit analysis referred to in subsection (1). The methodology must consider all quantifiable cost reductions, other benefits to the agency, and potential impact on general revenue. The methodology must also consider nonquantifiable benefits such as the convenience to individuals and businesses that would benefit from the ability to pay for state goods and services through the use of credit cards, charge cards, and debit cards.

Section 31. Subsections (5), (11), and (15) of section 287.012, Florida Statutes, are amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(5) "Competitive sealed bids" or "competitive sealed proposals" refers to the receipt of two or more sealed bids or proposals submitted by responsive and qualified bidders or offerors *and includes bids or proposals transmitted by electronic means in lieu of or in addition to written bids or proposals.*

(11) "Invitation to bid" means a written solicitation for competitive sealed bids with the title, date, and hour of the public bid opening designated and specifically defining the commodity, group of commodities, or services for which bids are sought. It includes instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders simultaneously. The invitation to bid is used when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specifications defining the actual

commodity or group of commodities required. *A written solicitation includes a solicitation published or transmitted by electronic means.*

(15) "Request for proposals" means a written solicitation for competitive sealed proposals with the title, date, and hour of the public opening designated. *A written solicitation includes a solicitation published or transmitted by electronic means.* The request for proposals is used when the agency is incapable of specifically defining the scope of work for which the commodity, group of commodities, or contractual service is required and when the agency is requesting that a qualified offeror propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A request for proposals includes, but is not limited to, general information, applicable laws and rules, functional or general specifications, statement of work, proposal instructions, and evaluation criteria. Requests for proposals shall state the relative importance of price and any other evaluation criteria.

Section 32. Paragraph (a) of subsection (16) of section 287.042, Florida Statutes, is amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(16)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities, information technology resources, or services that can be used by multiple agencies. However, the department *shall* ~~may~~ consult with the State Technology Office on joint agreements that involve the purchase of information technology resources. Agencies entering into joint purchasing agreements with the department shall authorize the department to contract for such purchases on their behalf.

Section 33. Subsection (22) is added to section 287.057,Florida Statutes, to read:

287.057 Procurement of commodities or contractual services.—

(22)(a) The State Technology Office of the department shall develop a program for on-line procurement of commodities and contractual services. Only bidders prequalified as meeting mandatory requirements and qualifications criteria shall be permitted to participate in on-line procurement. The State Technology Office may contract for equipment and services necessary to develop and implement on-line procurement.

(b) The State Technology Office may adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the program for on-line procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for prequalifying bidders.

2. Establishing the procedures for conducting on-line procurement.

3. Establishing the criteria for eligible commodities and contractual services.

4. Establishing the procedures for providing access to on-line procurement.

Section 34. *Creation and implementation of a marketing and image campaign.—*

(1) Enterprise Florida, Inc., in collaboration with the private sector, shall create a marketing campaign to help attract, develop, and retain information technology businesses in this state. The campaign must be coordinated with any existing economic development promotion efforts in this state, and shall be jointly funded from private and public resources.

(2) The message of the campaign shall be to increase national and international awareness of this state as a state ideally suited for the successful advancement of the information technology business sector. Marketing strategies shall include development of promotional materials, Internet and print advertising, public relations and media placement, trade show attendance at information technology events, and appropriate followup activities. Efforts to promote this state as a high-technology business leader must include identification and coordination of existing business technology resources, partnerships with economic development organizations and private sector businesses, continued retention and growth of businesses based in this state that produce high-technology products or use high-technology skills for manufacturing, and recruitment of new business in such area.

Section 35. *Development of an Internet-based system for information technology industry promotion and workforce recruitment.—*

(1) The Department of Labor and Employment Security shall facilitate efforts to ensure the development and maintenance of a website that promotes and markets the information technology industry in this state. The website shall be designed to inform the public concerning the scope of the information technology industry in the state and shall also be designed to address the workforce needs of the industry. The website shall include, through links or actual content, information concerning information technology businesses in this state, including links to such businesses; information concerning employment available at these businesses; and the means by which a jobseeker may post a resume on the website.

(2) The Department of Labor and Employment Security shall coordinate with the State Technology Office and the Workforce Development Board of Enterprise Florida, Inc., to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

Section 36. *Establishment of a network access point.—The state actively supports efforts that enhance the information technology industry in this state, particularly those efforts that increase broadband technology. A critical initiative to enhance this industry in this state is determined to be the development of a network access point, which is defined to be a carrier-neutral, public-private Internet traffic exchange point. The state encourages private information technology businesses to forge partnerships to develop a network access point in this state. Moreover, the state recognizes the importance of a network access point that addresses the needs of small information technology businesses.*

Section 37. Paragraph (n) is added to subsection (5) of section 212.08, Florida Statutes, 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.—

(n) Equipment used to deploy broadband technologies.—

1. Beginning July 1, 2000, equipment purchased by a communications service provider that is necessary for use in the deployment of broadband technologies in the state as part of the direct participation by the communications service provider in a network access point, which is defined as a carrier-neutral, public-private Internet traffic exchange point, in this state shall be exempt from the tax imposed by this chapter. This exemption inures to the communications service provider only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To be entitled to a refund, an eligible communications service provider must file under oath with the department an application that includes:

a. The name and address of the communications service provider claiming to be entitled to the refund.

b. A specific description of the property for which the exemption is sought, including its serial number or other permanent identification number.

c. The location of the property.

d. The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

3. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the eligible property is purchased.

4. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

5. For purposes of this paragraph:

a. "Broadband technology" means packaged technology that has the capability of supporting transmission speeds of at least 1.544 megabits per second in both directions.

b. "Communications service provider" means a company that supports or provides individuals and other companies with access to the Internet and other related services.

c. "Equipment" includes asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optic connector equipment, database equipment, and other network equipment used to provide broadband technology and information services.

6. Contingent upon annual appropriation, the department may approve refunds up to the amount appropriated for this refund program based on the filing of an application pursuant to this paragraph. No refund shall be made with respect to any application received by the department in any year after the funds appropriated for that year have been exhausted.

7. This paragraph is repealed June 30, 2005.

Section 38. The sum of $700,000 from non-recurring General Revenue is appropriated for fiscal year 2000-2001 to the Department of Revenue to reimburse eligible companies for sales tax payments made on equipment specifically associated with the creation of a network access point. The Department of Revenue is authorized to adopt rules to implement the sales tax refund provisions of this act.

Section 39. *Public awareness campaign on Internet safety.—*

(1) The Computer Crime Center within the Department of Law Enforcement shall coordinate the development of a comprehensive public awareness campaign on Internet safety. This effort should include a partnership with the Attorney General and the Department of Education, as well as other agencies and organizations, as necessary. At a minimum, the campaign must include the development of guidelines for the safe and secure use of the Internet, including the best ways to prevent users from becoming victims of Internet crime and detailed guidelines for parents to consider in protecting their children from on-line encounters with molesters, pedophiles, and other criminal elements.

(2) The public awareness campaign on Internet safety must include the development of a mechanism to report Internet crimes through the public Internet site of the Department of Law Enforcement. Because of the need to establish a simple method for reporting Internet crimes to law enforcement agencies, the department shall work in cooperation with local law enforcement agencies in investigating and prosecuting Internet crimes.

Section 40. Subsection (7) of section 501.203, Florida Statutes, is amended to read:

501.203 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(7) "Consumer" means an individual; child, by and through its parent or legal guardian; *business;* firm; association; joint venture; partnership; estate; trust; business trust; syndicate; fiduciary; corporation; *any commercial entity, however denominated;* or any other group or combination.

Section 41. Subsections (1), (3), and (6) of section 501.207, Florida Statutes, are amended to read:

501.207 Remedies of enforcing authority.—

(1) The enforcing authority may bring:

(a) An action to obtain a declaratory judgment that an act or practice violates this part.

(b) An action to enjoin any person who has violated, is violating, or is otherwise likely to violate, this part.

(c) An action on behalf of one or more consumers *or governmental entities* for the actual damages caused by an act or practice in violation of this part. However, ~~no~~ damages *are not* ~~shall be~~ recoverable under this section against a retailer who has in good faith engaged in the dissemination of claims of a manufacturer or wholesaler without actual knowledge that it violated this part.

(3) Upon motion of the enforcing authority or any interested party in any action brought under subsection (1), the court may make appropriate orders, including, but not limited to, appointment of a master or receiver or sequestration or freezing of assets, to reimburse consumers *or governmental entities* found to have been damaged; to carry out a transaction in accordance with *the* ~~consumers'~~ reasonable expectations *of consumers or governmental entities*; to strike or limit the application of clauses of contracts to avoid an unconscionable result; to order any defendant to divest herself or himself of any interest in any enterprise, including real estate; to impose reasonable restrictions upon the future activities of any defendant to impede her or him from engaging in or establishing the same type of endeavor; to order the dissolution or reorganization of any enterprise; or to grant other appropriate relief. The court may assess the expenses of a master or receiver against a person who has violated, is violating, or is otherwise likely to violate this part. Any injunctive order, whether temporary or permanent, issued by the court shall be effective throughout the state unless otherwise provided in the order.

(6) The enforcing authority may terminate an investigation or an action upon acceptance of a person's written assurance of voluntary compliance with this part. Acceptance of an assurance may be conditioned on a commitment to reimburse consumers *or governmental entities*, make contributions, pay civil penalties, pay attorney's fees and costs, or take other appropriate corrective action. An assurance is not evidence of a prior violation of this part. However, unless an assurance has been rescinded by agreement of the parties or voided by a court for good cause, subsequent failure to comply with the terms of an assurance is prima facie evidence of a violation of this part. ~~No~~ Such assurance *is not* ~~shall act as~~ a limitation upon any action or remedy available to a person aggrieved by a violation of this part.

Section 42. Section 501.2075, Florida Statutes, is amended to read:

501.2075 Civil penalty.—Except as provided in s. 501.2077, any person, firm, corporation, association, or entity, or any agent or employee of the foregoing, who is willfully using, or has willfully used, a method, act, or practice declared unlawful under s. 501.204, or who is willfully violating any of the rules of the department *adopted* ~~promulgated~~ under this part, is liable for a civil penalty of not more than $10,000 for each such violation. Willful violations occur when the person knew or should have known that his or her conduct was unfair or deceptive or prohibited by rule. This civil penalty may be recovered in any action brought under this part by the enforcing authority; or the enforcing authority may terminate any investigation or action upon agreement by the person, firm, corporation, association, or entity, or the agent or employee of the foregoing, to pay a stipulated civil penalty. The department or the court may waive any such civil penalty if the person, firm, corporation, association, or entity, or the agent or employee of the foregoing, has previously made full restitution or reimbursement or has paid actual damages to the consumers *or governmental entities* who

have been injured by the unlawful act or practice or rule violation. If civil penalties are assessed in any litigation, the enforcing authority is entitled to reasonable attorney's fees and costs. A civil penalty so collected shall accrue to the state and shall be deposited as received into the General Revenue Fund unallocated.

Section 43. *Section 501.2091, Florida Statutes, is repealed.*

Section 44. Subsection (2) of section 501.211, Florida Statutes, is amended to read:

501.211 Other individual remedies.—

(2) In any ~~individual~~ action brought by a *person* ~~consumer~~ who has suffered a loss as a result of a violation of this part, such *person* ~~consumer~~ may recover actual damages, plus attorney's fees and court costs as provided in s. 501.2105.~~;~~ however, ~~no~~ damages, fees, or costs *are not* ~~shall be~~ recoverable under this section against a retailer who has, in good faith, engaged in the dissemination of claims of a manufacturer or wholesaler without actual knowledge that it violated this part.

Section 45. Subsection (4) of section 501.212, Florida Statutes, is amended to read:

501.212 Application.—This part does not apply to:

(4) Any ~~person or~~ activity regulated under laws administered by the Department of Insurance or the Florida Public Service Commission or banks and savings and loan associations regulated by the Department of Banking and Finance or banks or savings and loan associations regulated by federal agencies.

Section 46. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect tother provisions or applications of the act which can be given effect without the invoald provision or application, and to this end the provisions of this act are declared severable.

Section 47. This act shall take effect July 1, 2000.

And the title is amended as follows:

remove the entire title of the bill:

and insert: A bill to be entitled An act relating to electronic commerce; providing a short title; providing definitions; providing scope; providing for prospective application; providing for use of electronic records and signatures; providing for variation by agreement among parties using electronic records and electronic signatures; providing construction and application; providing for uniformity; providing for legal recognition of electronic records, signatures, and contracts; providing for provision of information in writing; providing for presentation of records; providing for attribution and effect of electronic records and electronic signatures; providing for the effect of changes or errors in electronic records; providing for notarization and acknowledgment; providing for retention of electronic records and originals; providing for admissibility of electronic records as evidence; providing for rules applying to automated transactions; providing for time and place of sending and receiving electronic records and signatures; providing for transferable records; providing for creation and retention of electronic records by governmental agencies; providing for conversion of written records by governmental agencies; providing for acceptance and distribution of electronic records by governmental agencies; providing for interoperability; providing severability; requiring the county recorders to provide a statewide index of official records available on the Internet by a time certain; providing for security; requiring that the Internet information shall not be admissible in court; authorizing charging a reasonable fee for certain purposes; providing that the official records must be made available for electronic retrieval on the statewide site by a time certain; amending ss. 282.005, 282.101, 282.102, 282.103, 282.104, 282.105, 282.106, 282.107, 282.1095, 282.111, 282.20, 282.21, 282.22, 282.303, 282.3031, 282.3032, 282.3041, 282.3055, 282.3063, F.S.; providing legislative findings and creating the State Technology Office within the Department of Management Services; providing for the Chief Information Officer to be in charge of the office; requiring the office to provide support and guidance to all state agencies in order to enhance the state's use and management of information technology resources; providing for a study and recommendations concerning online voting; providing for enterprise resource planning and management by each state agency in consultation with the office; creating s. 282.3095, F.S.; directing the State Technology Office to create a Task Force on Privacy and Technology; providing for the task force to hold meetings and report to the Legislature and Governor; amending ss. 282.310, 282.315, 282.318, 282.404, F.S.; directing the State Technology Office to prepare and disseminate the State Annual Report on Enterprise Resource Planning and Management; transferring the Florida Geographic Information Board and the Florida Geographic Information Advisory Council from the Executive Office of the Governor to the State Technology Office; amending ss. 119.07, 287.073, F.S.; conforming statutory cross-references; repealing s. 282.3091, F.S., relating to the State Technology Council; repealing s. 282.3093, F.S., relating to the State Technology Office; amending s. 215.322, F.S.; revising legislative intent; specifying circumstances under which governmental agencies or the judicial branch may accept credit cards, charge cards, or debit cards; prescribing duties of the State Technology Office; removing a limitation on convenience fees; amending s. 287.012, F.S.; revising certain definitions to include bids or proposals transmitted or received by electronic means; amending s. 287.042, F.S.; requiring the Department of Management Services to consult with the State Technology Office on joint agreements involving the purchase of information technology resources; amending s. 287.057, F.S., requiring the office to develop a program for on-line procurement of commodities and contractual services; providing a limitation; authorizing the office to contract for certain equipment and services; authorizing the office to adopt rules for certain purposes; requiring Enterprise Florida, Inc., to create and implement a marketing and image campaign; providing purposes of the campaign; requiring development and maintenance of a website for information and technology industry marketing and workforce recruitment; expressing support of activities to enhance information technology, including a network access point; amending s. 212.08, F.S.; providing a sales tax exemption on sales of certain equipment used to deploy broadband technologies associated with a network access point; providing for future repeal of the exemption; providing an appropriation; requiring the Department of Law Enforcement to coordinate the development of a public awareness campaign on Internet safety; requiring the development of guidelines for the safe and secure use of the Internet; requiring the development of a mechanism to report crimes through an Internet site; amending s. 501.203, F.S.; including businesses and commercial entities within the definition of the term "consumer" for purposes of chapter 501, F.S.; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of chapter 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to stay of proceedings pending trial for an action brought under part II of chapter 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages by a person who suffers a loss as a result of a violation of part II of chapter 501, F.S.; amending s. 501.212, F.S.; deleting an exemption from regulation under part II of chapter 501, F.S., for persons regulated under laws administered by other agencies; providing severability; providing an effective date.

Rep. Rojas moved the adoption of the amendment.

Representative(s) Arnall offered the following:

(Amendment Bar Code: 750697)

Amendment 1 to Amendment 2 (with title amendment)—On page 71, between lines 5 and 6,

insert:

Section 46. Subsection (1) of section 350.031, Florida Statutes, is amended to read:

350.031 Florida Public Service Commission Nominating Council.—

(1) There is created a Florida Public Service Commission Nominating Council consisting of nine members. At least one member

of the council must be 60 years of age or older. Three members, including one member of the House of Representatives, shall be appointed by *and serve at the pleasure of* the Speaker of the House *of Representatives*; three members, including one member of the Senate, shall be appointed by *and serve at the pleasure of* the President of the Senate; and three members shall be selected and appointed by a majority vote of the other six members of the council. All terms shall be for 4 years except those members of the House and Senate, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council. *A member may not be reappointed to the council, except for a member of the House of Representatives or the Senate who may be appointed to two 2-year terms or a person who is appointed to fill the remaining portion of an unexpired term.*

Section 47. *This act applies to any person who is a member of the Florida Public Service Commission Nominating Council on the effective date of this act.*

And the title is amended as follows:

On page 71, line 22, of the amendment

after the semicolon insert: amending s. 350.031, F.S.; providing for the council members appointed by the Speaker of the House of Representatives and the President of the Senate to serve at the pleasure of the Speaker of the House and the President of the Senate; limiting the number of full terms to which a member may be appointed; providing for application of the act;

Rep. Arnall moved the adoption of the amendment to the amendment, which was adopted

The question recurred on the adoption of **Amendment 2**, as amended.

Point of Order

Rep. Merchant raised a point of order, under Rule 146, that the amendment offered by Rep. Rojas was the principal substance of HB 2171.

The Chair [Speaker Thrasher] referred the point to the Chair of the Committee on Rules & Calendar. Pending a ruling, further consideration of the bill, with pending amendment, was temporarily postponed.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 32, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Dawson—

SB 32—A bill to be entitled An act relating to the City of Port St. Lucie; providing for the relief of J. C. Wendehake; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of the City of Port St. Lucie; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Rep. Cantens, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 589

Yeas—119

The Chair	Argenziano	Bense	Boyd
Albright	Arnall	Betancourt	Bradley
Alexander	Bainter	Bilirakis	Bronson
Andrews	Ball	Bitner	Brown
Argenio	Barreiro	Bloom	Brummer
Bucher	Futch	Littlefield	Russell
Bullard	Garcia	Logan	Ryan
Bush	Gay	Lynn	Sanderson
Byrd	Goodlette	Maygarden	Sembler
Cantens	Gottlieb	Melvin	Smith, C.
Casey	Green, C.	Merchant	Smith, K.
Chestnut	Greene, A.	Miller, J.	Sobel
Constantine	Greenstein	Miller, L.	Sorensen
Cosgrove	Hafner	Minton	Spratt
Crady	Harrington	Morroni	Stafford
Crist	Hart	Murman	Stansel
Crow	Henriquez	Ogles	Starks
Detert	Heyman	Patterson	Suarez
Diaz de la Portilla, R.	Hill	Peaden	Sublette
Dockery	Jacobs	Posey	Trovillion
Edwards	Johnson	Prieguez	Tullis
Effman	Jones	Pruitt	Turnbull
Eggelletion	Kelly	Putnam	Villalobos
Farkas	Kilmer	Rayson	Wallace
Fasano	Kosmas	Reddick	Wasserman Schultz
Feeney	Kyle	Ritchie	Waters
Fiorentino	Lacasa	Ritter	Wiles
Flanagan	Lawson	Roberts	Wilson
Frankel	Lee	Rojas	Wise
Fuller	Levine	Rubio	

Nays—1

Goode

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 910, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator McKay—

SB 910—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; providing for payment into pretax annuities for accumulated sick leave to certain employees of district school systems; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; providing for community college district boards of trustees to adopt rules allowing payment for unused sick leave into pretax retirement accounts; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing an effective date.

—was read the first time by title. On motion by Rep. Harrington, the rules were suspended and the bill was read the second time by title.

Representative(s) Eggelletion offered the following:

(Amendment Bar Code: 944191)

Amendment 1—On page 4, lines 17-22,
remove from the bill: all of said lines

and insert in lieu thereof:

a. However, for such employees hired on or after July 1, 1995, terminal pay shall not exceed an amount determined as follows:

a. One-fourth of all unused sick leave accumulated on or after July 1, *2000, and may* 1995; however, terminal pay allowable for such accumulated sick leave shall not exceed a

Rep. Eggelletion moved the adoption of the amendment. Further consideration of **SB 910**, with pending amendment, was temporarily postponed under Rule 141.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1646 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Resource, Natural Resources and Senator Laurent—

CS for CS for SB 1646—A bill to be entitled An act relating to water pollution control; amending s. 403.1835, F.S.; providing for a method of financing water pollution control projects eligible under specified federal law; authorizing loans and grants; providing for the use of the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund; requiring the Department of Environmental Protection to adopt a priority system by rule; providing criteria for the rule; authorizing the imposition of penalty interest; granting rulemaking authority to the Department of Environmental Protection; creating s. 403.1837, F.S.; creating the Florida Water Pollution Control Financing Corporation; providing for its membership and powers; authorizing the corporation to enter into service contracts with the Department of Environmental Protection; authorizing the issuance of bonds and other obligations; authorizing the sale of loans issued under s. 403.1835, F.S.; providing for tax exemptions; requiring the corporation to evaluate all financial and market conditions necessary and prudent for the purpose of making sound, financially responsible, and cost-effective decisions to secure additional funding for water pollution control projects; authorizing the corporation to contract with the State Board of Administration for services; repealing s. 403.1836, F.S., relating to the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund; providing an appropriation; providing an effective date.

—was read the first time by title. On motion by Rep. Gay, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 590

Yeas—116

The Chair	Constantine	Henriquez	Posey
Albright	Cosgrove	Heyman	Prieguez
Alexander	Crady	Jacobs	Pruitt
Andrews	Crist	Johnson	Putnam
Argenio	Crow	Jones	Rayson
Argenziano	Diaz de la Portilla, R.	Kelly	Reddick
Arnall	Dockery	Kilmer	Ritchie
Bainter	Edwards	Kosmas	Ritter
Ball	Effman	Kyle	Roberts
Barreiro	Eggelletion	Lacasa	Rojas
Bense	Farkas	Lawson	Rubio
Betancourt	Fasano	Lee	Russell
Bilirakis	Feeney	Levine	Ryan
Bitner	Fiorentino	Littlefield	Sanderson
Bloom	Flanagan	Logan	Sembler
Boyd	Frankel	Lynn	Smith, C.
Bradley	Fuller	Maygarden	Smith, K.
Bronson	Futch	Melvin	Sobel
Brown	Garcia	Merchant	Sorensen
Brummer	Gay	Miller, J.	Spratt
Bucher	Goodlette	Miller, L.	Stafford
Bullard	Gottlieb	Minton	Stansel
Bush	Green, C.	Morroni	Starks
Byrd	Greene, A.	Murman	Suarez
Cantens	Greenstein	Ogles	Sublette
Casey	Hafner	Patterson	Trovillion
Chestnut	Hart	Peaden	Tullis
Turnbull	Wallace	Waters	Wilson
Villalobos	Wasserman Schultz	Wiles	Wise

Nays—None

Votes after roll call:
Yeas—Goode

So the bill passed and was immediately certified to the Senate.

Unfinished Business

CS for CS for CS for SB's 852, 2 & 46—A bill to be entitled An act relating to school safety and security; amending s. 229.57, F.S.; revising criteria for determining a school's performance grade category for specified school years; creating s. 229.8347, F.S.; establishing the Partnership for School Safety and Security; providing responsibilities of the partnership; assigning the partnership to the Department of Education for administrative purposes; providing for membership, meetings, and reimbursement for expenses; providing for the partnership to be funded through the General Appropriations Act; providing for staff support and technical assistance; requiring that the partnership prepare annual reports; requiring the Department of Education to develop an individualized school safety and environment assessment instrument; requiring that the department expand performance standards for school safety; amending s. 230.23025, F.S.; requiring that safety and security be included as part of the factors reviewed as best financial management practices for school districts; amending s. 230.235, F.S.; requiring each district school board to review its zero-tolerance policy and ensure the inclusion of specific offenses; creating s. 231.0851, F.S.; requiring that school principals report and verify data concerning school safety and discipline; requiring that the State Board of Education adopt a form for such reports; requiring the Department of Education to improve reporting concerning school safety; requiring that the department develop indicators of safe schools; amending s. 232.24521, F.S.; prohibiting the use of a student's attendance record as the basis of an exemption from academic performance requirements; amending s. 232.26, F.S.; requiring that any suspension of a student with disabilities be in accordance with rules of the State Board of Education; creating s. 235.192, F.S.; requiring school districts and community colleges to provide blueprints of educational facilities to certain agencies; requiring that school districts and community colleges provide a revised blueprint following modification of a facility; requiring the Department of Education to assess safety and security initiatives and make certain reports; establishing a pilot program to assess teams that meet the optimal ratios of certain school professionals to students; requiring that the school district evaluate the program and make certain reports; requiring a plan for school transportation safety; amending s. 232.17, F.S.; prohibiting students referred to a child study team from enrolling in a home education program; providing exceptions; providing an appeals process; amending s. 414.125, F.S.; revising criteria for reduction of temporary cash assistance; amending s. 984.03, F.S.; revising the definitions of the terms "habitually truant" and "truancy petition"; amending s. 984.151, F.S.; revising requirements for filing a truancy petition; providing an appropriation; providing an effective date.

—was taken up, having been read the third time on May 1; now pending on point of order by Rep. Wise, under Rule 117, on Amendment 3 by Rep. Starks (shown in the *Journal* on page 1237, May 1).

Subsequently, Rep. Wise withdrew the point of order.

The question recurred on the adoption of Amendment 3, which was withdrawn.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 863613)

Amendment 4 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (25) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(25) SUSPENSION.—

(a) Suspension, also referred to as out-of-school suspension, is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal's designee, for a period not to exceed 10 school days *and remanding of the student to the custody of the student's parent with specific homework assignments for the student to complete.*

Section 2. Paragraph (a) of subsection (8) of section 229.57, Florida Statutes, is amended to read:

229.57 Student assessment program.—

(8) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.—School performance grade category designations itemized in subsection (7) shall be based on the following:

(a) Timeframes.—

1. School performance grade category designations shall be based on one school year of performance.

2. In school years 1998-1999 and 1999-2000, a school's performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.

3. *In* ~~Beginning with~~ the 2000-2001 school year, a school's performance grade category designation shall be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, ~~attendance,~~ dropout rate~~, school discipline data,~~ and student readiness for college.

4. Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, ~~attendance,~~ dropout rate, ~~school discipline data,~~ cohort graduation rate, and student readiness for college.

~~For the purpose of implementing ss. 229.0535 and 229.0537, if any of the four schools that were identified as critically low performing, based on both 1996-1997 and 1997-1998 school performance data and state board adopted criteria, receives a performance grade category designation of "F," based on 1998-1999 school performance data, that school shall be considered as having failed to make adequate progress for 2 years in a 4-year period. All other schools that receive a performance grade category designation of "F," based on 1998-1999 school performance data, shall be considered as having failed to make adequate progress for 1 year.~~

Section 3. Section 229.8347, Florida Statutes, is created to read:

229.8347 Partnership for School Safety and Security.—

(1) CREATION AND DUTIES.—There is created a Partnership for School Safety and Security to perform the following responsibilities:

(a) Evaluate school safety and security programs and strategies, based on controlled scientific research; recommend information to be included in the electronic clearinghouse of safety and security information; and make recommendations for inclusion in the clearinghouse of safety and security information and to the Legislature for funding school safety and security programs.

(b) Create an electronic clearinghouse of safety and security information that includes best practices, model programs, and construction prototypes that are compatible with the requirements for frugal schools.

(c) Assess the extent to which best practices for school safety and security are being followed, including, but not limited to, best practices for schools with student participation in planning and implementing violence prevention and other student efforts that contribute to school safety; placing and training new teachers; providing incentives for teachers of demonstrated mastery to remain in or transfer to low-performing schools; providing incentives for teachers based on their willingness to teach at schools that serve low-income areas; and providing support systems, such as mentors or specialized training, for teachers who are willing to teach in schools that serve large populations of students from low-income families.

(d) Train and offer technical assistance to school district staff and others on how to create a safe school environment.

(e) Foster coordination among schools, law enforcement personnel, and crisis-management teams.

(2) ORGANIZATION; MEMBERSHIP; MEETINGS; COMPENSATION AND TRAVEL EXPENSES; BUDGET.—The partnership is an independent, nonpartisan body that is assigned to the Department of Education for administrative purposes. The partnership shall be composed of 11 members who are appointed by the Governor and confirmed by the Senate. Three members must be consumers who are not, and never have been, providers of school safety or security services.

(a) Members shall be appointed to 4-year, staggered terms of office.

(b) The partnership shall annually elect a chairperson and vice chairperson from among its members.

(c) The partnership shall meet at least once each year and the chairperson or a quorum of the members of the partnership may call additional meetings as often as necessary to transact business. A majority of the membership constitutes a quorum, and the vote of a majority of the quorum is necessary to take official action or conduct official business of the partnership. The position of any member who has three consecutive, unexcused absences or who is absent for 50 percent or more of the partnership's meetings within any 12-month period shall be considered vacant.

(d) A vacancy on the partnership shall be filled in the same manner as the original appointment. Any appointment to fill a vacancy shall be only for the remainder of the unexpired term.

(e) Members of the partnership shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061, and are entitled to reimbursement for other reasonable, necessary, and actual expenses.

(3) BUDGET.—The partnership shall have a budget and shall be funded to the extent provided for in the General Appropriations Act.

(4) ANNUAL REPORT.—The partnership shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the Senate and House of Representatives, and the Commissioner of Education. The report must contain an independent analysis of best practices for school safety and security in the state; a summary of programs evaluated; a summary of progress made in developing, maintaining, and refining the electronic clearinghouse of safety and security information; and recommendations for legislative changes or budget requests.

Section 4. Paragraphs (d) and (e) of subsection (6) of section 230.23, Florida Statutes, are amended, subsection (20) of said section is renumbered as subsection (22), and new subsections (20) and (21) are added to said section, and section 235.14, Florida Statutes, is redesignated as paragraph (f) of subsection (6) of said section and amended, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) CHILD WELFARE.—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, and for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(d) Code of student conduct.—Adopt a code of student conduct for elementary schools and a code of student conduct for secondary schools and distribute the appropriate code to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year. Each code shall be organized and written in language *that* ~~which~~ is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory *council meetings* ~~councils~~, and parent and teacher *association meetings* ~~associations~~. Each code shall be based on the rules governing student conduct and discipline adopted by the *district* school board and *shall* be made available in the student handbook or similar publication. Each code shall include, but not be limited to:

1. Consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, *and* any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

2. Procedures to be followed for acts requiring discipline, including corporal punishment.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

4. Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, or possession of electronic telephone pagers, by any student while such student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

5. Notice that the possession of a firearm, a knife, *or* a weapon~~, or an item which can be used as a weapon~~ by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution.

6. Notice that violence against any school district personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

7. Notice that violation of *district* school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

8. Notice that violation of the *district* school board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

9. Policies to be followed for the assignment of violent or disruptive students to an alternative educational program.

10. Notice that any student who is determined to have brought a firearm *or weapon*, as defined in *chapter 790* ~~18 U.S.C. s. 921~~, to school, *to* any school function, or *onto* ~~on~~ any school-sponsored transportation will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution. *District* school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. Superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the *district* school board to modify the requirement *by assigning the student to a disciplinary program or second chance school* if *it is* determined to be in the best interest of the student and the school system.

11. Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. Superintendents of schools may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(e) Student crime watch program.—By resolution of the *district* school board, implement a student crime watch program to promote responsibility among students and to assist in the control of criminal behavior within the schools.

(f) ~~235.14~~ Emergency drills*; emergency procedures.*—

1. The *district school* board shall formulate and prescribe policies and procedures for emergency drills *and for actual emergencies, including, but not limited to, fires, natural disasters, and bomb threats,* for all the public schools of the *district* ~~state~~ which comprise grades K-12. *District policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes.*

2. The district school board shall establish model emergency management and emergency preparedness procedures for the following life-threatening emergencies:

a. Weapon-use and hostage situations.

b. Hazardous materials or toxic chemical spills.

c. Weather emergencies, including hurricanes, tornadoes, and severe storms.

d. Exposure as a result of a manmade emergency.

(20) SCHOOL-WITHIN-A-SCHOOL.—In order to reduce the anonymity of students in large schools, the district school board shall adopt policies effective for the 2002-2003 school year, and thereafter, to encourage any school that does not meet the definition of a small school, as established by s. 235.2157(2), to subdivide into schools-within-a-school, which shall operate within existing resources. A "school-within-a-school" means an operational program that uses flexible scheduling, team planning, and curricular and instructional innovation to organize groups of students with groups of teachers as smaller units, so as to functionally operate as a smaller school. Examples of this include, but are not limited to:

(a) An organizational arrangement assigning both students and teachers to smaller units in which the students take some or all of their coursework with their fellow grouped students and from the teachers assigned to the smaller unit. A unit may be grouped together for 1 year or on a vertical, multiyear basis.

(b) An organizational arrangement similar to that described in paragraph (a) with additional variations in instruction and curriculum. The smaller unit usually seeks to maintain a program different from that of the larger school, or of other smaller units. It may be vertically organized, but is dependent upon the school principal for its existence, budget, and staff.

(c) A separate and autonomous smaller unit formally authorized by the district school board or superintendent of schools. The smaller unit plans and runs its own program, has its own staff and students, and receives its own separate budget. The smaller unit must negotiate the use of common space with the larger school and defer to the building principal on matters of safety and building operation.

(21) TEACHER SUPPORT.—District school boards shall address the availability of qualified and experienced support services professionals who are trained in substance abuse or mental health to support teachers who identify students with potential problems. The district school board may address the availability of these qualified and experienced support services professionals through the use of in-school or local private providers.

Section 5. Subsection (1) of section 230.23025, Florida Statutes, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, OPPAGA and the Auditor General shall jointly examine district operations to determine whether they meet "best financial management practices." The best financial management practices adopted by the Commissioner of Education may be updated periodically after consultation with the Legislature, the Governor, the SMART Schools Clearinghouse, OPPAGA, and the Auditor General. The best financial management practices, at a minimum, must instill public confidence by addressing the following areas:

(a) Efficient use of resources, use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits.~~;~~

(b) Compliance with generally accepted accounting principles and state and federal laws relating to financial management.~~;~~

(c) Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decisionmaking.~~;~~

(d) Cost control systems, including asset, risk, and financial management, purchasing, and information system controls.

(e) Safety and security practices at the district and school levels.

Section 6. Section 230.23145, Florida Statutes, is created to read:

230.23145 Student support services pilot program.—

(1) From the funds provided in the 2000-2001 General Appropriations Act, there is established a pilot program for Sarasota, Lake, and Miami-Dade school districts to assess the use of and assist student support services personnel in public schools.

(2) Each participating school district must provide:

(a) Information relating to the current use of student support services personnel within the district. The department's reporting form must require a breakdown of the percentage of time spent on activities including, but not limited to: clerical work not related to counseling, school social work services, psychological services, or evaluation, clerical work related to counseling, school social work services, psychological services, or evaluation, direct student services, and student evaluation.

(b) A plan outlining the proposed use of part-time or nondegreed personnel to provide clerical assistance, so that the major focus of the student support services personnel will be services through direct student contact, other appropriate contact, or student evaluation.

(3) Each participating school district shall report to the Department of Education on improved student performance, reduced school discipline problems, increased direct time with students or other significant outcome measures by August 1, 2001.

Section 7. Subsection (2) of section 230.235, Florida Statutes, is redesignated as subsection (3), and a new subsection (2) is added to said section, to read:

230.235 Policy of zero tolerance for crime.—

(2) The policy shall require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year, and to be referred for criminal prosecution:

(a) Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation.

(b) Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.

District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. Superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student with a disability, the school district shall comply with procedures pursuant to s. 232.251 and any applicable state board rule.

Section 8. Section 231.0851, Florida Statutes, is created to read:

231.0851 Reports of school safety and discipline.—Each principal must ensure that standardized forms prescribed by rule of the State Board of Education are used to report data concerning school safety and discipline to the Department of Education. The principal must develop a plan to verify the accuracy of reported incidents.

Section 9. The State Board of Education shall adopt by rule a standardized form to be used by each school to report data concerning school safety and discipline.

Section 10. By October 1, 2000, the Department of Education shall establish a mechanism to improve the reliability and accuracy of reports concerning school safety, including a means for improving the reliability and accuracy of the School Environmental Safety Incident Reporting System.

Section 11. By December 1, 2000, the Department of Education shall develop an individualized school safety and environment assessment instrument that each school may use to assess its needs with repect to the state education goal for safety specified in section 229.591(3)(e), Florida Statutes. In addition, by December 1, 2000, the Department of Education shall expand the current performance standards for the state education goal for safety to comprehensively address district and school safety and security.

Section 12. Subsection (1) of section 232.17, Florida Statutes, is amended to read:

232.17 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that schools must take an active role in enforcing attendance as a means of improving the performance of many students. It is the policy of the state that the superintendent of each school district be responsible for enforcing school attendance of all children and youth subject to the compulsory school age in the school district. The responsibility includes recommending to the school board policies and procedures to ensure that schools respond in a timely manner to every unexcused absence, or absence for which the reason is unknown, of students enrolled in the schools. School board policies must require each parent or guardian of a student to justify each absence of the student, and that justification will be evaluated based on adopted school board policies that define excused and unexcused absences. The policies must provide that schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for

which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent or guardian to determine the reason for the absence. If the absence is an excused absence, as defined by school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing.

If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, *and the principal shall notify the superintendent of schools and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance.*

(c) If an initial meeting does not resolve the problem, the child study team shall implement interventions that best address the problem. The interventions may include, but need not be limited to:

1. Frequent communication between the teacher and the family;

2. Changes in the learning environment;

3. Mentoring;

4. Student counseling;

5. Tutoring, including peer tutoring;

6. Placement into different classes;

7. Evaluation for alternative education programs;

8. Attendance contracts;

9. Referral to other agencies for family services; or

10. Other interventions, *including, but not limited to, a truancy petition pursuant to s. 984.151.*

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent, guardian, or other person in charge of the child refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent, guardian, or other person in charge of the child may appeal to the school board. The school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the board. If the board's final determination is that the strategies of the child study team are appropriate, and the parent, guardian, or other person in charge of the child still refuses to participate or cooperate, the superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f)1. If the parent or guardian of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to s. 232.0201, the superintendent of schools shall provide the parent a copy of s. 232.0201 and the accountability requirements of this paragraph. The superintendent of schools shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 232.0201, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 232.0201(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 232.0201(1)(b).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the superintendent of schools. The superintendent of schools shall then terminate the home education program and require the parent to enroll the child in an attendance option provided under s. 232.02(1), (2), (3), or (5), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent or guardian shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent or guardian to enroll the child in an attendance option provided under s. 232.02(1), (2), (3), or (5) after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 232.01 and may result in criminal prosecution under s. 232.19(2). Nothing contained herein shall restrict the ability of the superintendent of schools, or the ability of his or her designee, to review the portfolio pursuant to s. 232.0201(1)(b).

(g)~~(f)~~ If a child subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent, the guardian, or the superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

Section 13. Section 232.24521, Florida Statutes, is amended to read:

232.24521 Report cards; end-of-the-year status.—

(1) Each school district shall establish and publish policies requiring the content and regular issuance of student report cards for all elementary school, middle school, and high school students. These report cards must clearly depict and grade:

(a) The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria.

(b) The student's conduct and behavior.

(c) The student's attendance, including absences and tardiness.

(2) A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion.

School districts shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance. *A student's attendance record may not be used in whole or in part to provide an exemption from any academic performance requirement.*

Section 14. Subsection (3) of section 232.25, Florida Statutes, is amended to read:

232.25 Pupils subject to control of school.—

(3) Nothing shall prohibit a district school board from having the right to expel, or to take disciplinary action against, a student who is found to have committed an offense on school property at any time if:

(a) The student is found to have committed a delinquent act which would be a felony if committed by an adult;

(b) The student has had adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or

(c) The student has been found guilty of a felony.

However, if the student is a student with a disability, the disciplinary action must comply with the procedures set forth in state board rule.

Section 15. Subsection (4) of section 232.26, Florida Statutes, is amended to read:

232.26 Authority of principal.—

(4) Any recommendation for the *suspension or* expulsion of a ~~handicapped~~ student *with a disability* shall be made in accordance with ~~the~~ rules *adopted* ~~promulgated~~ by the State Board of Education.

Section 16. Paragraph (c) of subsection (1) of section 232.27, Florida Statutes, is amended, paragraphs (d) through (j) of said subsection are redesignated as paragraphs (e) through (k), respectively, and a new paragraph (d) is added to said subsection, to read:

232.27 Authority of teacher; responsibility for control of students; school district duties.—Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) Within the framework of the school district code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school:

(c) Have *disobedient, disrespectful,* violent, abusive, uncontrollable, or disruptive students temporarily removed from the classroom for behavior management intervention.

(d) Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or district personnel.

Section 17. Subsections (2) and (5) of section 232.271, Florida Statutes, are amended to read:

232.271 Removal by teacher.—

(2) A teacher may remove from class a student~~:~~

~~(a) Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or~~

~~(b)~~ whose behavior the teacher determines ~~is so unruly, disruptive, or abusive that it seriously~~ interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

~~(5) The department shall conduct a study on the number of students who are expelled from classrooms, placement alternatives for students who are expelled, and the number of decisions by teachers that are overridden by the placement review committee. A preliminary report to the Legislature shall be submitted no later than March 1, 1997. A final report shall be submitted to the Legislature by September 1, 1997.~~

Section 18. Section 232.275, Florida Statutes, is amended to read:

232.275 Liability of teacher or principal.—Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with the state board and district school board rules regarding the control, discipline, suspension, and expulsion of students, *including, but not limited to, any exercise of authority under s. 232.26, s. 232.27, or s. 232.271.*

Section 19. Section 234.0215, Florida Statutes, is created to read:

234.0215 School Safety Transportation Plan.—Each school district and the state or local governmental entity having jurisdiction shall develop a school safety transportation plan. Each school district shall include charter schools in its school safety transportation plan. The plan shall be submitted to the Department of Education by December 31, 2000.

(1) Each school district and the state or local governmental entity having jurisdiction shall jointly develop a priority list of hazardous-walking-conditions projects that have been identified and have not yet been corrected. Each school district shall use this part of the plan to monitor school transportation safety. The plan must include the following for the hazardous walking conditions determined under the provisions of section 234.021, Florida Statutes:

(a) The number of hazardous walking conditions which have been identified and have not been corrected by the state or local governmental entity having jurisdiction within 5 years after identification of the hazard and a fiscal impact of the cost to correct each hazard; and

(b) For each hazardous walking condition that has been identified and has not been corrected, a statement of the reason given for the deficiency by the state or local governmental entity having jurisdiction.

(2) The plan must also include recommendations and fiscal estimates for:

(a) Any changes to current law for expanding the definition of a student in section 234.021(1), Florida Statutes, to include students in grades kindergarten through 12.

(b) Any changes to current law for identifying hazardous walking conditions for walkways parallel to the road, including, but not limited to:

1. Increasing the size of the walk area adjacent to the road from 4 feet or making changes to the walk area surface;

2. Increasing the size of the current set-off requirement for uncurbed walkways to at least 6 feet or decreasing the qualifying posted speed limit of 55 miles per hour; or

3. Amending the current exceptions to the criteria for determining hazardous walking conditions for certain residential areas and roads that have a certain volume of traffic and a posted speed limit of 30 miles per hour or less.

(c) Any changes to current law for identifying hazardous walking conditions for walkways perpendicular to the road, including, but not limited to:

1. Limitations in the volume of traffic for the road or the direction of traffic; and

2. The definition of an uncontrolled crossing site.

3. The identification of any hazards associated with multi-lane crossings.

(d) Any other recommendations, including, but not limited to, the consideration of additional criteria for determining hazardous walking conditions, such as crime, construction, adjacent bodies of water, or other risks, procedures for identifying hazardous walking conditions, procedures for locating bus stops, required level of auditing claims for funding, and identification of responsibilities of parents or guardians for the safety of their children when transportation is not required and is not provided by the school district or charter school.

(3) The plan must also identify, by district, the number of schools that:

(a) Separate the school bus loading and departure locations from the loading and departure locations for parents, guardians, or others who provide transportation to children.

(b) Provide transportation to students for whom transportation is not currently required under state law, including data on the numbers of students and their grade levels.

The identification of schools under this subsection may be used as a basis for providing incentive funds to specific school districts in the 2000-2001 legislative session.

Section 20. Section 235.192, Florida Statutes, is created to read:

235.192 Coordination of school safety information; construction design documents.—

(1) Beginning October 1, 2000, each district superintendent of schools must provide to the law enforcement agency and fire department that has jurisdiction over each educational facility a copy of the floorplans and other relevant documents for each educational facility in the district, as defined in s. 235.011(6). After the initial submission of the floorplans and other relevant documents, the district superintendent of schools shall submit, by October 1 of each year, revised floorplans and other relevant documents for each educational facility in the district that was modified during the preceding year.

(2) Beginning October 1, 2000, each community college president must provide to the law enforcement agency and fire department that has jurisdiction over the community college a copy of the floorplans and other relevant documents for each educational facility as defined in s. 235.011(6). After the initial submission of the floorplans and other relevant documents, the community college president shall submit, by October 1 of each year, revised floorplans and other relevant documents for each educational facility that was modified during the preceding year.

Section 21. Section 235.2157, Florida Statutes, is created to read:

235.2157 Small school requirement.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) Florida's schools are among the largest in the nation.

(b) Smaller schools provide benefits of reduced discipline problems and crime, reduced truancy and gang participation, reduced dropout rates, improved teacher and student attitudes, improved student self-perception, student academic achievement equal to or superior to that of students at larger schools, and increased parental involvement.

(c) Smaller schools can provide these benefits while not increasing administrative and construction costs.

(2) DEFINITION.—As used in this section, "small school" means:

(a) An elementary school with a student population of not more than 500 students.

(b) A middle school with a student population of not more than 700 students.

(c) A high school with a student population of not more than 900 students.

(d) A school serving kindergarten through grade 8 with a student population of not more than 700 students.

(e) A school serving kindergarten through grade 12 with a student population of not more than 900 students.

A school on a single campus which operates as a school-within-a-school, as defined by s. 230.23(20), shall be considered a small school if each smaller unit located on the single campus meets the requirements of this subsection.

(3) REQUIREMENTS.—

(a) Beginning July 1, 2003, all plans for new educational facilities to be constructed within a school district and reflected in the 5-year school district facilities work plan shall be plans for small schools in order to promote increased learning and more effective use of school facilities.

(b) Small schools shall comply with all laws, rules, and court orders relating to racial balance.

(4) EXCEPTIONS.—This section does not apply to plans for new educational facilities already under architectural contract on July 1, 2003.

Section 22. Subsections (29) and (57) of section 984.03, Florida Statutes, are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(29) "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.

(b) Activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 232.17 and 232.19*(3)*, have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 232.17 and 232.19*(3)* and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child-in-need-of-services petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable.

~~(c) A school representative, designated according to school board policy, and a juvenile probation officer of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.~~

~~(d)~~ The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in *ss. 232.17 and* ~~s.~~ 232.19(3) ~~and (4)~~ shall be handled as prescribed in s. 232.19.

(57) "Truancy petition" means a petition filed by the ~~school~~ superintendent *of schools* alleging that a student subject to compulsory school attendance has had *at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had* more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under s. 984.151.

Section 23. Paragraph (b) of subsection (1) of section 984.13, Florida Statutes, is amended to read:

984.13 Taking into custody a child alleged to be from a family in need of services or to be a child in need of services.—

(1) A child may be taken into custody:

(b) By a law enforcement officer when the officer has reasonable grounds to believe that the child is absent from school without authorization *or is suspended or expelled and is not in the presence of his*

or her parent or legal guardian, for the purpose of delivering the child without unreasonable delay to the *appropriate* school system *site*. For the purpose of this paragraph, "school system *site*" includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system *or an approved alternative to a suspension or expulsion program. If a student is suspended or expelled from school without assignment to an alternative school placement, the law enforcement officer shall deliver the child to the parent or legal guardian, to a location determined by the parent or guardian, or to a designated truancy interdiction site until the parent or guardian can be located.*

Section 24. Subsections (1) and (3) of section 984.151, Florida Statutes, are amended, and a new subsection (9) is added to said section, to read:

984.151 Truancy petition; prosecution; disposition.—

(1) If the school determines that a student subject to compulsory school attendance has had *at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 232.17(1)(b), or has had* more than 15 unexcused absences in a 90-calendar-day period, the superintendent *of schools* may file a truancy petition.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special master pursuant to Supreme Court rules. *Upon the filing of the petition, the clerk shall issue a summons to the parent, guardian, or legal custodian of the student, directing that person and the student to appear for a hearing at a time and place specified.*

(9) The parent, guardian, or legal custodian and the student shall participate, as required by court order, in any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.

Section 25. Section 414.125, Florida Statutes, is amended to read:

414.125 Learnfare program.—

(1) The department shall reduce the temporary cash assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements *and who has been identified as a habitual truant, pursuant to s. 228.041(28)* ~~during a grading period in which the child or teenage participant has accumulated a number of unexcused absences from school that is sufficient to jeopardize the student's academic progress, in accordance with rules adopted by the department with input from the Department of Education~~. The temporary cash assistance must be reinstituted after a subsequent grading period in which the child has substantially improved the child's attendance. Good cause exemptions from the rule of unexcused absences include the following:

(a) The student is expelled from school and alternative schooling is not available.

(b) No licensed day care is available for a child of teen parents subject to Learnfare.

(c) Prohibitive transportation problems exist (e.g., to and from day care).

(d) The teen is over 16 years of age and not expected to graduate from high school by age 20.

Within 10 days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

(2) Each participant with a school-age child is required to have a conference with an appropriate school official of the child's school during each *semester* ~~grading period~~ to assure that the participant is involved in the child's educational progress and is aware of any existing attendance or academic problems. The conference must address acceptable student attendance, grades, and behavior and must be documented by the school and reported to the department. The department shall notify a school of any student in attendance at that school who is a participant in the Learnfare program in order that the required conferences are held. A participant who without good cause fails to attend a conference with a school official is subject to the sanction provided in subsection (1).

Section 26. This act shall take effect July 1, 2000.

And the title is amended as follows:
Remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to school safety and student discipline; amending s. 228.041, F.S.; revising the definition of suspension; amending s. 229.57, F.S.; revising data used to determine a school's performance grade category; creating s. 229.8347, Florida Statutes; relating to a Partnership for School Safety and Security; creating an electronic clearinghouse; providing for membership; providing for a report; amending s. 230.23, F.S.; revising information required to be included in the student code of conduct; combining and clarifying provisions relating to student possession of a weapon; requiring the district code of student conduct to include certain notice relating to expulsion for making a threat or false report; defining the term "school-within-a-school"; requiring district school boards to address the availability of specified student support services professionals; amending and redesignating s. 235.14, F.S.; specifying types of drills and emergencies for which district school boards are required to develop procedures; requiring district school boards to establish model emergency management and emergency preparedness procedures; amending s. 230.23015, F.S., relating to disciplinary action for violation of s. 784.081; providing a cross reference; amending s. 230.23025, F.S.; requiring best financial management practices to address school safety and security; creating s. 230.23145, F.S.; establishing a pilot program to provide clerical assistance to guidance counselors; providing eligibility requirements for district participation; providing for the selection of districts to participate; amending s. 230.235, F.S.; specifying offenses for which a student will be expelled for 1 year, and referred for criminal prosecution, under district school board zero tolerance for crime policies; authorizing assignment to certain alternative programs; providing a cross reference relating to students with disabilities; creating s. 231.0851, Florida Statutes, relating to reports of school safety and discipline; requiring principals to use standardized forms and develop a plan; requiring the state board to adopt a form by rule; requiring the department to establish a safety mechanism; requiring the department to establish a safety instrument; amending s. 232.17, F.S.; requiring principals to notify certain persons that specified students are exhibiting a pattern of nonattendance; clarifying authorization for intervention through a truancy petition; providing for procedures of portfolio review by a home education review committee of a parent whose child has been identified as exhibiting a pattern of nonattendance who enrolls in a home education program; providing penalties for noncompliance; amending 232.24521, Florida Statutes; prohibiting attendance from being used to provide an exemption from any academic requirement; amending s. 232.25, F.S., relating to control of pupils; amending s. 232.26, F.S.; specifying that expulsion of a student with a disability must be made pursuant to state board rule; amending s. 232.27, F.S.; authorizing teachers or other instructional personnel to have disobedient and disrespectful students temporarily removed from the classroom and to have certain students directed for information or assistance from appropriate personnel; amending s. 232.271, F.S.; revising the behavior considered to be cause for teacher removal of students; removing obsolete language relating to a study and a report; amending s. 232.275, F.S.; prohibiting certain school personnel from being held civilly or criminally liable for the exercise of authority provided by certain provisions of law; creating s. 234.0215, Florida Statutes; requiring a school safety transportation plan; creating s. 235.192, F.S., relating to the coordination of school safety information; requiring the provision of copies of educational facility floorplans and other relevant documents to specific agencies; creating s. 235.2157, F.S.; providing legislative findings; defining the

term "small school"; requiring the construction of only small schools after a certain date; requiring small schools to comply with racial balance requirements; providing an exception; amending s. 984.03, F.S.; revising the definition of "truancy petition"; amending s. 984.13, F.S.; enabling a law enforcement officer to take into custody a child who is suspended or expelled and who is not in the presence of his or her parent or legal guardian; revising the definition of "school system"; amending s. 984.151, F.S.; revising requirements for filing a truancy petition; requiring the issuance of a summons; providing for use of contempt powers; amending s. 414.125, F.S.; revising criteria for reduction of temporary cash assistance; providing an effective date.

Rep. Lynn moved the adoption of the amendment.

Representative(s) Sublette, Starks, and Suarez offered the following:

(Amendment Bar Code: 951167)

Amendment 1 to Amendment 4 (with title amendment)—On page 32 between lines 16 and 17, of the amendment

insert:

Section 26. Paragraph (b) of subsection (1) of section 234.01, Florida Statutes, is amended to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(b) Shall provide transportation for public elementary school students in membership whose grade level does not exceed grade 6, *and may provide transportation for public school students in membership in grades 7 through 12,* if such students are subjected to hazardous walking conditions as provided in s. 234.021 while en route to or from school.

Section 27. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 234.021, Florida Statutes, are amended to read:

234.021 Hazardous walking conditions.—

(2) IDENTIFICATION.—

(a) When a request for review is made to the district superintendent of schools or the district superintendent's designee concerning a condition perceived to be hazardous to students in that district who live within the 2-mile limit and who walk to school, such condition shall be inspected by a representative of the school district, *a representative of the county sheriff, a representative of the local safety council, if a safety council exists in the county,* and a representative of the local governmental entity where the perceived hazardous condition exists. *If any of* such representatives *determines that a* ~~shall determine whether or not the~~ condition is hazardous to such students *according to the guidelines established by subsection (3) or based upon his or her findings upon inspection, he or she* ~~and~~ shall report to the Department of Education with respect thereto. Upon a determination that a condition is hazardous to such students, the district school board shall request a determination from the state or local governmental entity having jurisdiction regarding whether the hazard will be corrected and, if so, regarding a projected completion date. State funds shall be allocated for the transportation of students subjected to such hazards, provided that such funding shall cease upon correction of the hazard or upon the projected completion date, whichever occurs first.

(3) *GUIDELINES* ~~CRITERIA~~ FOR DETERMINING HAZARDOUS WALKING CONDITIONS.—

(b) Walkways perpendicular to the road.—It shall be considered a hazardous walking condition with respect to any road across which students must walk in order to walk to and from school:

1. If the traffic volume on such road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students walk to and from school and if the crossing site is uncontrolled. For purposes of this subsection, an "uncontrolled crossing site" is defined as an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign or other traffic control signal is present during the times students walk to and from school.

2. If the total traffic volume on such road exceeds 4,000 vehicles per hour through an intersection or other crossing site controlled by a stop sign or other traffic control signal, unless crossing guards or other traffic enforcement officers are also present during the times students walk to and from school.

Traffic volume shall be determined by the most current traffic engineering study conducted by a state or local governmental agency.

Section 28. Paragraph (e) of subsection (1) of section 236.083, Florida Statutes, is amended to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program shall be determined as follows:

(1) Subject to the rules of the commissioner, each district shall determine the membership of students who are transported:

(e) With respect to elementary school students whose grade level does not exceed grade 6, by reason of being subjected to hazardous walking conditions en route to or from school as provided in s. 234.021. Such rules shall, when appropriate, provide for the determination of membership under this paragraph for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected. *Any funds appropriated in the 2001-2002 General Appropriations Act for student transportation that are in addition to the funds provided in the 2000-2001 General Appropriations Act for student transportation and that are not designated in the 2001-2002 budget workpapers as funds provided for student enrollment growth shall be used to fund students transported according to s. 234.01(1)(b), including those transported by school district option*; and

And the title is amended as follows:

On page 36, line 8 of the amendment

after the semicolon, insert: amending s. 234.01, F.S., authorizing transportation of additional students subjected to hazardous walking conditions; amending s. 234.021, F.S., relating to hazardous walking conditions; requiring a hazardous walking condition to be inspected by a representative of the county sheriff and a representative of the local safety council, if a safety council exists in the county; providing for a walking condition to be determined hazardous based on the guidelines of this section or based on findings upon inspection; revising guidelines for determining hazardous walking conditions; amending s. 236.083, F.S.; providing funds for the transportation of additional students transported by reason of being subjected to hazardous walking conditions;

Rep. Sublette moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 4**, as amended, which was adopted.

The question recurred on the passage of CS for CS for CS for SB's 852, 2 & 46. The vote was:

Session Vote Sequence: 591

Yeas—113

The Chair	Bainter	Bloom	Bush
Albright	Ball	Boyd	Byrd
Alexander	Barreiro	Bradley	Cantens
Andrews	Bense	Brown	Casey
Argenio	Betancourt	Brummer	Chestnut
Argenziano	Bilirakis	Bucher	Constantine
Arnall	Bitner	Bullard	Cosgrove

Crady	Greene, A.	Melvin	Sembler
Crist	Greenstein	Merchant	Smith, C.
Crow	Hafner	Miller, J.	Smith, K.
Detert	Harrington	Miller, L.	Sobel
Diaz de la Portilla, R.	Hart	Morroni	Sorensen
Dockery	Henriquez	Murman	Spratt
Edwards	Heyman	Ogles	Stafford
Effman	Hill	Patterson	Stansel
Eggelletion	Jacobs	Peaden	Suarez
Farkas	Johnson	Prieguez	Sublette
Fasano	Jones	Pruitt	Trovillion
Feeney	Kelly	Putnam	Tullis
Fiorentino	Kilmer	Rayson	Turnbull
Frankel	Kosmas	Reddick	Villalobos
Fuller	Kyle	Ritchie	Wasserman Schultz
Futch	Lacasa	Ritter	Waters
Garcia	Lee	Roberts	Wiles
Gay	Levine	Rojas	Wilson
Goode	Littlefield	Rubio	Wise
Goodlette	Logan	Russell	
Gottlieb	Lynn	Ryan	
Green, C.	Maygarden	Sanderson	

Nays—None

Votes after roll call:
Yeas—Bronson, Posey, Wallace

So the bill passed, as amended, and was immediately certified to the Senate.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 772 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Transportation and Senator Webster—

CS for SB 772—A bill to be entitled An act relating to rulemaking authority regarding transportation (RAB); amending s. 20.23, F.S.; authorizing the Florida Department of Transportation to adopt rules for the delegation of authority beyond the assistant secretaries; amending s. 334.187, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to the use of prepaid escrow accounts; amending s. 334.044, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to approval of aggregate and other material sources; amending s. 337.18, F.S.; authorizing the Florida Department of Transportation to adopt rules related to surety bonds; amending s. 338.155, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to guaranteed toll accounts; amending s. 339.09, F.S.; authorizing the Florida Department of Transportation to adopt rules related to the expenditure of transportation revenues; amending s. 427.013, F.S.; authorizing the Commission for the Transportation Disadvantaged to adopt rules related to developing operational standards; amending s. 427.0135, F.S.; granting authority for rules adopted by the Commission for the Transportation Disadvantaged related to member departments; amending s. 427.015, F.S.; granting authority for rules adopted by the Commission for the Transportation Disadvantaged related to community transportation coordinators; providing an effective date.

—was read the first time by title. On motion by Rep. K. Smith, the rules were suspended and the bill was read the second time by title.

Further consideration of **CS for SB 772** was temporarily postponed under Rule 141.

Unfinished Business

On motion by Rep. Argenziano—

CS for SB 358—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 394.455, F.S.; redefining the term "mental illness" for purposes of part I of ch. 394, F.S.; amending s. 394.492, F.S.; redefining the term "child or adolescent who is experiencing an acute mental or emotional crisis" for purposes of part III of ch. 394, F.S.; amending s. 394.493, F.S.; revising the income standard that is the basis for a sliding fee scale adopted by the Department of Children and Family Services for mental health services provided to children and adolescents; amending s. 394.65, F.S.; redesignating part IV of ch. 394, F.S., as "The Community Substance Abuse and Mental Health Services Act"; amending s. 394.66, F.S.; providing legislative intent with respect to substance abuse and mental health services; amending s. 394.67, F.S.; providing additional definitions; creating s. 394.674, F.S.; providing criteria for clinical eligibility and fee-collection requirements for substance abuse and mental health services funded by the Department of Children and Family Services; providing requirements for the department in the provision of crisis services, substance abuse services, and mental health services; specifying requirements for counties in spending certain funds for local substance abuse and mental health services; authorizing the use of funds for activities to prevent substance abuse; requiring that the Department of Children and Family Services adopt rules; requiring the department to establish a sliding fee scale for clients who receive substance abuse and mental health services; amending s. 394.675, F.S.; revising the types of services provided by the department under the substance abuse and mental health service system; creating s. 394.676, F.S., relating to the Indigent Psychiatric Medication Program; requiring the department to adopt rules; amending s. 394.74, F.S., relating to contracts for substance abuse and mental health programs; conforming provisions to changes made by the act; amending s. 394.75, F.S.; requiring district health and human services boards rather than planning councils to prepare substance abuse and mental health plans; providing requirements for the plans; revising the population groups to be addressed in the plans to conform to changes made by the act; amending ss. 394.76, 394.77, 394.78, 394.79, 394.908, F.S., relating to the financing of district programs and services, uniform information and reporting systems, procedures for audits and dispute resolution, and distribution of appropriations; conforming provisions to changes made by the act; requiring the Department of Children and Family Services to submit a master plan to the Legislature for implementing a publicly funded, community-based system of care for mental health and substance abuse services; providing requirements for the master plan; requiring the department to submit a report to the Legislature which describes the compliance of providers with performance outcome standards; providing an effective date.

—was taken up, having been read the second time on May 4; now pending on point of order by Rep. Ball, under Rule 146, on Amendment 1 to Amendment 1 by Rep. Roberts (shown in the *Journal* on pages 1627-1628, May 4).

Subsequently, Rep. Ball withdrew the point of order.

The question recurred on the adoption of Amendment 1 to Amendment 1, which was withdrawn.

The question recurred on the adoption of **Amendment 1**, which was withdrawn.

Representative(s) Argenziano offered the following:

(Amendment Bar Code: 565181)

Amendment 2 (with title amendment)—
remove from the bill: all said lines

and insert in lieu thereof:

Section 1. Subsection (18) of section 394.455, Florida Statutes, is amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(18) "Mental illness" means an impairment of the *mental or* emotional processes that exercise conscious control of one's actions or of the ability to perceive or understand reality, which impairment substantially interferes with a person's ability to meet the ordinary demands of living, regardless of etiology. For the purposes of this part, the term does not include retardation or developmental disability as defined in chapter 393, intoxication, or conditions manifested only by antisocial behavior or substance abuse impairment.

Section 2. Subsection (7) of section 394.492, Florida Statutes, is amended to read:

394.492 Definitions.—As used in ss. 394.490-394.497, the term:

(7) "Child or adolescent who is experiencing an acute mental or emotional crisis" means a child or adolescent who experiences *a psychotic episode or a high level of mental or emotional distress which may be precipitated by a traumatic event or a perceived life problem for which the individual's typical coping strategies are inadequate. The term* ~~an acute mental or emotional problem and~~ includes a child or adolescent who meets the criteria for involuntary examination specified in s. 394.463(1).

Section 3. Subsections (2) and (3) of section 394.493, Florida Statutes, are amended to read:

394.493 Target populations for child and adolescent mental health services funded through the department.—

(2) Each mental health provider under contract with the department to provide mental health services to the target population shall collect fees from the parent or legal guardian of the child or adolescent receiving services. The fees shall be based on a sliding fee scale for families whose net family income is *at or above 150* ~~between 100~~ percent ~~and 200 percent~~ of the Federal Poverty Income Guidelines. The department shall adopt, by rule, a sliding fee scale for statewide implementation. ~~A family whose net family income is 200 percent or more above the Federal Poverty Income Guidelines is responsible for paying the cost of services.~~ Fees collected from families shall be retained in the service district and used for expanding child and adolescent mental health treatment services.

(3) Each child or adolescent who meets the target population criteria of this section shall be served to the extent possible within available resources and consistent with the portion of the district *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health plan specified in s. 394.75 which pertains to child and adolescent mental health services.

Section 4. Section 394.65, Florida Statutes, is amended to read:

394.65 Short title.—This part *may be cited* ~~shall be known~~ as "The Community *Substance* ~~Alcohol, Drug~~ Abuse~~,~~ and Mental Health Services Act."

Section 5. Section 394.66, Florida Statutes, is amended to read:

394.66 Legislative intent with respect to *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services.—It is the intent of the Legislature to:

(1) Recognize that mental illness and substance abuse impairment are diseases that are responsive to medical and psychological interventions and management that integrate treatment, rehabilitative, and support services to achieve quality and cost-efficient outcomes for clients and for community-based treatment systems.

(2)~~(1)~~ Promote and improve the mental health of the citizens of the state *by making substance abuse and mental health treatment and support services available to those persons who are most in need and least able to pay,* through a *community-based* system of *care* ~~comprehensive, coordinated alcohol, drug abuse, and mental health services~~.

(3)~~(2)~~ Involve local citizens in the planning of *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services in their communities.

(4) Ensure that the department and the Agency for Health Care Administration work cooperatively in planning and designing comprehensive community-based substance abuse and mental health programs that focus on the individual needs of clients.

(5)~~(3)~~ Ensure that all activities of the Department of Children and Family Services *and the Agency for Health Care Administration,* and *their respective contract providers, involved in the delivery of substance* ~~its contractors are directed toward the coordination of planning efforts in alcohol, drug~~ abuse~~,~~ and mental health treatment *and prevention* services *are coordinated and integrated with other local systems and groups, public and private, such as juvenile justice, criminal justice, child protection, and public health organizations; school districts; and local groups or organizations that focus on services to older adults.*

(6)~~(4)~~ Provide access to *crisis* services to all residents of the state with priority of attention being given to individuals exhibiting symptoms of acute ~~or chronic~~ mental illness~~, alcohol abuse,~~ or *substance* ~~drug~~ abuse.

(7) Ensure that services provided to persons with co-occurring mental illness and substance abuse problems be integrated across treatment systems.

(8)~~(5)~~ Ensure continuity of care, consistent with minimum standards, for persons who are released from a state treatment facility into the community.

(9)~~(6)~~ Provide accountability for service provision through statewide standards *for treatment and support services, and statewide standards* for management, monitoring, and reporting of information.

(10)~~(7)~~ Include *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services as a component of the integrated service delivery system of the Department of Children and Family Services.

(11)~~(8)~~ Ensure that the districts of the department are the focal point of all *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health planning activities, including budget submissions, grant applications, contracts, and other arrangements that can be effected at the district level.

(12)~~(9)~~ Organize and finance community *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services in local communities throughout the state through locally administered service delivery programs that *are based on client outcomes, are programmatically effective, and are financially efficient, and that* maximize the involvement of local citizens.

Section 6. Section 394.67, Florida Statutes, is amended to read:

394.67 Definitions.—As used in this part, the term:

~~(1) "Advisory council" means a district advisory council.~~

(1)~~(2)~~ "Agency" means the Agency for Health Care Administration.

(2)~~(3)~~ "Applicant" means an individual applicant, or any officer, director, agent, managing employee, or affiliated person, or any partner or shareholder having an ownership interest equal to a 5-percent or greater interest in the corporation, partnership, or other business entity.

(3)~~(4)~~ "Client" means any individual receiving services in any *substance* ~~alcohol, drug~~ abuse~~,~~ or mental health facility, program, or service, which facility, program, or service is operated, funded, or regulated by the agency and the department or regulated by the agency.

(4) "Crisis services" means short-term evaluation, stabilization, and brief intervention services provided to a person who is experiencing an acute mental or emotional crisis, as defined in subsection (22), or an acute substance abuse crisis, as defined in subsection (23), to prevent further deterioration of the person's mental health. Crisis services are provided in settings such as a crisis stabilization unit, an inpatient unit, a short-term residential treatment program, a detoxification facility, or

an addictions receiving facility; at the site of the crisis by a mobile crisis response team; or at a hospital on an outpatient basis.

(5) "Crisis stabilization unit" means a program that provides an alternative to inpatient hospitalization and that provides brief, intensive services 24 hours a day, 7 days a week, for mentally ill individuals who are in an acutely disturbed state.

(6) "Department" means the Department of Children and Family Services.

(7) "Director" means any member of the official board of directors reported in the organization's annual corporate report to the Florida Department of State, or, if no such report is made, any member of the operating board of directors. The term excludes members of separate, restricted boards that serve only in an advisory capacity to the operating board.

(8) "District administrator" means the person appointed by the Secretary of Children and Family Services for the purpose of administering a department service district as set forth in s. 20.19.

(9) "District plan" or "plan" means the combined district *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health plan approved by the district administrator and governing bodies in accordance with this part.

(10) "Federal funds" means funds from federal sources for *substance* ~~alcohol, drug~~ abuse~~,~~ or mental health facilities and programs, exclusive of federal funds that are deemed eligible by the Federal Government, and are eligible through state regulation, for matching purposes.

(11) "Governing body" means the chief legislative body of a county, a board of county commissioners, or boards of county commissioners in counties acting jointly, or their counterparts in a charter government.

(12) "Health and human services board" or "board" means the board within a district or subdistrict of the department which is established in accordance with s. 20.19 and designated in this part for the purpose of assessing the substance abuse and mental health needs of the community and developing a plan to address those needs.

(13)~~(12)~~ "Licensed facility" means a facility licensed in accordance with this chapter.

(14)~~(13)~~ "Local matching funds" means funds received from governing bodies of local government, including city commissions, county commissions, district school boards, special tax districts, private hospital funds, private gifts, both individual and corporate, and bequests and funds received from community drives or any other sources.

(15)~~(14)~~ "Managing employee" means the administrator or other similarly titled individual who is responsible for the daily operation of the facility.

(16) "Mental health services" means those therapeutic interventions and activities that help to eliminate, reduce, or manage symptoms or distress for persons who have severe emotional distress or a mental illness and to effectively manage the disability that often accompanies a mental illness so that the person can recover from the mental illness, become appropriately self-sufficient for his or her age, and live in a stable family or in the community. The term also includes those preventive interventions and activities that reduce the risk for or delay the onset of mental disorders. The term includes the following types of services:

(a) Treatment services, such as psychiatric medications and supportive psychotherapies, which are intended to reduce or ameliorate the symptoms of severe distress or mental illness.

(b) Rehabilitative services, which are intended to reduce or eliminate the disability that is associated with mental illness. Rehabilitative services may include assessment of personal goals and strengths, readiness preparation, specific skill training, and assistance in designing environments that enable individuals to maximize their functioning and community participation.

(c) Support services, which include services that assist individuals in living successfully in environments of their choice. Such services may include income supports, social supports, housing supports, vocational supports, or accommodations related to the symptoms or disabilities associated with mental illness.

(d) Case management services, which are intended to assist individuals in obtaining the formal and informal resources that they need to successfully cope with the consequences of their illness. Resources may include treatment or rehabilitative or supportive interventions by both formal and informal providers. Case management may include an assessment of client needs; intervention planning with the client, his or her family, and service providers; linking the client to needed services; monitoring service delivery; evaluating the effect of services and supports; and advocating on behalf of the client.

Mental health services may be delivered in a variety of settings, such as inpatient, residential, partial hospital, day treatment, outpatient, club house, or a drop-in or self-help center, as well as in other community settings, such as the client's residence or workplace. The types and intensity of services provided shall be based on the client's clinical status and goals, community resources, and preferences. Services such as assertive community treatment involve all four types of services which are delivered by a multidisciplinary treatment team that is responsible for identified individuals who have a serious mental illness.

(17)~~(15)~~ "Patient fees" means compensation received by a community *substance* ~~alcohol, drug~~ abuse~~,~~ or mental health facility for services rendered to *a specific client* ~~clients~~ from any source of funds, including city, county, state, federal, and private sources.

(18) "Person who is experiencing an acute mental or emotional crisis" means a child, adolescent, or adult who is experiencing a psychotic episode or a high level of mental or emotional distress which may be precipitated by a traumatic event or a perceived life problem for which the individual's typical coping strategies are inadequate. The term includes an individual who meets the criteria for involuntary examination specified in s. 394.463(1).

(19) "Person who is experiencing an acute substance abuse crisis" means a child, adolescent, or adult who is experiencing a medical or emotional crisis because of the use of alcoholic beverages or any psychoactive or mood-altering substance. The term includes an individual who meets the criteria for involuntary admission specified in s. 397.675.

(20)~~(16)~~ "Premises" means those buildings, beds, and facilities located at the main address of the licensee and all other buildings, beds, and facilities for the provision of acute or residential care which are located in such reasonable proximity to the main address of the licensee as to appear to the public to be under the dominion and control of the licensee.

(21)~~(17)~~ "Program office" means the Alcohol, Drug Abuse, and Mental Health Program Office of the Department of Children and Family Services.

(22) "Sliding fee scale" means a schedule of fees for identified services delivered by a service provider which are based on a uniform schedule of discounts deducted from the service provider's usual and customary charges. These charges must be consistent with the prevailing market rates in the community for comparable services.

(23) "Substance abuse services" means services designed to prevent or remediate the consequences of substance abuse, improve an individual's quality of life and self-sufficiency, and support long-term recovery. The term includes the following service categories:

(a) Prevention services, which include information dissemination; education regarding the consequences of substance abuse; alternative drug-free activities; problem identification; referral of persons to appropriate prevention programs; community-based programs that involve members of local communities in prevention activities; and

environmental strategies to review, change, and enforce laws that control the availability of controlled and illegal substances.

(b) Assessment services, which includes the evaluation of individuals and families in order to identify their strengths and determine their required level of care, motivation, and need for treatment and ancillary services.

(c) Intervention services, which include early identification, short-term counseling and referral, and outreach.

(d) Rehabilitation services, which include residential, outpatient, day or night, case management, in-home, psychiatric, and medical treatment, and methadone or medication management.

(e) Ancillary services, which include self-help and other support groups and activities; aftercare provided in a structured, therapeutic environment; supported housing; supported employment; vocational services; and educational services.

(24)~~(18)~~ "Residential treatment facility" means a facility providing residential care and treatment to individuals exhibiting symptoms of mental illness who are in need of a 24-hour-per-day, 7-day-a-week structured living environment, respite care, or long-term community placement.

~~(19) "Service district" means a community service district as established by the department under s. 20.19 for the purpose of providing community alcohol, drug abuse, and mental health services.~~

~~(20) "Service provider" means any agency in which all or any portion of the programs or services set forth in s. 394.675 are carried out.~~

Section 7. Section 394.674, Florida Statutes, is created to read:

394.674 Clinical eligibility for publicly funded substance abuse and mental health services; fee collection requirements.—

(1) To be eligible to receive substance abuse and mental health services funded by the department, a person must be a member of one of the department's target groups approved by the Legislature, pursuant to s. 216.0166.

(2) Crisis services, as defined in s. 394.67, must, within the limitations of available state and local matching resources, be available to each person who is eligible for services under subsection (1), regardless of the person's ability to pay for such services. A person who is experiencing a mental health crisis and who does not meet the criteria for involuntary examination under s. 394.463(1), or a person who is experiencing a substance abuse crisis and who does not meet the involuntary admission criteria in s. 397.675, must contribute to the cost of his or her care and treatment pursuant to the sliding fee scale developed under subsection (4), unless charging a fee is contraindicated because of the crisis situation.

(3) Mental health services, substance abuse services, and crisis services, as defined in s. 394.67, must, within the limitations of available state and local matching resources, be available to each person who is eligible for services under subsection (1). Such person must contribute to the cost of his or her care and treatment pursuant to the sliding fee scale developed under subsection (4).

(4) The department shall adopt rules to implement the clinical eligibility and fee collection requirements for publicly funded substance abuse and mental health services. The rules must require that each provider under contract with the department develop a sliding fee scale for persons who have a net family income at or above 150 percent of the Federal Poverty Income Guidelines, unless otherwise required by state or federal law. The sliding fee scale must use the uniform schedule of discounts by which a provider under contract with the department discounts its established client charges for services supported with state, federal, or local funds, using, at a minimum, factors such as family income, financial assets, and family size as declared by the person or the person's guardian. The rules must include uniform criteria to be used by all service providers in developing the schedule of discounts for the sliding fee scale. The rules must address the most expensive types of treatment, such as residential and inpatient treatment, in order to make it possible for a client to responsibly contribute to his or her mental health or substance abuse care without jeopardizing the family's financial stability. A person who is not eligible for Medicaid and whose net family income is less than 150 percent of the Federal Poverty Income Guidelines must pay a portion of his or her treatment costs which is comparable to the copayment amount required by the Medicaid program for Medicaid clients pursuant to s. 409.9081. The rules must require that persons who receive financial assistance from the Federal Government because of a disability and are in long-term residential treatment settings contribute to their board and care costs and treatment costs and must be consistent with the provisions in s. 409.212.

(5) A person who meets the eligibility criteria in subsection (1) shall be served in accordance with the appropriate district substance abuse and mental health services plan specified in s. 394.75 and within available resources.

Section 8. Section 394.675, Florida Statutes, is amended to read:

394.675 *Substance* ~~Alcohol, drug~~ abuse~~,~~ and mental health service system.—

(1) A *community-based* system of comprehensive *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services shall be established *and shall include* ~~as follows~~:

(a) Crisis services.

(b) Substance abuse services.

(c) Mental health services.

~~(a) "Primary care services" are those services which, at a minimum, must be made available in each service district to persons who have acute or chronic mental illnesses, who are acute or chronic drug dependents, and who are acute or chronic alcohol abusers to provide them with immediate care and treatment in crisis situations and to prevent further deterioration or exacerbation of their conditions. These services include, but are not limited to, emergency stabilization services, detoxification services, inpatient services, residential services, and case management services.~~

~~(b) "Rehabilitative services" are those services which are made available to the general population at risk of serious mental health problems or substance abuse problems or which are provided as part of a rehabilitative program. These services are designed to prepare or train persons to function within the limits of their disabilities, to restore previous levels of functioning, or to improve current levels of inadequate functioning. Rehabilitative services include, but are not limited to, outpatient services, day treatment services, and partial hospitalization services.~~

~~(c) "Preventive services" are those services which are made available to the general population for the purpose of preventing or ameliorating the effects of alcohol abuse, drug abuse, or mental illness. These services emphasize the reduction of the occurrence of emotional disorders, mental disorders, and substance abuse through public education, early detection, and timely intervention. Preventive services include consultation, public education, and prevention services which have been determined through the district planning process to be necessary to complete a continuum of services as required by this part and which are included in the district plan.~~

(2) Notwithstanding the provisions of this part, funds *that* ~~which~~ are provided through state and federal sources for specific services *or for specific populations* shall be used for those purposes.

Section 9. Section 394.676, Florida Statutes, is created to read:

394.676 Indigent psychiatric medication program.—

(1) Within legislative appropriations, the department may establish the indigent psychiatric medication program to purchase psychiatric

medications for persons as defined in s. 394.492(5) or (6) or pursuant to s. 394.674(1), who do not reside in a state mental health treatment facility or an inpatient unit.

(2) The department must adopt rules to administer the indigent psychiatric medication program. The rules must prescribe the clinical and financial eligibility of clients who may receive services under the indigent psychiatric medication program, the requirements that community-based mental health providers must meet to participate in the program, and the sanctions to be applied for failure to meet those requirements.

(3) To the extent possible within existing appropriations, the department must ensure that non-Medicaid-eligible indigent individuals discharged from mental health treatment facilities continue to receive the medications which effectively stabilized their mental illness in the treatment facility, or newer medications, without substitution by a service provider unless such substitution is clinically indicated as determined by the licensed physician responsible for such individual's psychiatric care.

Section 10. Section 394.74, Florida Statutes, is amended to read:

394.74 Contracts for provision of local *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health programs.—

(1) The department, when funds are available for such purposes, is authorized to contract for the establishment and operation of local *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health programs with any hospital, clinic, laboratory, institution, or other appropriate service provider.

(2)(a) Contracts for service shall be consistent with the approved district plan ~~and the service priorities established in s. 394.75(4)~~.

(b) Notwithstanding s. 394.76(3)(a) and (c), the department may use unit cost methods of payment in contracts for purchasing mental health and substance abuse services. The unit cost contracting system must account for those patient fees that are paid on behalf of a specific client and those that are earned and used by the provider for those services funded in whole or in part by the department.

(c) The department may reimburse actual expenditures for startup contracts and fixed capital outlay contracts in accordance with contract specifications.

(3) Contracts shall include, but are not limited to:

(a) A provision that, within the limits of available resources, *substance* ~~primary care alcohol, drug~~ abuse~~,~~ and mental health *crisis* services*, as defined in s. 394.67(4),* shall be available to any individual residing or employed within the service area, regardless of ability to pay for such services, current or past health condition, or any other factor;

(b) A provision that such services be available with priority of attention being given to individuals who exhibit symptoms of chronic or acute *substance* ~~alcoholism, drug~~ abuse~~,~~ or mental illness and who are unable to pay the cost of receiving such services;

(c) A provision that every reasonable effort to collect appropriate reimbursement for the cost of providing *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services to persons able to pay for services, including first-party payments and third-party payments, shall be made by facilities providing services pursuant to this act;

(d) A program description and line-item operating budget by program service component for *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services, provided the entire proposed operating budget for the service provider will be displayed; and

(e) A requirement that the contractor must conform to department rules and the priorities established thereunder.

(4) The department shall develop standard contract forms for use between the district administrator and community *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health service providers.

(5) ~~Nothing in~~ This part *does not prevent* ~~prevents~~ any *municipality* ~~city~~ or county, or combination of *municipalities* ~~cities~~ and counties, from owning, financing, and operating *a substance* ~~an alcohol, drug~~ abuse~~,~~ or mental health program by entering into an arrangement with the district to provide, and be reimbursed for, services provided as part of the district plan.

Section 11. Section 394.75, Florida Statutes, is amended to read:

394.75 *State and* district *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health plans.—

(1)(a) Every 3 years, beginning in 2001, the department, in consultation with the Medicaid program in the Agency for Health Care Administration, shall prepare a state master plan for the delivery and financing of a system of publicly funded, community-based substance abuse and mental health services throughout the state.

(b) The initial plan must include an assessment of the clinical practice guidelines and standards for community-based mental health and substance abuse services delivered by persons or agencies under contract with the Department of Children and Family Services. The assessment must include an inventory of current clinical guidelines and standards used by persons and agencies under contract with the department, and by nationally recognized accreditation organizations, to address the quality of care and must specify additional clinical practice standards and guidelines for new or existing services and programs.

(c) The plan must propose changes in department policy or statutory revisions to strengthen the quality of mental health and substance abuse treatment and support services.

(d) The plan must identify strategies for meeting the treatment and support needs of children, adolescents, adults, and older adults who have, or are at risk of having, mental, emotional, or substance abuse problems as defined in chapter 394 or chapter 397.

(e) The plan must include input from persons who represent local communities; local government entities that contribute funds to the local substance abuse and mental health treatment systems; consumers of publicly funded substance abuse and mental health services, and their families; and stakeholders interested in mental health and substance abuse services. The plan must describe the means by which this local input occurred. The plan shall be updated annually.

(f) The plan must include statewide policies and planning parameters that will be used by the health and human services boards in preparing the district substance abuse and mental health plans.

(g) The district plans shall be one component of the state master plan.

(2) The state master plan shall also include:

(a) A proposal for the development of a data system that will evaluate the effectiveness of programs and services provided to clients of the substance abuse and mental health service system.

(b) A proposal to resolve the funding discrepancies between districts.

(c) A methodology for the allocation of resources available from federal, state, and local sources and a description of the current level of funding available from each source.

(d) A description of the statewide priorities for clients and services, and each district's priorities for clients and services.

(e) Recommendations for methods of enhancing local participation in the planning, organization, and financing of substance abuse and mental health services.

(f) A description of the current methods of contracting for services, an assessment of the efficiency of these methods in providing accountability for contracted funds, and recommendations for improvements to the system of contracting.

(g) Recommendations for improving access to services by clients and their families.

(h) Guidelines and formats for the development of district plans.

(i) Recommendations for future directions for the substance abuse and mental health service delivery system.

A schedule, format, and procedure for development and review of the state master plan shall be adopted by the department by June of each year. The plan and annual updates must be submitted to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year, beginning January 1, 2001.

(3) The district health and human services board shall prepare an integrated district substance abuse and mental health plan. The plan shall be prepared and updated on a schedule established by the Alcohol, Drug Abuse, and Mental Health Program Office. The plan shall reflect the needs and program priorities established by the department and the needs of the district established under ss. 394.674 and 394.675. The plan must list in order of priority the mental health and the substance abuse treatment needs of the district and must rank each program separately. The plan shall include:

(a) A record of the total amount of money available in the district for mental health and substance abuse services.

(b) A description of each service that will be purchased with state funds.

(c) A record of the amount of money allocated for each service identified in the plan as being purchased with state funds.

(d) A record of the total funds allocated to each provider.

(e) A record of the total funds allocated to each provider by type of service to be purchased with state funds.

(f) Input from community-based persons, organizations, and agencies interested in substance abuse and mental health treatment services; local government entities that contribute funds to the public substance abuse and mental health treatment systems; and consumers of publicly funded substance abuse and mental health services, and their family members. The plan must describe the means by which this local input occurred.

~~(1)(a) The district planning council shall prepare a combined district alcohol, drug abuse, and mental health plan. The plan shall be prepared on a biennial basis and shall be reviewed annually and shall reflect both the program priorities established by the department and the needs of the district. The plan shall include a program description and line-item budget by program service component for alcohol, drug abuse, and mental health service providers that will receive state funds. The entire proposed operating budget for each service provider shall be displayed. A schedule, format, and procedure for development and review of the plan shall be promulgated by the department.~~

~~(b)~~ The plan shall be submitted by the district *board* ~~planning council~~ to the district administrator and to the governing bodies for review, comment, and approval~~, as provided in subsection (9)~~.

(4)~~(2)~~ The *district* plan shall:

(a) Describe the publicly funded, community-based substance abuse and mental health system of care, and identify statutorily defined populations, their service needs, and the resources available and required to meet their needs.

(b) Provide the means for meeting the needs of the district's eligible clients, specified in ss. 394.674 and 394.675, for substance abuse and mental health services.

(c) Provide a process for coordinating the delivery of services within a community-based system of care to eligible clients. Such process must involve service providers, clients, and other stakeholders. The process must also provide a means by which providers will coordinate and cooperate to strengthen linkages, achieve maximum integration of services, foster efficiencies in service delivery and administration, and designate responsibility for outcomes for eligible clients.

(d)~~(a)~~ Provide a projection of district program and fiscal needs for the next *fiscal year* ~~biennium~~, provide for the orderly and economical development of needed services, and indicate priorities *and resources for each population served, performance outcomes,* and anticipated expenditures and revenues.

(e)~~(b)~~ Include a summary budget request for the total district *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health program, which *must* ~~shall~~ include the funding priorities established by the district planning process.

(f)~~(c)~~ Provide a basis for the district legislative budget request.

(g)~~(d)~~ Include a policy and procedure for allocation of funds.

(h)~~(e)~~ Include a procedure for securing local matching funds. Such a procedure shall be developed in consultation with governing bodies and service providers.

(i)~~(f)~~ Provide for the integration of *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services with the other departmental programs and with the criminal justice*, juvenile justice, child protection, school, and health care systems* ~~system~~ within the district.

(j)~~(g)~~ Provide a plan for the coordination of services in such manner as to ensure effectiveness and avoid duplication, fragmentation of services, and unnecessary expenditures.

(k)~~(h)~~ Provide for continuity of client care between state treatment facilities and community programs *to assure that discharge planning results in the rapid application for all benefits for which a client is eligible, including Medicaid coverage for persons leaving state treatment facilities and returning to community-based programs.*

(l)~~(i)~~ Provide for the most appropriate and economical use of all existing public and private agencies and personnel.

(m)~~(j)~~ Provide for the fullest possible and most appropriate participation by existing programs; state hospitals and other hospitals; city, county, and state health and family service agencies; drug abuse and alcoholism programs; probation departments; physicians; psychologists; *social workers; marriage and family therapists; mental health counselors; clinical* social workers; public health nurses; school systems; and all other public and private agencies and personnel *that* ~~which~~ are required to, or may agree to, participate in the plan.

(n)~~(k)~~ Include an inventory of all public and private *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health resources within the district, including consumer advocacy groups *and self-help groups known to* ~~registered with~~ the department.

(5)~~(3)~~ The *district* plan shall address how *substance abuse and mental health* ~~primary care~~ services will be provided and how a *system of care for target populations* ~~continuum of services~~ will be provided given the resources available in the service district. *The plan must include provisions for maximizing client access to the most recently developed psychiatric medications approved by the United States Food and Drug Administration, for developing independent housing units through participation in the Section 811 program operated by the United States Department of Housing and Urban Development, for developing supported employment services through the Division of Vocational Rehabilitation of the Department of Labor and Employment Security, for providing treatment services to persons with co-occurring mental illness and substance abuse problems which are integrated across treatment systems, and for providing services to adults who have a serious mental illness, as defined in s. 394.67, and who reside in assisted-living facilities.*

(6)~~(4)~~ The *district* plan shall provide the means by which the needs of the ~~following~~ population groups *specified pursuant to s. 394.674* ~~having priority~~ will be addressed in the district.~~:~~

~~(a) Chronic public inebriates;~~

~~(b) Marginally functional alcoholics;~~

~~(c) Chronic opiate abusers;~~

~~(d) Poly-drug abusers;~~

~~(e) Chronically mentally ill individuals;~~

~~(f) Acutely mentally ill individuals;~~

~~(g) Severely emotionally disturbed children and adolescents;~~

~~(h) Elderly persons at high risk of institutionalization; and~~

~~(i) Individuals returned to the community from a state mental health treatment facility.~~

(7)~~(5)~~ In developing the *district* plan, optimum use shall be made of any federal, state, and local funds that may be available for *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health service planning. *However, the department must provide these services within legislative appropriations.*

(8)~~(6)~~ The *district health and human services board* ~~planning council~~ shall establish a subcommittee to prepare the portion of the district plan relating to children and adolescents. The subcommittee shall include representative membership of any committee organized or established by the district to review placement of children and adolescents in residential treatment programs. *The board shall establish a subcommittee to prepare the portion of the district plan which relates to adult mental health and substance abuse. The subcommittee must include representatives from the community who have an interest in mental health and substance abuse treatment for adults.*

(9)~~(7)~~ All departments of state government and all local public agencies shall cooperate with officials to assist them in service planning. Each district administrator shall, upon request and the availability of staff, provide consultative services to the local agency directors and governing bodies.

(10)~~(8)~~ The district administrator shall ensure that the district plan:

(a) Conforms to the priorities in the state plan, the requirements of this part, and the standards adopted under this part;

(b) Ensures that the most effective and economical use will be made of available public and private *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health resources in the service district; and

(c) Has adequate provisions made for review and evaluation of the services provided in the service district.

(11)~~(9)~~ The district administrator shall require such modifications in the district plan as he or she deems necessary to bring the plan into conformance with the provisions of this part. If the district *board* ~~planning council~~ and the district administrator cannot agree on the plan, including the projected budget, the issues under dispute shall be submitted directly to the secretary of the department for immediate resolution.

(12)~~(10)~~ Each governing body that provides local funds has the authority to require necessary modification to only that portion of the district plan which affects *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health programs and services within the jurisdiction of that governing body.

(13)~~(11)~~ The district administrator shall report annually to the district *board* ~~planning council~~ the status of funding for priorities established in the district plan. Each report must include:

(a) A description of the district plan priorities that were included in the district legislative budget request.~~;~~

(b) A description of the district plan priorities that were included in the departmental budget request prepared under s. 20.19.~~;~~

(c) A description of the programs and services included in the district plan priorities that were appropriated funds by the Legislature in the legislative session that preceded the report.

Section 12. Subsection (3) of section 394.4574, Florida Statutes, is amended to read:

394.4574 Department responsibilities for a mental health resident who resides in an assisted living facility that holds a limited mental health license.—

(3) The Secretary of Children and Family Services, in consultation with the Agency for Health Care Administration, shall annually require each district administrator to develop, with community input, detailed plans that demonstrate how the district will ensure the provision of state-funded mental health and substance abuse treatment services to residents of assisted living facilities that hold a limited mental health license. These plans must be consistent with the *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health district plan developed pursuant to s. 394.75 and must address case management services; access to consumer-operated drop-in centers; access to services during evenings, weekends, and holidays; supervision of the clinical needs of the residents; and access to emergency psychiatric care.

Section 13. Subsections (3), (4), (8), (9), (10), and (11) of section 394.76, Florida Statutes, are amended to read:

394.76 Financing of district programs and services.—If the local match funding level is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, such funding level shall be provided as follows:

(3) The state share of financial participation shall be determined by the following formula:

(a) The state share of approved program costs shall be a percentage of the net balance determined by deducting from the total operating cost of services and programs, as specified in s. 394.675(1), those expenditures which are ineligible for state participation as provided in subsection (7) and those ineligible expenditures established by rule of the department pursuant to s. 394.78.

(b) Residential and case management services which are funded as part of a deinstitutionalization project shall not require local matching funds and shall not be used as local matching funds. The state and federal financial participation portions of Medicaid earnings pursuant to Title XIX of the Social Security Act, except for the amount of general revenue equal to the amount appropriated in 1985-1986 plus all other general revenue that is shifted from any other alcohol, drug abuse, and mental health appropriation category after fiscal year 1986-1987 *or substance abuse and mental health appropriation category after fiscal year 2000-2001*, shall not require local matching funds and shall not be used as local matching funds. Local matching funds are not required for general revenue transferred by the department into *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health appropriations categories during a fiscal year to match federal funds earned from Medicaid services provided for mental health clients in excess of the amounts initially appropriated. Funds for children's services which were provided through the Children, Youth, and Families Services budget which did not require local match prior to being transferred to the *Substance* ~~Alcohol, Drug~~ Abuse~~,~~ and Mental Health Services budget shall be exempt from local matching requirements. All other contracted community alcohol and mental health services and programs, except as identified in s. 394.457(3), shall require local participation on a 75-to-25 state-to-local ratio.

(c) The expenditure of 100 percent of all third-party payments and fees shall be considered as eligible for state financial participation if such expenditures are in accordance with subsection (7) and the approved district plan.

(d) Fees generated by residential and case management services which are funded as part of a deinstitutionalization program and do not require local matching funds shall be used to support program costs approved in the district plan.

(e) Any earnings pursuant to Title XIX of the Social Security Act in excess of the amount appropriated shall be used to support program costs approved in the district plan.

(4) Notwithstanding the provisions of subsection (3), the department is authorized to develop and demonstrate alternative financing systems for *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services. Proposals for demonstration projects conducted pursuant to this subsection shall be reviewed by the substantive and appropriations committees of the Senate and the House of Representatives prior to implementation of the projects.

(8) Expenditures for capital improvements relating to construction of, addition to, purchase of, or renovation of a community *substance* ~~alcohol, drug~~ abuse~~,~~ or mental health facility may be made by the state, provided such expenditures or capital improvements are part and parcel of an approved district plan. Nothing shall prohibit the use of such expenditures for the construction of, addition to, renovation of, or purchase of facilities owned by a county, city, or other governmental agency of the state or a nonprofit entity. Such expenditures are subject to the provisions of subsection (6).

(9)(a) State funds for community alcohol and mental health services shall be matched by local matching funds as provided in paragraph (3)(b). The governing bodies within a district or subdistrict shall be required to participate in the funding of alcohol and mental health services under the jurisdiction of such governing bodies. The amount of the participation shall be at least that amount which, when added to other available local matching funds, is necessary to match state funds.

(b) The provisions of paragraph (a) to the contrary notwithstanding, no additional matching funds may be required solely due to the addition in the General Appropriations Act of *Substance* ~~Alcohol, Drug~~ Abuse~~,~~ and Mental Health Block Grant Funds for local community mental health centers and alcohol project grants.

(10) A local governing body is authorized to appropriate moneys, in lump sum or otherwise, from its public funds for the purpose of carrying out the provisions of this part. In addition to the payment of claims upon submission of proper vouchers, such moneys may also, at the option of the governing body, be disbursed in the form of a lump-sum or advance payment for services for expenditure, in turn, by the recipient of the disbursement without prior audit by the auditor of the governing body. Such funds shall be expended only for *substance* ~~alcohol, drug~~ abuse~~,~~ or mental health purposes as provided in the approved district plan. Each governing body appropriating and disbursing moneys pursuant to this subsection shall require the expenditure of such moneys by the recipient of the disbursement to be audited annually either in conjunction with an audit of other expenditures or by a separate audit. Such annual audits shall be furnished to the governing bodies of each participating county and municipality for their examination.

(11) No additional local matching funds shall be required solely due to the addition in the General Appropriations Act of *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health block grant funds for local community mental health centers, drug abuse programs, and alcohol project grants.

Section 14. Subsection (1) of section 394.77, Florida Statutes, is amended to read:

394.77 Uniform management information, accounting, and reporting systems for providers.—The department shall establish, for the purposes of control of costs:

(1) A uniform management information system and fiscal accounting system for use by providers of community *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services.

Section 15. Subsections (2), (3), (4), and (5) of section 394.78, Florida Statutes, are amended to read:

394.78 Operation and administration; personnel standards; procedures for audit and monitoring of service providers; resolution of disputes.—

(2) The department shall, by rule, establish standards of education and experience for professional and technical personnel employed in *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health programs.

(3) The department shall establish, to the extent possible, a standardized auditing procedure for *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health service providers; and audits of service providers shall be conducted pursuant to such procedure and the applicable department rules. Such procedure shall be supplied to all current and prospective contractors and subcontractors prior to the signing of any contracts.

(4) The department shall monitor service providers for compliance with contracts and applicable state and federal regulations. A representative of the district *health and human services board* ~~planning council~~ shall be represented on the monitoring team.

(5) In unresolved disputes regarding this part or rules established pursuant to this part, providers and district *health and human services boards* ~~planning councils~~ shall adhere to formal procedures *specified under s. 20.19(8)(n)* ~~as provided by the rules established by the department~~.

Section 16. Section 394.908, Florida Statutes, is amended to read:

394.908 *Substance* ~~Alcohol, drug~~ abuse~~,~~ and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity among service districts of the former Department of Health and Rehabilitative Services in the funding of *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services, and in order to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be adhered to~~, beginning with the 1997-1998 fiscal year~~:

(1) Funding thresholds for *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services in each of the current districts, statewide, shall be established based on the current number of persons in need per district *of substance* ~~for alcohol and drug~~ abuse~~,~~ and ~~for~~ mental health services, respectively.

(2) "Persons in need" means those persons who fit the profile of the respective target populations and require mental health or substance abuse services.

(3) *Seventy-five* ~~Beginning July 1, 1997, 75~~ percent of any additional funding beyond the 1996-1997 fiscal year base appropriation for alcohol, drug abuse, and mental health services shall be allocated to districts *for substance abuse and mental health services* based on:

(a) Epidemiological estimates of disabilities which apply to the respective target populations.

(b) A pro rata share distribution that ensures districts below the statewide average funding level per person in each target population of "persons in need" receive funding necessary to achieve equity.

(4) The remaining 25 percent shall be allocated based on the number of persons in need of *substance* ~~alcohol, drug~~ abuse~~,~~ and mental health services per district without regard to current funding levels.

(5) Target populations for persons in need shall be displayed for each district and distributed concurrently with the approved operating budget. The display by target population shall show: The annual number of persons served based on prior year actual numbers, the annual cost per person served, the number of persons served by service cost center, and the estimated number of the total target population for persons in need.

(6) The annual cost per person served shall be defined as the total actual funding for each target population divided by the number of persons served in the target population for that year.

(7) Commencing on July 1, 1998, all additional funding pursuant to this section shall be performance-based.

Section 17. Subsection (2) of section 397.321, Florida Statutes, is amended to read:

397.321 Duties of the department.—The department shall:

(2) Ensure that a plan for substance abuse services is developed at the district level in accordance with the provisions of part IV of chapter 394~~, and the state plan pursuant to s. 394.79~~.

Section 18. *By November 1 of each year, the Department of Children and Family Services shall submit a report to the President of the Senate and the Speaker of the House of Representatives which describes the compliance of providers that provide substance abuse treatment programs and mental health services under contract with the Department of Children and Family Services. The report must describe the status of compliance with the annual performance outcome standards established by the Legislature and must address the providers that meet or exceed performance standards, the providers that did not achieve performance standards for which corrective action measures were developed, and the providers whose contracts were terminated due to failure to meet the requirements of the corrective plan.*

Section 19. *The Commission on Mental Health and Substance Abuse is directed to study and make recommendations regarding who should receive publicly funded mental health and substance abuse services. The commission shall submit its recommendations to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of each chamber no later than December 1, 2000.*

Section 20. *Target groups.—The Department of Children and Family Services shall revise its target groups for substance abuse and mental health services approved pursuant to s. 216.0166, Florida Statutes, to include "older adults in crisis," "older adults who are at risk of being placed in a more restrictive environment because of their mental illness or substance abuse," "older adults with severe and persistent mental illness," and "older adults in need of substance abuse treatment." The department shall track and report specifically on substance abuse and mental health services provided to older adults.*

Section 21. *Section 394.79, Florida Statutes, is repealed.*

Section 22. Subsection (3) of section 400.6065, Florida Statutes, is amended, and subsections (4) through (8) are added to said section, to read:

400.6065 Background screening.—

(3) The agency may grant a provisional license to a hospice applying for an initial license when each individual required by this section to undergo screening has completed the ~~abuse registry and~~ Department of Law Enforcement background *check* ~~checks~~, but has not yet received results from the Federal Bureau of Investigation.

(4) The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for hospice personnel.

(5) The agency may grant exemptions from disqualification from employment under this section as provided in s. 435.07.

(6) The administration of each hospice must sign an affidavit annually, under penalty of perjury, stating that all personnel employed or contracted with on or after October 1, 1998, who provide hospice services in a facility, or who enter the home of a patient in their service capacity, have been screened.

(7) Proof of compliance with the screening requirements of chapter 435 shall be accepted in lieu of the requirements of this section if the person has been continuously employed or registered without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened, at the discretion of the hospice.

(8)(a) It is a misdemeanor of the first degree, punishable under s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications to be employed or contracted with under this section;

2. Operate or attempt to operate an entity licensed under this part with persons who do not meet the minimum standards for good moral character as contained in this section; or

3. Use information from the criminal records obtained under this section for any purpose other than screening as specified in this section, or release such information to any other person for any purpose other than screening under this section.

(b) It is a felony of the third degree, punishable under s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of a person obtained under this section for any purpose other than screening for employment under this section.

Section 23. *Part XII of chapter 400, Florida Statutes, consisting of s. 400.980, Florida Statutes, is created, entitled "Health Care Services Pools."*

Section 24. Section 402.48, Florida Statutes, is renumbered as section 400.980, Florida Statutes, and amended to read:

400.980~~402.48~~ Health care services pools.—

(1) As used in this section, the term:

(a) *"Agency" means the Agency for Health Care Administration.* ~~"Department" means the Department of Health.~~

(b) "Health care services pool" means any person, firm, corporation, partnership, or association engaged for hire in the business of providing temporary employment in health care facilities, *residential facilities, and agencies* for licensed, *certified, or trained* health care personnel including, without limitation, nursing assistants, nurses' aides, and orderlies. However, the term does not include nursing registries, a facility licensed under chapter 400, a health care services pool established within a health care facility to provide services only within the confines of such facility, or any individual contractor directly providing temporary services to a health care facility without use or benefit of a contracting agent.

(2) Each person who operates a health care services pool must register each separate business location with the *agency* ~~department~~. The *agency* ~~department~~ shall adopt rules and provide forms required for such registration and shall impose a registration fee in an amount sufficient to cover the cost of administering this section. In addition, the registrant must provide the *agency* ~~department~~ with any change of information contained on the original registration application within 14 days *prior to* ~~after~~ the change. The *agency* ~~department~~ may inspect the offices of any health care services pool at any reasonable time for the purpose of determining compliance with this section or the rules adopted under this section.

(3) Each application for registration must include:

(a) The name and address of any person who has an ownership interest in the business, and, in the case of a corporate owner, copies of the articles of incorporation, bylaws, and names and addresses of all officers and directors of the corporation.

(b) Any other information required by the *agency* ~~department~~.

(4) Each applicant for registration must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 1 standards for screening set forth in chapter 435, of every individual who will have contact with patients. The agency shall require background screening of the managing employee or other similarly titled individual who is responsible for the operation of the entity, and of the financial officer or other similarly titled individual who is responsible for

the financial operation of the entity, including billings for services in accordance with the level 2 standards for background screening as set forth in chapter 435.

(b) The agency may require background screening of any other individual who is affiliated with the applicant if the agency has a reasonable basis for believing that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraph (a).

(d) A provisional registration may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard registration may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and if a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(e) Each applicant must submit to the agency, with its application, a description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from the Medicare or Medicaid programs. Proof of compliance with the requirements for disclosure of ownership and controlling interests under the Medicaid or Medicare programs may be accepted in lieu of this submission.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 which was committed by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization who serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation's or organization's board of directors, and has no financial interest and no family members having a financial interest in the corporation or organization, if the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A registration may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

(h) The provisions of this section which require an applicant for registration to undergo background screening shall stand repealed on June 30, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.

(i) Failure to provide all required documentation within 30 days after a written request from the agency will result in denial of the application for registration.

(j) The agency must take final action on an application for registration within 60 days after receipt of all required documentation.

(k) The agency may deny, revoke, or suspend the registration of any applicant or registrant who:

1. Has falsely represented a material fact in the application required by paragraph (e) or paragraph (f), or has omitted any material fact from the application required by paragraph (e) or paragraph (f); or

2. Has had prior action taken against the applicant under the Medicaid or Medicare program as set forth in paragraph (e).

3. Fails to comply with this section or applicable rules.

4. Commits an intentional, reckless, or negligent act that materially affects the health or safety of a person receiving services.

(5) It is a misdemeanor of the first degree, punishable under s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

(a) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to an applicant's qualifications to be a contractor under this section;

(b) Operate or attempt to operate an entity registered under this part with persons who do not meet the minimum standards of chapter 435 as contained in this section; or

(c) Use information from the criminal records obtained under this section for any purpose other than screening an applicant for temporary employment as specified in this section, or release such information to any other person for any purpose other than screening for employment under this section.

(6) It is a felony of the third degree, punishable under s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of a person obtained under this section for any purpose other than screening for employment under this section.

(7) It is unlawful for a person to offer or advertise services, as defined by rule, to the public without obtaining a certificate of registration from the Agency for Health Care Administration. It is unlawful for any holder of a certificate of registration to advertise or hold out to the public that he or she holds a certificate of registration for other than that for which he or she actually holds a certificate of registration. Any person who violates this subsection is subject to injunctive proceedings under s. 400.515.

(8)~~(4)~~ Each registration shall be for a period of 2 years. The application for renewal must be received by the *agency* ~~department~~ at least *30* ~~20~~ days before the expiration date of the registration. *An application for* a new registration is required *within 30 days prior to* ~~upon~~ the sale of a controlling interest in a health care services pool.

(9)~~(5)~~ A health care services pool may not require an employee to recruit new employees from persons employed at a health care facility to which the health care services pool employee is assigned. Nor shall a health care facility to which employees of a health care services pool are assigned recruit new employees from the health care services pool.

(10)~~(6)~~ A health care services pool shall document that each temporary employee provided to a health care facility ~~is licensed and~~ has met *the licensing, certification,* training, *or* ~~and~~ continuing education requirements, as established by the appropriate regulatory agency, for the position in which he or she will be working.

(11)~~(7)~~ *When referring persons for temporary employment in health care facilities,* a health care services pool shall comply with all pertinent *state and federal laws, rules, and* regulations ~~of the appropriate regulatory agency~~ relating to health, *background screening,* and other qualifications *required of persons working in a facility of that type* ~~of personnel employed in health care facilities~~.

(12)~~(8)~~(a) As a condition of registration and prior to the issuance or renewal of a certificate of registration, a health care services pool applicant must prove financial responsibility to pay claims, and costs ancillary thereto, arising out of the rendering of services or failure to render services by the pool or by its employees in the course of their employment with the pool. The *agency* ~~department~~ shall promulgate rules establishing minimum financial responsibility coverage amounts which shall be adequate to pay potential claims and costs ancillary thereto.

(b) Each health care services pool shall give written notification to the *agency* ~~department~~ within 20 days after any change in the method of assuring financial responsibility or upon cancellation or nonrenewal of professional liability insurance. Unless the pool demonstrates that it is otherwise in compliance with the requirements of this section, the *agency* ~~department~~ shall suspend the *registration* ~~license~~ of the pool pursuant to ss. 120.569 and 120.57. Any suspension under this section shall remain in effect until the pool demonstrates compliance with the requirements of this section.

(c) Proof of financial responsibility must be demonstrated to the satisfaction of the *agency* ~~department~~, through one of the following methods:

1. Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52;

2. Obtaining and maintaining an unexpired irrevocable letter of credit established pursuant to chapter 675. Such letters of credit shall be nontransferable and nonassignable and shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state; or

3. Obtaining and maintaining professional liability coverage from one of the following:

a. An authorized insurer as defined under s. 624.09;

b. An eligible surplus lines insurer as defined under s. 626.918(2);

c. A risk retention group or purchasing group as defined under s. 627.942; or

d. A plan of self-insurance as provided in s. 627.357.

(d) If financial responsibility requirements are met by maintaining an escrow account or letter of credit, as provided in this section, upon the entry of an adverse final judgment arising from a medical malpractice arbitration award from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the financial institution holding the escrow account or the letter of credit shall pay directly to the claimant the entire amount of the judgment together with all accrued interest or the amount maintained in the escrow account or letter of credit as required by this section, whichever is less, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. If timely payment is not made, the *agency* ~~department~~ shall suspend the *registration* ~~license~~ of the pool pursuant to procedures set forth by the department through rule. Nothing in this paragraph shall abrogate a judgment debtor's obligation to satisfy the entire amount of any judgment.

(e) Each health care services pool carrying claims-made coverage must demonstrate proof of extended reporting coverage through either tail or nose coverage, in the event the policy is canceled, replaced, or not renewed. Such extended coverage shall provide coverage for incidents that occurred during the claims-made policy period but were reported after the policy period.

(f) The financial responsibility requirements of this section shall apply to claims for incidents that occur on or after January 1, 1991, or the initial date of registration in this state, whichever is later.

(g) Meeting the financial responsibility requirements of this section must be established at the time of issuance or renewal of a certificate of registration.

(13)~~(9)~~ The *agency* ~~department~~ shall adopt rules to implement this section, including rules providing for the establishment of:

(a) Minimum standards for the operation and administration of health care personnel pools, including procedures for recordkeeping and personnel.

(b) Fines for the violation of this section in an amount not to exceed *$2,500* ~~$1,000~~ and suspension or revocation of registration.

(c) Disciplinary sanctions for failure to comply with this section or the rules adopted under this section.

Section 25. *All powers, duties and functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Health relating to the regulation of health care services pools are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Health to the Agency for Health Care Administration.*

Section 26. Section 415.102, Florida Statutes, is amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(1) *"Abuse" means any willful act or threatened act that causes or is likely to cause significant impairment to a vulnerable adult's physical, mental, or emotional health. Abuse includes acts and omissions.* ~~"Abuse" means the nonaccidental infliction of physical or psychological injury or sexual abuse upon a disabled adult or an elderly person by a relative, caregiver, or household member, or an action by any of those persons which could reasonably be expected to result in physical or psychological injury, or sexual abuse of a disabled adult or an elderly person by any person. "Abuse" also means the active encouragement of any person by a relative, caregiver, or household member to commit an act that inflicts or could reasonably be expected to result in physical or psychological injury to a disabled adult or an elderly person.~~

(2) "Alleged perpetrator" means a person who has been named by a reporter as the person responsible for abusing, neglecting, or exploiting a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~. ~~"Alleged perpetrator" also means a person who has been named by an adult protective investigator, in a report that has been classified as proposed confirmed, as the person responsible for abusing, neglecting, or exploiting a disabled adult or an elderly person.~~

(3) "Capacity to consent" means that a *vulnerable* ~~disabled~~ adult ~~or elderly person~~ has sufficient understanding to make and communicate responsible decisions regarding the *vulnerable* ~~disabled~~ adult's ~~or elderly person's~~ person or property, including whether or not to accept protective services offered by the department.

(4) "Caregiver" means a person who has been entrusted with or has assumed the responsibility for frequent and regular care of or services to a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ on a temporary or permanent basis and who has a commitment, agreement, or understanding with that person or that person's guardian that a caregiver role exists. "Caregiver" includes, but is not limited to, relatives, household members, guardians, neighbors, and employees and volunteers of facilities as defined in subsection *(8)* ~~(13)~~. For the purpose of departmental investigative jurisdiction, the term "caregiver" does not include law enforcement officers or employees of municipal or county detention facilities or the Department of Corrections while acting in an official capacity.

~~(5) "Closed without classification" means the closure of a report in which an adult protective investigator determines that:~~

~~(a) Some evidence exists that abuse, neglect, or exploitation has occurred, but a preponderance of evidence cannot be established; or~~

~~(b) A preponderance of the evidence exists that abuse, neglect, or exploitation has occurred, but no perpetrator can be identified.~~

~~(6) "Confirmed report" means a proposed confirmed report that has been determined to be valid after a hearing under s. 415.1075(2), a proposed confirmed report for which the alleged perpetrator has failed to request amendment or expunction within the time allotted for such a request under s. 415.1075(1), or a proposed confirmed report for which the alleged perpetrator has failed to request an administrative hearing within the time allotted by s. 415.1075(2).~~

~~(7) "Criminal justice agency" means any court, any law enforcement agency, or any government agency or subunit thereof as defined under s. 943.045(10).~~

(5)~~(8)~~ "Deception" means a misrepresentation or concealment of a material fact relating to services rendered, disposition of property, or the use of property intended to benefit a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~.

(6)~~(9)~~ "Department" means the Department of Children and Family Services.

~~(10) "Disabled adult" means a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that substantially restrict the ability to perform the normal activities of daily living.~~

~~(11) "Disabled adult in need of services" means a disabled adult who has been determined by an adult protective services investigator to be suffering from the ill effects of neglect not caused by a second party perpetrator and is in need of protective services or other services to prevent further harm.~~

~~(12) "Elderly person" means a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired.~~

~~(13) "Elderly person in need of services" means an elderly person who has been determined by an adult protective services investigator to be suffering from the ill effects of neglect not caused by a second party perpetrator and is in need of protective services or other services to prevent further harm.~~

(7)~~(14)~~(a) "Exploitation" means a person who:

1. Stands in a position of trust and confidence with a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a *vulnerable* ~~disabled~~ adult's ~~or an elderly person's~~ funds, assets, or property with the intent to temporarily or permanently deprive a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the *vulnerable* ~~disabled~~ adult ~~or elderly person~~; or

2. Knows or should know that the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, the *vulnerable* ~~disabled~~ adult's ~~or elderly person's~~ funds, assets, or property with the intent to temporarily or permanently deprive the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the *vulnerable* ~~disabled~~ adult ~~or elderly person~~.

(b) "Exploitation" may include, but is not limited to:

1. Breaches of fiduciary relationships, such as the misuse of a power of attorney or the abuse of guardianship duties, resulting in the unauthorized appropriation, sale, or transfer of property;

2. Unauthorized taking of personal assets;

3. Misappropriation, misuse, or transfer of moneys belonging to a *vulnerable* ~~disabled~~ adult ~~or elderly person~~ from a personal or joint account; or

4. Intentional or negligent failure to effectively use a *vulnerable* ~~disabled~~ adult's ~~or elderly person's~~ income and assets for the necessities required for that person's support and maintenance.

(8)~~(15)~~ "Facility" means any location providing day or residential care or treatment for *vulnerable* ~~disabled~~ adults ~~or elderly persons~~. The term "facility" may include, but is not limited to, any hospital, ~~training center,~~ state institution, nursing home, assisted living facility, adult family-care home, adult day care center, group home, or mental health treatment center.

(9)~~(16)~~ "False report" means a report of abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ to the central abuse *hotline* ~~registry and tracking system~~ which is *not true* ~~unfounded~~ and is maliciously made for the purpose of:

(a) Harassing, embarrassing, or harming another person;

(b) Personal financial gain for the reporting person;

(c) Acquiring custody of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~; or

(d) Personal benefit for the reporting person in any other private dispute involving a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~.

The term "false report" does not include a report of abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ which is made in good faith to the central abuse *hotline* ~~registry and tracking system and which is classified as unfounded at the conclusion of the investigation~~.

(10)~~(17)~~ "Fiduciary relationship" means a relationship based upon the trust and confidence of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ in the caregiver, relative, household member, or other person entrusted with the use or management of the property or assets of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~. The relationship exists where there is a special confidence reposed in one who in equity and good conscience is bound to act in good faith and with due regard to the interests of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~. For the purposes of this part, a fiduciary relationship may be formed by an informal agreement between the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ and the other person and does not require a formal declaration or court order for its existence. A fiduciary relationship includes, but is not limited to, court-appointed or voluntary guardians, trustees, *attorneys*, or conservators of a *vulnerable* ~~disabled~~ adult's ~~or an elderly person's~~ assets or property.

(11)~~(18)~~ "Guardian" means a person who has been appointed by a court to act on behalf of a person; a preneed guardian, as provided in chapter 744; or a health care surrogate expressly designated ~~by a principal to make health care decisions on behalf of the principal upon the principal's incapacity~~, as provided in chapter 765.

(12)~~(19)~~ "In-home services" means the provision of nursing, personal care, supervision, or other services to *vulnerable* ~~disabled~~ adults ~~or elderly persons~~ in their own homes.

(13)~~(20)~~ "Intimidation" means the communication by word or act to a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ that that person will be deprived of food, nutrition, clothing, shelter, supervision, medicine, medical services, money, or financial support or will suffer physical violence.

(14)~~(21)~~ "Lacks capacity to consent" means a mental impairment that causes a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ to lack sufficient understanding or capacity to make or communicate responsible decisions concerning ~~the disabled adult's or elderly person's~~ person or property, including whether or not to accept protective services ~~offered by the department~~.

(15)~~(22)~~ "Neglect" means the failure or omission on the part of the caregiver ~~or disabled adult or elderly person~~ to provide the care, supervision, and services necessary to maintain the physical and mental health of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, that a prudent person would consider essential for the well-being of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~. The term "neglect" also means the failure of a caregiver to make a reasonable effort to protect a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ from abuse, neglect, or exploitation by others. "Neglect" is repeated conduct or a single incident of carelessness which produces or could reasonably be expected to result in serious physical or psychological injury or a substantial risk of death.

~~(23) "No jurisdiction" means the disposition of a report that the department does not investigate because the report does not meet the criteria specified in ss. 415.101-415.113.~~

(16)~~(24)~~ "Obtains or uses" means any manner of:

(a) Taking or exercising control over property; ~~or~~

(b) Making any use, disposition, or transfer of property*;*~~.~~

(c) Obtaining property by fraud, willful misrepresentation of a future act, or false promise; or

(d)1. Conduct otherwise known as stealing; larceny; purloining; abstracting; embezzlement; misapplication; misappropriation; conversion; or obtaining money or property by false pretenses, fraud, or deception; or

2. Other conduct similar in nature.

~~(25) "Perpetrator" means the person who has been named as causing abuse, neglect, or exploitation of a disabled adult or an elderly person in a report that has been classified as confirmed.~~

(17)~~(26)~~ "Position of trust and confidence" with respect to a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ means the position of a person who:

(a) Is a parent, spouse, adult child, or other relative by blood or marriage ~~of the disabled adult or elderly person~~;

(b) Is a joint tenant or tenant in common ~~with the disabled adult or elderly person~~;

(c) Has a legal or fiduciary relationship ~~with the disabled adult or elderly person~~, including, but not limited to, a court-appointed or voluntary guardian, trustee, attorney, or conservator; or

(d) Is a caregiver ~~of the disabled adult or elderly person~~ or any other person who has been entrusted with or has assumed responsibility for the use or management of the *vulnerable* ~~elderly person's or disabled~~ adult's funds, assets, or property.

(18) "Protective investigation" means acceptance of a report from the central abuse hotline alleging abuse, neglect, or exploitation as defined in this section; investigation of the report; determination as to whether action by the court is warranted; and referral of the vulnerable adult to another public or private agency when appropriate.

~~(27) "Property" means anything of value, and includes:~~

~~(a) Real property, including things growing on, affixed to, and found in land.~~

~~(b) Tangible personal property, including, but not limited to, furniture, jewelry, or clothing and intangible personal property, including rights, privileges, interests, and claims.~~

~~(28) "Proposed confirmed report" means a report of abuse, neglect, or exploitation which is made pursuant to s. 415.1034 when an adult protective investigation alleges that there is a preponderance of evidence that abuse, neglect, or exploitation occurred and which identifies the alleged perpetrator.~~

(19)~~(29)~~ *"Protective investigator" means an authorized agent of the department who receives and investigates reports of abuse, neglect, or exploitation of vulnerable adults.* ~~"Protective investigator" means an employee of the department responsible for:~~

~~(a) The onsite investigation, classification, and disposition of all reports alleging abuse, neglect, or exploitation of a disabled adult or an elderly person;~~

~~(b) The determination of immediate risk to a disabled adult or an elderly person, which determination must include the provision of emergency services and the arrangement for immediate in-home and nonemergency services to prevent the recurrence of further abuse, neglect, or exploitation; and~~

~~(c) The evaluation of the need for and referrals to ongoing protective services for a disabled adult or an elderly person.~~

(20)~~(30)~~ "Protective services" means ~~the provision or arrangement of~~ services to protect a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ from further occurrences of abuse, neglect, or exploitation. Such services may include, but are not limited to, protective supervision, placement, and in-home and community-based services.

(21)~~(31)~~ "Protective supervision" means those services arranged for or implemented by the department to protect *vulnerable* ~~disabled~~ adults ~~or elderly persons~~ from further occurrences of abuse, neglect, or exploitation ~~during an investigation or following a report that has been classified as proposed confirmed or confirmed, or has been closed without classification~~.

(22)~~(32)~~ "Psychological injury" means an injury to the intellectual functioning or emotional state of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ as evidenced by an observable or measurable reduction in the *vulnerable* ~~disabled~~ adult's ~~or elderly person's~~ ability to function within that person's customary range of performance and that person's behavior.

(23)~~(33)~~ "Records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, videotapes, or other material, regardless of physical form or characteristics, made or received pursuant to *a* ~~an adult~~ protective investigation.

(24)~~(34)~~ "Sexual abuse" means acts of a sexual nature committed ~~for the sexual gratification of the abuser and~~ in the presence of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ without that person's informed consent. "Sexual abuse" includes, but is not limited to, the acts defined in s. 794.011(1)(h), fondling, exposure of a *vulnerable* ~~disabled~~ adult's ~~or elderly person's~~ sexual organs, or the use of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act that may reasonably be construed to be normal caregiving action or appropriate display of affection.

~~(35) "Specified medical personnel" means licensed or certified physicians, osteopathic physicians, nurses, paramedics, advanced registered nurse practitioners, psychologists, psychiatrists, mental health professionals, or any other licensed or certified medical personnel.~~

~~(36) "Unfounded report" means a report made pursuant to s. 415.1034 in which the department determines that no evidence of abuse, neglect, or exploitation exists.~~

(25)~~(37)~~ "Victim" means any *vulnerable* ~~disabled~~ adult ~~or elderly person~~ named in a report of abuse, neglect, or exploitation.

(26) "Vulnerable adult" means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, physical, or developmental disability or dysfunctioning, or brain damage, or the infirmities of aging.

(27) "Vulnerable adult in need of services" means a vulnerable adult who has been determined by a protective investigator to be suffering from

the ill effects of neglect not caused by a second party perpetrator and is in need of protective services or other services to prevent further harm.

Section 27. Section 415.103, Florida Statutes, is amended to read:

415.103 Central abuse *hotline* ~~registry and tracking system~~.—

(1) The department shall establish and maintain a central abuse *hotline* ~~registry and tracking system~~ that receives all reports made pursuant to s. 415.1034 in writing or through a single statewide toll-free telephone number. Any person may use the statewide toll-free telephone number to report known or suspected abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ at any hour of the day or night, any day of the week. The central abuse *hotline* ~~registry and tracking system~~ must be operated in such a manner as to enable the department to:

(a) Accept reports for investigation when there is a reasonable cause to suspect that a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ has been or is being abused, neglected, or exploited.

(b) Determine whether the allegations made by the reporter require an immediate, 24-hour, or next-working-day response priority.

(c) When appropriate, refer calls that do not allege the abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ to other organizations that might better resolve the reporter's concerns.

(d) Immediately identify and locate prior reports of abuse, neglect, or exploitation through the central abuse *hotline* ~~registry and tracking system~~.

(e) Track critical steps in the investigative process to ensure compliance with all requirements for all reports.

(f) Maintain data to facilitate the production of aggregate statistical reports for monitoring patterns of abuse, neglect, or exploitation ~~of disabled adults or elderly persons~~.

(g) Serve as a resource for the evaluation, management, and planning of preventive and remedial services for *vulnerable* ~~disabled~~ adults ~~or elderly persons~~ who have been subject to abuse, neglect, or exploitation.

(2) Upon receiving an oral or written report of known or suspected abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~, the central abuse *hotline* ~~registry and tracking system~~ must determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse *hotline* ~~registry and tracking system~~ must immediately notify the department's designated ~~adult~~ protective investigative district staff responsible for protective investigations to ensure prompt initiation of an onsite investigation. For reports not requiring an immediate onsite protective investigation, the central abuse *hotline* ~~registry and tracking system~~ must notify the department's designated ~~adult~~ protective investigative district staff responsible for protective investigations in sufficient time to allow for an investigation to be commenced within 24 hours. At the time of notification of district staff with respect to the report, the central abuse *hotline* ~~registry and tracking system~~ must also provide any known information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.

(3) The department shall set standards, priorities, and policies to maximize the efficiency and effectiveness of the central abuse *hotline* ~~registry and tracking system~~.

Section 28. Section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of *vulnerable* ~~disabled~~ adults ~~or elderly persons~~; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of *vulnerable* ~~disabled~~ adults ~~or elderly persons~~;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. Human rights advocacy committee or long-term care ombudsman council member; or

7. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse *hotline* ~~registry and tracking system on the single statewide toll-free telephone number~~.

(b) To the extent possible, a report made pursuant to paragraph (a) must contain, but need not be limited to, the following information:

1. Name, age, race, sex, physical description, and location of each *victim* ~~disabled adult or an elderly person~~ alleged to have been abused, neglected, or exploited.

2. Names, addresses, and telephone numbers of the *victim's* ~~disabled adult's or elderly person's~~ family members.

3. Name, address, and telephone number of each alleged perpetrator.

4. Name, address, and telephone number of the caregiver of the *victim* ~~disabled adult or elderly person~~, if different from the alleged perpetrator.

5. Name, address, and telephone number of the person reporting the alleged abuse, neglect, or exploitation.

6. Description of the physical or psychological injuries sustained.

7. Actions taken by the reporter, if any, such as notification of the criminal justice agency.

8. Any other information available to the reporting person which may establish the cause of abuse, neglect, or exploitation that occurred or is occurring.

(2) MANDATORY REPORTS OF DEATH.—Any person who is required to investigate reports of abuse, neglect, or exploitation and who has reasonable cause to suspect that a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ died as a result of abuse, neglect, or exploitation shall immediately report the suspicion to the appropriate medical examiner, to the appropriate criminal justice agency, and to the department, notwithstanding the existence of a death certificate signed by a practicing physician. The medical examiner shall accept the report for investigation pursuant to s. 406.11 and shall report the findings of the investigation, in writing, to the appropriate local criminal justice agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements provided for in s. 415.107.

Section 29. Section 415.1035, Florida Statutes, is amended to read:

415.1035 Facility's duty to inform residents of their right to report abusive, neglectful, or exploitive practices.—*The department shall work cooperatively with the Agency for Health Care Administration and the Department of Elderly Affairs to ensure that every facility that serves vulnerable adults informs residents of their right to report abusive, neglectful, or exploitive practices. Each facility must establish appropriate policies and procedures to facilitate such reporting.*

~~(1) Every facility that serves disabled adults or elderly persons must inform residents of their right to report abusive, neglectful, or exploitive practices and must establish appropriate policies and procedures to facilitate such reporting.~~

~~(2) The statewide toll-free telephone number for the central abuse registry and tracking system must be posted in all facilities operated by, under contract with, or licensed by the department or the Agency for Health Care Administration which provide services to disabled adults or elderly persons. Such posting must be clearly visible and in a prominent place within the facility and must be accompanied by the words, "To Report the Abuse, Neglect, or Exploitation of a Disabled Adult or an Elderly Person, Please Call: . . . . ."~~

Section 30. Subsection (1) of section 415.1036, Florida Statutes, is amended to read:

415.1036 Immunity.—

(1) Any person who participates in making a report under s. 415.1034 or participates in a judicial proceeding resulting therefrom is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from any liability, civil or criminal, that otherwise might be incurred or imposed. This section does not grant immunity, civil or criminal, to any person who is suspected of having abused, neglected, or exploited, or committed any illegal act upon or against, a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~. Further, a resident or employee of a facility that serves *vulnerable* ~~disabled~~ adults ~~or elderly persons~~ may not be subjected to reprisal or discharge because of the resident's or employee's actions in reporting abuse, neglect, or exploitation pursuant to s. 415.1034.

Section 31. Section 415.104, Florida Statutes, is amended to read:

415.104 Protective ~~services~~ investigations of cases of abuse, neglect, or exploitation of *vulnerable* ~~aged persons or disabled~~ adults; transmittal of records to state attorney.—

(1) The department shall, upon receipt of a report alleging abuse, neglect, or exploitation of *a vulnerable* ~~an aged person or disabled~~ adult, *begin* ~~commence, or cause to be commenced~~ within 24 hours~~,~~ a protective ~~services~~ investigation of the facts alleged therein. If~~, upon arrival of the protective investigator at the scene of the incident,~~ a caregiver refuses to allow the department to begin a protective ~~services~~ investigation or interferes with the ~~department's ability to~~ conduct *of* such an investigation, the appropriate law enforcement agency shall be contacted *for assistance* ~~to assist the department in commencing the protective services investigation~~. If, during the course of the investigation, the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the appropriate *law enforcement* ~~criminal justice~~ agency and state attorney shall be orally notified. *The department and the law enforcement agency shall cooperate to allow the criminal investigation to proceed concurrently with, and not be hindered by, the protective investigation.* ~~in order that such agencies may begin a criminal investigation concurrent with the protective services investigation of the department. In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or accompanied by another person, if the person or the attorney executes an affidavit of understanding with the department and agrees to comply with the confidentiality provisions of s. 415.107. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons.~~ The department shall make a preliminary written report to the *law enforcement* ~~criminal justice~~ agencies within 5 working days after the oral report. The department shall, within 24 hours after receipt of the report, notify the appropriate human rights advocacy committee, or long-term care ombudsman council, when appropriate, that an alleged abuse, neglect, or exploitation perpetrated by a second party has occurred. Notice to the human rights advocacy committee or long-term care ombudsman council may be accomplished orally or in writing and shall include the name and location of the *vulnerable* ~~aged person or disabled~~ adult alleged to have been abused, neglected, or exploited and the nature of the report.

(2) Upon commencing an investigation, the protective investigator shall inform all of the vulnerable adults and alleged perpetrators named in the report of the following:

(a) The names of the investigators and identifying credentials from the department.

(b) The purpose of the investigation.

(c) That the victim, the victim's guardian, the victim's caregiver, and the alleged perpetrator, and legal counsel for any of those persons, have a right to a copy of the report at the conclusion of the investigation.

(d) The name and telephone number of the protective investigator's supervisor available to answer questions.

(e) That each person has the right to obtain his or her own attorney.

Any person being interviewed by a protective investigator may be represented by an attorney, at the person's own expense, or may choose to have another person present. The other person present may not be an alleged perpetrator in any report currently under investigation. Before participating in such interview, the other person present shall execute an agreement to comply with the confidentiality requirements of ss. 415.101-415.113. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. In an investigative interview with a vulnerable adult, the protective investigator may conduct the interview with no other person present.

(3) For each report it receives, the department shall perform an onsite investigation to:

(a) Determine that the person is *a vulnerable* ~~an aged person or disabled~~ adult as defined in s. 415.102.

(b) Determine whether the person is a vulnerable adult in need of services, as defined in s. 415.102.

(c)~~(b)~~ Determine the composition of the family or household, including the name, address, date of birth, social security number, sex, and race of each ~~aged~~ person *in the household* ~~or disabled adult named in the report; any others in the household or in the care of the caregiver, or any other persons responsible for the aged person's or disabled adult's welfare; and any other adults in the same household~~.

(d)~~(c)~~ Determine whether there is an indication that *a vulnerable* ~~any aged person or disabled~~ adult is abused, neglected, or exploited.~~, including a determination of harm or threatened harm to any aged person or disabled adult;~~

(e) Determine the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof.

(f) Determine, if possible,~~; and a determination as to~~ the person or persons apparently responsible for the abuse, neglect, or exploitation, including ~~the~~ name, address, date of birth, social security number, sex, and race ~~of each person to be classified as an alleged perpetrator in a proposed confirmed report. An alleged perpetrator named in a proposed confirmed report of abuse, neglect, or exploitation shall cooperate in the provision of the required data for the central abuse registry and tracking system to the fullest extent possible~~.

(g)~~(d)~~ Determine the immediate and long-term risk to each *vulnerable* ~~aged person or disabled~~ adult through utilization of standardized risk assessment instruments.

(h)~~(e)~~ Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the *vulnerable* ~~aged person's or disabled~~ adult's well-being and cause the delivery of those services ~~through the early intervention of the departmental worker responsible for service provision and management of identified services~~.

(4)~~(2)~~ No later than *60* ~~30~~ days after receiving the initial report, the designated *protective investigative* ~~adult services~~ staff of the department shall complete *the* ~~its~~ investigation and ~~classify the report as proposed confirmed or unfounded or close the report without classification and~~ notify the guardian of the *vulnerable* ~~aged person or disabled~~ adult, the *vulnerable* ~~aged person or disabled~~ adult, and the *caregiver of any recommendations of services to be provided to ameliorate the causes or effects of abuse, neglect, or exploitation* ~~alleged perpetrator~~. ~~These findings must be reported to the department's central abuse registry and tracking system. For proposed confirmed reports, after receiving the final administrative order rendered in a hearing requested pursuant to s. 415.103(3)(d) or after the 30-day period during which an alleged perpetrator may request such a hearing has expired, the department shall classify the report of abuse, neglect, or exploitation as confirmed or unfounded and shall report its findings to the department's central abuse registry and tracking system, and must do so in accordance with the final order if a hearing was held.~~

(5)~~(3)~~ Whenever the *law enforcement* ~~criminal justice~~ agency and the department have conducted independent investigations, the *law enforcement* ~~criminal justice~~ agency shall, within 5 working days after concluding its investigation, report its findings ~~from its investigation~~ to the state attorney and to the department.

(6)~~(4)~~ Upon receipt of a report which alleges that an employee or agent of the department acting in an official capacity has committed an act of abuse, neglect, or exploitation, the department shall commence, or cause to be commenced ~~within 24 hours~~, a protective ~~services~~ investigation and shall notify the state attorney in whose circuit the alleged abuse, neglect, or exploitation occurred.

(7)~~(5)~~ With respect to any case of reported abuse, neglect, or exploitation of *a vulnerable* ~~an aged person or disabled~~ adult, the department, when appropriate, shall transmit all *relevant* reports ~~received by it which pertain to the investigation~~ to the state attorney of the circuit where the incident occurred.

(8)~~(6)~~ Within 15 days *after* ~~of~~ completion of the state attorney's investigation of a case reported to him or her pursuant to this section, the state attorney shall report his or her findings to the department and shall include a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(9)~~(7)~~ The department shall not use a warning, reprimand, or disciplinary action against an employee, found in that employee's personnel records, as the sole basis for a finding of abuse, neglect, or exploitation.

Section 32. Section 415.1045, Florida Statutes, is amended to read:

415.1045 ~~Protective investigations; onsite investigations;~~ Photographs, videotapes, and medical examinations; abrogation of privileged communications; confidential records and documents~~;~~ ~~classification or closure of records~~.~~—~~

~~(1) PROTECTIVE INVESTIGATIONS.—~~

~~(a) The department shall, upon receipt of a report alleging abuse or neglect of a disabled adult or an elderly person, commence, or cause to be commenced within 24 hours, a protective investigation of the facts alleged therein. The department shall, upon receipt of a report alleging only the exploitation of a disabled adult or an elderly person, commence, or cause to be commenced within 24 hours, excluding Saturdays, Sundays, and legal holidays, a protective investigation of the facts alleged therein.~~

~~(b) Upon commencing an investigation, the adult protective investigator shall inform all disabled adults and elderly persons and alleged perpetrators named in the report of the following:~~

~~1. The names of the investigators and identifying credentials from the department.~~

~~2. The purpose of the investigation.~~

~~3. The possible consequences of the investigation.~~

~~4. That the victim, the victim's guardian, the victim's caregiver, and the alleged perpetrator, and legal counsel for any of those persons, have a right to a copy of the report at the conclusion of the investigation.~~

~~5. That appeal rights may exist and that such rights will be explained in writing when appropriate and necessary at the conclusion of the investigation.~~

~~6. The name and telephone number of the adult protective investigator's supervisor available to answer questions.~~

~~(c) Except as provided in paragraph (d), in an investigative interview, any person being interviewed may be represented by an attorney, at the person's own expense, or may choose to have another person present. The other person present may not be an alleged perpetrator in any report currently under investigation. Before participating in such interview, the other person present shall execute an agreement to comply with the confidentiality requirements of ss. 415.101-415.113. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons.~~

~~(d) In an investigative interview with the disabled adult or an elderly person, the protective investigator may conduct the interview with no other person present.~~

~~(2) ONSITE INVESTIGATIONS.—For each report it receives, the department shall perform an onsite investigation to:~~

~~(a) Determine whether the person is a disabled adult or an elderly person as defined in s. 415.102.~~

~~(b) Determine whether the person is a disabled adult in need of services or an elderly person in need of services, as defined in s. 415.102.~~

~~(c) Determine whether there is an indication that any disabled adult or elderly person has been or is being abused, neglected, or exploited, including a determination of the immediate and long-term risk; the nature and extent of present or prior injuries; and the nature and extent of any abuse, neglect, or exploitation, and any evidence thereof.~~

~~(d) Determine whether protective and ameliorative services are necessary to safeguard and ensure the disabled adult's or elderly person's well-being and cause the delivery of those services.~~

~~(e) Determine the person or persons apparently responsible for the abuse, neglect, or exploitation.~~

~~(f) Determine the composition of the family or household, including all disabled adults and elderly persons named in the report, all persons in the care of the caregiver, any other persons responsible for the disabled adult's or elderly person's welfare, and any other adults or children in the same household.~~

~~(g) Gather appropriate demographic data. Each person must cooperate to the fullest extent possible by providing the person's name, address, date of birth, social security number, sex, and race to the department's representative.~~

(1)~~(3)~~ PHOTOGRAPHS AND VIDEOTAPES.—

(a) The ~~adult~~ protective investigator, while investigating a report of abuse, neglect, or exploitation, may take or cause to be taken photographs and videotapes of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, and of *his or her* ~~the disabled adult's or elderly person's~~ environment, which are relevant to the investigation. All photographs and videotapes taken during the course of the protective investigation are confidential and exempt from public disclosure as provided in s. 415.107.

(b) Any photographs or videotapes made pursuant to this subsection, or copies thereof, must be sent to the department as soon as possible.

(2)~~(4)~~ MEDICAL EXAMINATIONS.—

(a) With the consent of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ who has the capacity to consent or the *vulnerable* ~~disabled~~ adult's ~~or elderly person's~~ guardian, or pursuant to s. 415.1051, the department may cause the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ to be referred to a licensed physician or any emergency department in a hospital or health care facility for medical examination, diagnosis, or treatment if any of the following circumstances exist:

1. The areas of trauma visible on the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ indicate a need for medical examination;

2. The *vulnerable* ~~disabled~~ adult ~~or elderly person~~ verbally complains or otherwise exhibits signs or symptoms indicating a need for medical attention as a consequence of suspected abuse, neglect, or exploitation; or

3. The *vulnerable* ~~disabled~~ adult ~~or elderly person~~ is alleged to have been sexually abused.

(b) Upon admission to a hospital or health care facility, with the consent of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ who has capacity to consent or that person's guardian, or pursuant to s. 415.1051, the medical staff of the facility may examine, diagnose, or treat the *vulnerable* ~~disabled~~ adult ~~or elderly person~~. If a person who has legal authority to give consent for the provision of medical treatment to a *vulnerable* ~~disabled~~ adult ~~or elderly person~~ has not given or has refused to give such consent, examination and treatment must be limited to reasonable examination of the patient to determine the medical condition of the patient and treatment reasonably necessary to alleviate the medical condition or to stabilize the patient pending a determination by the court of the department's petition authorizing protective services. Any person may seek an expedited judicial intervention under rule 5.900 of the Florida Probate Rules concerning medical treatment procedures.

(c) Medical examination, diagnosis, and treatment provided under this subsection must be paid for by third-party reimbursement, if available, or by the *vulnerable* ~~disabled~~ adult, *if he or she is* ~~or elderly person or that person's guardian from the disabled adult's or elderly person's assets, if the disabled adult or elderly person is determined to be financially~~ able to pay; or, if *he or she* ~~the disabled adult or elderly person~~ is unable to pay, the department shall pay the costs within available emergency services funds.

(d) Reports of examination, diagnosis, and treatment made under this subsection, or copies thereof, must be sent to the department as soon as possible.

(e) This subsection does not obligate the department to pay for any treatment other than that necessary to alleviate the immediate presenting problems.

(3)~~(5)~~ ABROGATION OF PRIVILEGED COMMUNICATIONS.—The privileged quality of communication between husband and wife and between any professional and the professional's patient or client, and any other privileged communication except that between attorney and client or clergy and person, as such communication relates to both the competency of the witness and to the exclusion of confidential communications, does not apply to any situation involving known or suspected abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ and does not constitute grounds for failure to report as required by s. 415.1034, for failure to cooperate with the department in its activities under ss. 415.101-415.113, or for failure to give evidence in any judicial or administrative proceeding relating to abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~.

(4)~~(6)~~ MEDICAL, SOCIAL, OR FINANCIAL RECORDS OR DOCUMENTS.—

(a) The ~~adult~~ protective investigator, while investigating a report of abuse, neglect, or exploitation, must have access to, inspect, and copy all medical, social, or financial records or documents in the possession of any person, caregiver, guardian, or facility which are relevant to the allegations under investigation, unless specifically prohibited by the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ who has capacity to consent.

(b) The confidentiality of any medical, social, or financial record or document that is confidential under state law does not constitute grounds for failure to:

1. Report as required by s. 415.1034;

2. Cooperate with the department in its activities under ss. 415.101-415.113;

3. Give access to such records or documents; or

4. Give evidence in any judicial or administrative proceeding relating to abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~.

(5) ACCESS TO RECORDS AND DOCUMENTS.—If any person refuses to allow the protective investigator to have access to, inspect, or copy any medical, social, or financial record or document in the possession of any person, caregiver, guardian, or facility which is relevant to the allegations under investigation, the department may petition the court for an order requiring the person to allow access to the record or document. The petition must allege specific facts sufficient to show that the record or document is relevant to the allegations under investigation and that the person refuses to allow access to such record or document. If the court finds by a preponderance of the evidence that the record or document is relevant to the allegations under investigation, the court may order the person to allow access to and permit the inspection or copying of the medical, social, or financial record or document.

(6) WORKING AGREEMENTS.—The department shall enter into working agreements with the jurisdictionally responsible county sheriffs' office or local police department that will be the lead agency when conducting any criminal investigation arising from an allegation of abuse, neglect, or exploitation of a vulnerable adult. The working agreement must specify how the requirements of this chapter will be met. For the purposes of such agreement, the jurisdictionally responsible law enforcement entity is authorized to share Florida criminal history and local criminal history information that is not otherwise exempt from s. 119.07(1) with the district personnel. A law enforcement entity entering into such agreement must comply with s. 943.0525. Criminal justice information provided by such law enforcement entity shall be used only for the purposes specified in the agreement and shall be provided at no charge. Notwithstanding any other provision of law, the Department of Law Enforcement shall provide to the department electronic access to Florida criminal justice information which is lawfully available and not exempt from s. 119.07(1), only for the purpose of protective investigations and emergency placement. As a condition of access to such information, the department shall be required to execute an appropriate user agreement addressing the access, use, dissemination, and destruction of such information and to comply with all applicable laws and rules of the Department of Law Enforcement.

~~(7) CLASSIFICATIONS AND CLOSURES.—No later than 45 days after receiving an initial report in which the department has jurisdiction, the adult protective investigator shall complete the investigation and classify the report as proposed confirmed or unfounded, or close the report without classification. The adult protective investigator must document the details of the investigation, close the report, and enter the data into the central abuse registry and tracking system no later than 60 days after receiving the initial report.~~

Section 33. Section 415.105, Florida Statutes, is amended to read:

415.105 Provision of protective services with consent; withdrawal of consent*; interference.*—

(1) PROTECTIVE SERVICES WITH CONSENT.—If the department determines through its investigation that a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ demonstrates a need for protective services or protective supervision, the department shall immediately provide, or arrange for the provision of, protective services or protective supervision, including in-home services, provided that the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ consents. A *vulnerable adult* ~~disabled person~~ in need of services as defined in s. 415.102 shall be referred to the community care for disabled adults program, *or*~~. An elderly person in need of services as defined in s. 415.102 shall be referred~~ to the community care for the elderly program administered by the Department of Elderly Affairs.

(2) WITHDRAWAL OF CONSENT.—If the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ withdraws consent to the receipt of protective services or protective supervision, the services may not be provided, except pursuant to s. 415.1051.

(3) INTERFERENCE WITH THE PROVISION OF PROTECTIVE SERVICES.—When any person refuses to allow the provision of protective services to a vulnerable adult who has the capacity to consent to services, the department shall petition the court for an order enjoining the person from interfering with the provision of protective services. The petition must allege specific facts sufficient to show that the vulnerable adult is in need of protective services and that the person refuses to allow the provision of such services. If the court finds by clear and convincing evidence that the vulnerable adult is in need of protective services and that the person refuses to allow the provision of such services, the court may issue an order enjoining the person from interfering with the provision of protective services to the vulnerable adult.

Section 34. Section 415.1051, Florida Statutes, is amended to read:

415.1051 Protective services interventions when capacity to consent is lacking; nonemergencies; emergencies; orders; limitations.—

(1) NONEMERGENCY PROTECTIVE SERVICES INTERVENTIONS.—If the department has reasonable cause to believe that a *vulnerable* ~~disabled~~ adult ~~or elderly person~~ is being abused, neglected, or exploited and is in need of protective services but lacks the capacity to consent to protective services, the department shall petition the court for an order authorizing the provision of protective services.

(a) Nonemergency protective services petition.—The petition must state the name, age, and address of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, allege specific facts sufficient to show that the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ is in need of protective services and lacks the capacity to consent to them, and indicate the services needed.

(b) Notice.—Notice of the filing of the petition and a copy of the petition must be given to the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, to that person's spouse, guardian, *and* legal counsel, and, when known, to the adult children or next of kin of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~. Such notice must be given at least 5 days before the hearing.

(c) Hearing.—

1. The court shall set the case for hearing within 14 days after the filing of the petition. The *vulnerable* ~~disabled~~ adult ~~or elderly person~~ and any person given notice of the filing of the petition have the right to be present at the hearing. The department must make reasonable efforts to ensure the presence of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ at the hearing.

2. The *vulnerable* ~~disabled~~ adult ~~or elderly person~~ has the right to be represented by legal counsel at the hearing. The court shall appoint legal counsel to represent a *vulnerable* ~~disabled~~ adult ~~or elderly person~~ who is without legal representation.

3. The court shall determine whether:

a. Protective services, including in-home services, are necessary. ~~for the disabled adult or elderly person; and~~

b. The *vulnerable* ~~disabled~~ adult ~~or elderly person~~ lacks the capacity to consent to the provision of such services.

(d) Hearing findings.—If at the hearing the court finds by clear and convincing evidence that the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ is in need of protective services and lacks the capacity to consent ~~to protective services~~, the court may issue an order authorizing the provision of protective services. If an order for protective services is issued, it must include a statement of the services to be provided and designate an individual or agency to be responsible for performing or obtaining the essential services on behalf of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ or otherwise consenting to protective services on behalf of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~.

(e) Continued protective services.—

1. No more than 60 days after the date of the order authorizing the provision of protective services, the department shall petition the court to determine whether:

a. Protective services will be continued with the consent of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ pursuant to subsection (1);

b. Protective services will be continued for the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ who lacks capacity;

c. Protective services will be discontinued; or

d. A petition for guardianship should be filed pursuant to chapter 744.

2. If the court determines that a petition for guardianship should be filed pursuant to chapter 744, the court, for good cause shown, may order continued protective services until it makes a determination regarding ~~the disabled adult's or elderly person's~~ capacity.

(f) Costs.—The costs of services ordered under this section must be paid by the perpetrator if the perpetrator is financially able to do so; or by third-party reimbursement, if available. If the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ is unable to pay for guardianship, application may be made to the public guardian for public guardianship services, if available.

(2) EMERGENCY PROTECTIVE SERVICES INTERVENTION.—If the department has reasonable cause to believe that a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ is suffering from abuse or neglect that presents a risk of death or serious physical injury to the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ and that the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ lacks the capacity to consent to emergency protective services, the department may take action under this subsection. If the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ has the capacity to consent and refuses consent to emergency protective services, emergency protective services may not be provided.

(a) Emergency entry of premises.—If, upon arrival at the scene of the incident, consent is not obtained for access to the alleged victim for purposes of conducting a protective investigation under this subsection and the department has reason to believe that the situation presents a risk of death or serious physical injury, a representative of the department and a law enforcement officer may forcibly enter the premises. If, after obtaining access to the alleged victim, it is determined through a personal assessment of the situation that no emergency exists and there is no basis for emergency protective services intervention under this subsection, the department shall terminate the emergency entry ~~and may provide protective services with the consent of the disabled adult or elderly person or may petition the court to provide nonemergency protective services or protective supervision pursuant to subsection (1)~~.

(b) Emergency removal from premises.—If it appears that the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ lacks the capacity to consent to emergency protective services and that the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, from the personal observations of the representative of the department and specified medical personnel or law enforcement

officers, is likely to incur a risk of death or serious physical injury if such person is not immediately removed from the premises, then the representative of the department shall transport or arrange for the transportation of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ to an appropriate medical or protective services facility in order to provide emergency protective services. Law enforcement personnel have a duty to transport when medical transportation is not available or needed and the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ presents a threat of injury to self or others. If the *vulnerable* ~~disabled~~ adult's ~~or elderly person's~~ caregiver or guardian is present, the ~~adult~~ protective investigator must seek the caregiver's or guardian's consent pursuant to subsection (4) before the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ may be removed from the premises, unless the ~~adult~~ protective investigator suspects that the *vulnerable* ~~disabled~~ adult's ~~or elderly person's~~ caregiver or guardian has caused the abuse, neglect, or exploitation ~~to the disabled adult or elderly person~~. The department shall, within 24 hours after providing or arranging for emergency removal of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, excluding Saturdays, Sundays, and legal holidays, petition the court for an order authorizing emergency protective services.

(c) Emergency medical treatment.—If, upon admission to a medical facility, it is the opinion of the medical staff that immediate medical treatment is necessary to prevent serious physical injury or death, and that such treatment does not violate a known health care advance directive prepared by the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, the medical facility may proceed with treatment to the *vulnerable* ~~disabled~~ adult ~~or elderly person~~. If a person with legal authority to give consent for the provision of medical treatment to a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ has not given or has refused to give such consent, examination and treatment must be limited to reasonable examination of the patient to determine the medical condition of the patient and treatment reasonably necessary to alleviate the emergency medical condition or to stabilize the patient pending court determination of the department's petition authorizing emergency protective services. Any person may seek an expedited judicial intervention under rule 5.900 of the Florida Probate Rules concerning medical treatment procedures.

(d) Emergency protective services petition.—A petition filed under this subsection must state the name, age, and address of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ and allege the facts constituting the emergency protective services intervention and subsequent removal of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ or provision of in-home services, the facts relating to the capacity of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ to consent to services, the efforts of the department to obtain consent, and the services needed or delivered.

(e) Notice.—Notice of the filing of the emergency protective services petition and a copy of the petition must be given to the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, to that person's spouse, to that person's guardian, if any, to legal counsel representing the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, and, when known, to adult children or next of kin of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~. Such notice must be given at least 24 hours before any hearing on the petition for emergency protective services.

(f) Hearing.—When emergency removal has occurred under this subsection, a hearing must be held within 4 days after the filing of the emergency protective services petition, excluding Saturday, Sunday, and legal holidays, to establish reasonable cause for grounds to continue emergency protective services.

1. The court shall determine, by clear and convincing evidence, whether an emergency existed which justified the emergency protective services intervention, whether the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ is in need of emergency protective services, whether the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ lacks the capacity to consent to emergency protective services, and whether:

a. Emergency protective services will continue with the consent of the *vulnerable* ~~disabled~~ adult ~~or elderly person pursuant to s. 415.105(1)~~;

b. Emergency protective services will continue without the consent of the *vulnerable* ~~disabled~~ adult ~~or elderly person pursuant to subsection (2)~~; or

c. Emergency protective services will be discontinued.

2. The *vulnerable* ~~disabled~~ adult ~~or elderly person~~ has the right to be represented by legal counsel at the hearing. The court shall appoint legal counsel to represent a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ who is without legal representation.

3. The department must make reasonable efforts to ensure the presence of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ at the hearing.

4. If an order to continue emergency protective services is issued, it must state the services to be provided and designate an individual or agency to be responsible for performing or obtaining the essential services ~~on behalf of the disabled adult or elderly person~~, or otherwise consenting to protective services on behalf of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~.

(g) Continued emergency protective services.—

1. Not more than 60 days after the date of the order authorizing the provision of emergency protective services, the department shall petition the court to determine whether:

a. Emergency protective services will be continued with the consent of the *vulnerable* ~~disabled~~ adult ~~or elderly person pursuant to subsection (1)~~;

b. Emergency protective services will be continued for the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ who lacks capacity;

c. Emergency protective services will be discontinued; or

d. A petition should be filed under chapter 744.

2. If it is decided to file a petition under chapter 744, for good cause shown, the court may order continued emergency protective services until a determination is made by the court ~~regarding the disabled adult's or elderly person's capacity~~.

(h) Costs.—The costs of services ordered under this section must be paid by the perpetrator if the perpetrator is financially able to do so, or by third-party reimbursement, if available. ~~If the disabled adult or elderly person is unable to pay for guardianship, application may be made to the public guardian for public guardianship services, if available.~~

(3) PROTECTIVE SERVICES ORDER.—In ordering any protective services under this section, the court shall adhere to the following limitations:

(a) Only such protective services as are necessary to ameliorate the conditions creating the abuse, neglect, or exploitation may be ordered, and the court shall specifically designate the approved services in the order of the court.

(b) Protective services ordered may not include a change of residence, unless the court specifically finds such action is necessary to ameliorate the conditions creating the abuse, neglect, or exploitation and the court gives specific approval for such action in the order. Placement may be made to such facilities as adult family-care homes, assisted living facilities, or nursing homes, or to other appropriate facilities. Placement may not be made to facilities for the acutely mentally ill, except as provided in chapter 394.

(c) If an order to continue emergency protective services is issued, it must include the designation of an individual or agency to be responsible for performing or obtaining the essential services on behalf of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ or otherwise consenting to protective services on behalf of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~.

(4) PROTECTIVE SERVICES INTERVENTIONS WITH CAREGIVER OR GUARDIAN PRESENT.—

(a) When a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ who lacks the capacity to consent has been identified ~~in a report~~ as the victim ~~of abuse, neglect, or exploitation and evidences a need for emergency or nonemergency protective services or protective supervision, and a caregiver or guardian who is responsible for the care of the disabled adult or elderly person is present~~, the ~~adult~~ protective investigator must first request consent from the caregiver or guardian*, if present,* before providing protective services or protective supervision, unless the ~~adult~~ protective investigator suspects that the ~~disabled adult's or elderly person's~~ caregiver or guardian has caused the abuse, neglect, or exploitation ~~of the disabled adult or elderly person~~.

(b) If the caregiver or guardian agrees to engage or provide services designed to prevent further abuse, neglect, or exploitation, the department may provide protective supervision ~~for the disabled adult or elderly person~~.

(c) If the caregiver or guardian refuses to give consent or later withdraws consent to agreed-upon services, or otherwise fails to provide needed care and supervision, the department may provide emergency protective services as provided in subsection (2). If emergency protective services are so provided, the department must then petition the court for an order to provide emergency protective services under subsection (3).

(5) INTERFERENCE WITH COURT-ORDERED PROTECTIVE SERVICES.—When a court order exists authorizing protective services for a vulnerable adult who lacks capacity to consent and any person interferes with the provision of such court-ordered protective services, the appropriate law enforcement agency shall enforce the order of the court.

(6)~~(5)~~ LIMITATIONS.—This section does not limit in any way the authority of the court or a criminal justice officer, or any other duly appointed official, to intervene in emergency circumstances under existing statutes. This section does not limit the authority of any person to file a petition for guardianship under chapter 744.

Section 35. Section 415.1052, Florida Statutes, is amended to read:

415.1052 Interference with investigation or with the provision of protective services.—

(1) If, upon arrival of the ~~adult~~ protective investigator, any person refuses to allow the department to begin a protective investigation, interferes with the department's ability to conduct such an investigation, or refuses to give access to the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, the appropriate law enforcement agency must be contacted to assist the department in commencing the protective investigation.

~~(2) If any person refuses to allow the adult protective investigator to have access to, inspect, or copy any medical, social, or financial record or document in the possession of any person, caregiver, guardian, or facility which is relevant to the allegations under investigation, the department may petition the court for an order requiring the person to give access to the record or document. The petition must allege specific facts sufficient to show that the record or document is relevant to the allegations under investigation and that the person refuses to give access to such record or document. If the court finds by a preponderance of the evidence that the record or document is relevant to the allegations under investigation, the court may order the person to give access to and permit the inspection or copying of the medical, social, or financial record or document.~~

(2)~~(3)~~ When any person refuses to allow the provision of protective services to the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ who has the capacity to consent to services, the department shall petition the court for an order enjoining the person from interfering with the provision of protective services. The petition must allege specific facts sufficient to show that the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ is in need of protective services and that the person refuses to allow the provision of such services. If the court finds by clear and convincing evidence that the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ is in need of protective services and that the person refuses to allow the provision of such services, the court may issue an order enjoining the person from interfering with the provision of protective services to the *vulnerable* ~~disabled~~ adult ~~or elderly person~~.

~~(4) When a court order exists authorizing protective services for a disabled adult or an elderly person who lacks capacity to consent and any person interferes with the provision of such court-ordered protective services to the disabled adult or elderly person, the appropriate law enforcement agency shall enforce the order of the court.~~

Section 36. Section 415.1055, Florida Statutes, is amended to read:

415.1055 Notification to administrative entities~~, subjects, and reporters; notification to law enforcement and state attorneys.—~~

~~(1) NOTIFICATION TO ADMINISTRATIVE ENTITIES.—~~

~~(a) The department shall, within 24 hours after receipt of a report of abuse, neglect, or exploitation of a disabled adult or an elderly person within a facility, excluding Saturdays, Sundays, and legal holidays, notify the appropriate human rights advocacy committee and the long-term care ombudsman council, in writing, that the department has reasonable cause to believe that a disabled adult or an elderly person has been abused, neglected, or exploited at the facility.~~

(1)~~(b)~~ Upon receipt of a report that alleges that an employee or agent of the department or the Department of Elderly Affairs, acting in an official capacity, has committed an act of abuse, neglect, or exploitation, the department shall notify the state attorney in whose circuit the abuse, neglect, or exploitation occurred. This notification may be oral or written.

(2)~~(c)~~ If at any time during a protective investigation the department has reasonable cause to believe that a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ has been abused, neglected, or exploited by another person, the state attorney having jurisdiction in the county in which the abuse, neglect, or exploitation occurred shall be notified immediately, either orally or in writing.

(3)~~(d)~~ If at any time during a protective investigation the department has reasonable cause to believe that a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ has been abused, neglected, or exploited by another person, the appropriate law enforcement agency shall be immediately notified. Such agency may begin a criminal investigation concurrent with or independent of the protective investigation of the department. This notification may be oral or written.

(4)~~(e)~~ If at any time during a protective investigation the department has reasonable cause to believe that abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ has occurred within a facility that receives Medicaid funds, the department shall notify the Medicaid Fraud Control Unit within the Department of Legal Affairs, Office of the Attorney General, in order that it may begin an investigation concurrent with the protective investigation of the department. This notification may be oral or written.

(5)~~(f)~~ If at any time during a protective investigation the department has reasonable cause to believe that an employee of a facility, as defined in s. 415.102~~(13)~~, is the alleged perpetrator of abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~, the department shall notify the Agency for Health Care Administration, Division of Health Quality Assurance, in writing.

(6)~~(g)~~ If at any time during a protective investigation the department has reasonable cause to believe that professional licensure violations have occurred, the department shall notify the Division of Medical Quality Assurance within the Department of Health. This notification must be in writing.

(7)~~(h)~~ ~~When a report has been classified as proposed confirmed,~~ The department shall notify the state attorney having jurisdiction in the

county in which the abuse, neglect, or exploitation occurred~~. The department may submit a report that has been closed without classification~~ if evidence indicates that further criminal investigation is warranted. This notification must be in writing.

(8)~~(i)~~ At the conclusion of a protective investigation at a facility, the department shall notify either the human rights advocacy committee or long-term care ombudsman council of the results of the investigation. This notification must be in writing.

~~(j) At the conclusion of a protective investigation, the department shall notify the Agency for Health Care Administration when a licensee or a certified nursing assistant has been named as perpetrator in a report that has been classified as proposed confirmed or confirmed. This notification must be in writing.~~

(9)~~(k)~~ When a report ~~has been classified as proposed confirmed in cases~~ involving a guardian of the person or property, or both*, is received*, the department shall notify the probate court having jurisdiction over the guardianship*,* ~~of the proposed confirmed report. This notification must be~~ in writing.

(10) When a report has been received and the department has reason to believe that a vulnerable adult resident of a facility licensed by the Agency for Health Care Administration has been the victim of abuse, neglect, or exploitation, the department shall provide a copy of its investigation to the agency. If the investigation determines that a health professional licensed or certified under the Department of Health may have abused, neglected, or exploited a vulnerable adult, the department shall also provide a copy to the Department of Health.

~~(2) NOTIFICATION TO OTHER PERSONS.—~~

~~(a) In the case of a report that has been classified as unfounded, notice of the classification must be given to the disabled adult or elderly person, the guardian of that person, the caregiver of that person, and the person who had been named as the alleged perpetrator. The notice must be sent by regular mail and must advise the recipient that the report will be expunged in 1 year.~~

~~(b) If a report has been classified as proposed confirmed, notice of the classification must be given to the disabled adult or elderly person, the guardian of that person, the caregiver of that person, and the alleged perpetrator, and legal counsel, if known, for those persons.~~

~~1. The notice must state the nature of the alleged abuse, neglect, or exploitation and the facts that are alleged to support the proposed confirmed classification.~~

~~2. The notice must advise the recipient of the recipient's right to request a copy of the report within 60 days after receipt of the notice.~~

~~3. The notice must clearly advise the alleged perpetrator that the alleged perpetrator has the right to request amendment or expunction of the report within 60 days after receipt of the notice, and that failure to request amendment or expunction within 60 days means that the report will be reclassified as confirmed at the expiration of the 60 days and that the alleged perpetrator agrees not to contest the classification of the report. No further administrative or judicial proceedings in the matter are allowed.~~

~~4. The notice must state that, if the report becomes confirmed, the alleged perpetrator may be disqualified from working with children, the developmentally disabled, disabled adults, and elderly persons.~~

~~5. Notice of a proposed confirmed report must be personally served upon the alleged perpetrator in this state by an adult protective investigator, a sheriff, or a private process server in the district in which the alleged perpetrator resides, works, or can be found. Proof of service of the notice must be by affidavit prepared by the individual serving the notice upon the alleged perpetrator. The affidavit must state the name of the person serving the notice, the name of the alleged perpetrator served, the location at which the alleged perpetrator was served, and the time the notice was served. If the notice of a proposed confirmed report cannot be personally served upon the alleged perpetrator in this state or if the alleged perpetrator does not reside in this state, the notice of the proposed confirmed report must be sent by certified mail, return receipt requested, forwarding and address correction requested, to the last known address of the alleged perpetrator. If an alleged perpetrator cannot be served either by personal service or by certified mail, the record of the proposed confirmed report must be maintained pursuant to s. 415.1065.~~

~~6. Notice to other named persons may be sent by regular mail, with the department giving notice to the caregiver, the guardian, legal counsel for all parties, and the disabled adult or elderly person.~~

~~7. If a proposed confirmed report becomes confirmed because the alleged perpetrator fails to make a timely request to amend or expunge the proposed confirmed report, the department must give notice of the confirmed classification to the perpetrator and the perpetrator's legal counsel.~~

~~a. Notice of the confirmed classification must inform the perpetrator that the perpetrator may be disqualified from working with children, the developmentally disabled, disabled adults, and elderly persons.~~

~~b. The notice must inform the perpetrator that further departmental proceedings in the matter are not allowed.~~

~~c. The notice of the confirmed classification must be sent by certified mail, return receipt requested.~~

~~(c) If a report is closed without classification, notice must be given to the guardian of the disabled adult or elderly person, the disabled adult or elderly person, the caregiver of that person, any person or facility named in the report, and the person who had been named as the alleged perpetrator. The notice must be sent by regular mail and must advise the recipient that:~~

~~1. The report will be retained for 7 years.~~

~~2. The recipient has a right to request a copy of this report.~~

~~3. Any person or facility named in a report classified as closed without classification has the right to request amendment or expunction of the report within 60 days after the receipt of the notice, and that failure to request amendment or expunction within 60 days means that the report will remain classified as closed without classification and that the person agrees not to contest the classification of the report. No further proceeding will be allowed in this matter.~~

~~(d) In the case of a report that has been determined by an adult protective services investigator to be either a disabled adult in need of services or an elderly person in need of services, as defined in s. 415.102, no classification of the report shall be made and no notification shall be required.~~

~~(e) The department shall adopt rules prescribing the content of the notices to be provided and requiring uniformity of content and appearance of each notice of classification or closure without classification.~~

~~(3) NOTIFICATION BY LAW ENFORCEMENT AND STATE ATTORNEYS.—~~

~~(a) Whenever the law enforcement agency and the department have conducted independent investigations, the law enforcement agency shall, within 5 working days after concluding its investigation, report its findings to the department and to the state attorney.~~

~~(b) Within 15 days after completion of an investigation of a case reported to the state attorney under this section, the state attorney shall report the findings to the department and shall include a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.~~

Section 37. Subsections (2) and (3) of section 415.106, Florida Statutes, are amended to read:

415.106 Cooperation by the department and criminal justice and other agencies.—

(2) To ensure coordination, communication, and cooperation with the investigation of abuse, neglect, or exploitation of *vulnerable* ~~disabled~~ adults ~~or elderly persons~~, the department shall develop and maintain interprogram agreements or operational procedures among appropriate departmental programs and the State Long-Term Care Ombudsman Council, the Statewide Human Rights Advocacy Committee, and other agencies that provide services to *vulnerable* ~~disabled~~ adults ~~or elderly persons~~. These agreements or procedures must cover such subjects as the appropriate roles and responsibilities of the department in identifying and responding to reports of abuse, neglect, or exploitation of *vulnerable* ~~disabled~~ adults ~~or elderly persons~~; the provision of services; and related coordinated activities.

(3) To the fullest extent possible, the department shall cooperate with and seek cooperation from all appropriate public and private agencies, including health agencies, educational agencies, social service agencies, courts, organizations, or programs providing or concerned with human services related to the prevention, identification, or treatment of abuse, neglect, or exploitation of *vulnerable* ~~disabled~~ adults ~~and elderly persons~~.

Section 38. Section 415.107, Florida Statutes, is amended to read:

415.107 Confidentiality of reports and records.—

(1) In order to protect the rights of the individual or other persons responsible for the welfare of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~, all records concerning reports of abuse, neglect, or exploitation of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, including reports made to the central abuse *hotline* ~~registry and tracking system~~, and all records generated as a result of such reports shall be confidential and exempt from s. 119.07(1) and may not be disclosed except as specifically authorized by ss. 415.101-415.113.

(2) Upon the request of the committee chairperson, access to all records shall be granted to staff of the legislative committees with jurisdiction over issues and services related to vulnerable adults, or over the department. All confidentiality provisions that apply to the Department of Children and Family Services continue to apply to the records made available to legislative staff under this subsection.

(3)~~(2)~~ Access to all records, excluding the name of the reporter which shall be released only as provided in subsection (6), shall be granted only to the following persons, officials, and agencies:

(a) Employees or agents of the department, of the Agency for Health Care Administration, or of the Department of Elderly Affairs who are responsible for carrying out ~~adult~~ protective investigations, ongoing ~~adult~~ protective services, or licensure or approval of nursing homes, assisted living facilities, adult day care centers, adult family-care homes, home care for the elderly, hospices, or other facilities used for the placement of *vulnerable* ~~disabled~~ adults ~~or elderly persons~~.

(b) A criminal justice agency investigating a report of known or suspected abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~.

(c) The state attorney of the judicial circuit in which the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ resides or in which the alleged abuse, neglect, or exploitation occurred.

(d) Any *victim, the victim's* ~~person who is the subject of a report or the subject's~~ guardian, caregiver, or legal counsel, *and any person who the department has determined might be abusing, neglecting, or exploiting the victim*.

(e) A court, by subpoena, upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access must be limited to inspection in camera, unless the court determines that public disclosure of the information contained in such records is necessary for the resolution of an issue then pending before it.

(f) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(g) Any appropriate official of the human rights advocacy committee or long-term care ombudsman council investigating a report of known or suspected abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~.

(h) Any appropriate official of the department, of the Agency for Health Care Administration, or of the Department of Elderly Affairs who is responsible for:

1. Administration or supervision of the programs for the prevention, investigation, or treatment of ~~adult~~ abuse, neglect, or exploitation *of vulnerable adults* when carrying out an official function; or

2. Taking appropriate administrative action concerning an employee alleged to have perpetrated ~~institutional~~ abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult *in an institution* ~~or an elderly person~~.

(i) Any person engaged in bona fide research or auditing. However, information identifying the subjects of the report must not be made available to the researcher.

(j) Employees or agents of an agency of another state that has jurisdiction comparable to the jurisdiction described in paragraph (a).

(k) The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information that specifically identifies persons other than the employee.

(l) Any person in the event of the death of a *vulnerable* ~~disabled~~ adult ~~or elderly person~~ determined to be a result of abuse, neglect, or exploitation. Information identifying the person reporting abuse, neglect, or exploitation shall not be released. Any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

~~(3) The Division of Administrative Hearings may have access to a proposed confirmed or a confirmed report, excluding the name of the reporter, for purposes of any administrative challenge relating to a proposed confirmed or confirmed report.~~

(4) The *Department of Health, the Department of Business and Professional Regulation, and the* Agency for Health Care Administration may have access to a ~~confirmed~~ report, excluding the name of the reporter, when *considering* ~~taking~~ disciplinary action against a licensee or certified nursing assistant *pursuant to allegations* ~~for actions that resulted in a confirmed report~~ of abuse, neglect, or exploitation ~~which has been upheld following a chapter 120 hearing or a waiver of such proceedings~~.

(5) The department may release to any professional person such information as is necessary for the diagnosis and treatment of, and service delivery to, a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ or the person perpetrating the abuse, neglect, or exploitation.

(6) The identity of any person reporting ~~adult~~ abuse, neglect, or exploitation *of a vulnerable adult* may not be released, without that person's written consent, to any person other than employees of the department responsible for ~~adult~~ protective services, the central abuse *hotline* ~~registry and tracking system~~, or the appropriate state attorney or law enforcement agency. This subsection grants protection only for the person who reported the ~~adult~~ abuse, neglect, or exploitation and protects only the fact that the person is the reporter. This subsection does not prohibit the subpoena of a person reporting *the* ~~adult~~ abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ who is the subject of a report, if the fact that the person made the report is not disclosed.

(7) For the purposes of this section, the term "access" means a visual inspection or copy of the hard-copy record maintained in the district.

(8) Information in the central abuse hotline may not be used for employment screening.

~~(8) The department, upon receipt of the applicable fee, shall search its central abuse registry and tracking system records pursuant to the requirements of ss. 110.1127, 393.0655, 394.457, 397.451, 400.506, 400.509, 400.512, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 985.407 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The department shall report the existence of any confirmed report and advise the authorized licensing agency, applicant for licensure, or other authorized agency or person of the results of the search and the date of the report. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.~~

~~(9) Upon receipt of the applicable fee and with the written consent of a person applying to work with disabled adults or elderly persons, the department shall search its central abuse registry and tracking system for the existence of a confirmed report. The department shall advise the employer and the person of any such report found and the results of the investigation.~~

~~(10) The department may charge a user fee to an employer or the agency in charge of a volunteer, whichever is applicable, for a search of the central abuse registry and tracking system of up to one-third of the actual cost of the screening process. All fees received by the department under this section shall be deposited in an administrative trust fund of the department and may be expended only for the caregiver screening program.~~

Section 39. Section 415.1102, Florida Statutes, is amended to read:

415.1102 Adult protection teams; services; eligible cases.—Subject to an appropriation, the department may develop, maintain, and coordinate the services of one or more multidisciplinary adult protection teams in each of the districts of the department. Such teams may be composed of, but need not be limited to, representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies.

~~(1)~~ The department shall utilize and convene the teams to supplement the protective services activities of the ~~adult~~ protective services program of the department. This section does not prevent a person from reporting under s. 415.1034 all suspected or known cases of abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~. The role of the teams is to support activities of the ~~adult~~ protective services program and to provide services deemed by the teams to be necessary and appropriate to abused, neglected, and exploited *vulnerable* ~~disabled~~ adults ~~or elderly persons~~ upon referral. Services must be provided with the consent of the *vulnerable* ~~disabled~~ adult~~, or elderly person~~ or that person's guardian, or through court order. ~~The specialized diagnostic assessment, evaluation, coordination, and other supportive services that an adult protection team must be capable of providing include, but are not limited to:~~

~~(a) Medical diagnosis and evaluation services, including provision or interpretation of X-rays and laboratory tests, and related services, as needed, and documentation of findings relative thereto.~~

~~(b) Telephone consultation services in emergencies and in other situations.~~

~~(c) Medical evaluation related to abuse, neglect, or exploitation as defined by department policy or rule.~~

~~(d) Psychological and psychiatric diagnosis and evaluation services for the disabled adult or elderly person.~~

~~(e) Short-term psychological treatment. It is the intent of the Legislature that short-term psychological treatment be limited to no more than 6 months' duration after treatment is initiated.~~

~~(f) Expert medical, psychological, and related professional testimony in court cases.~~

~~(g) Case staffings to develop, implement, and monitor treatment plans for disabled adults and elderly persons whose cases have been referred to the team. An adult protection team may provide consultation with respect to a disabled adult or elderly person who has not been referred to the team. The consultation must be provided at the request of a representative of the adult protective services program or at the request of any other professional involved with the disabled adult or elderly person or that person's guardian or other caregivers. In every such adult protection team case staffing consultation or staff activity involving a disabled adult or elderly person, an adult protective services program representative shall attend and participate.~~

~~(h) Service coordination and assistance, including the location of services available from other public and private agencies in the community.~~

~~(i) Such training services for program and other department employees as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling adult abuse, neglect, or exploitation cases.~~

~~(j) Education and community awareness campaigns on adult abuse, neglect, or exploitation in an effort to enable citizens to prevent, identify, and treat adult abuse, neglect, and exploitation in the community more successfully.~~

~~(2) The adult abuse, neglect, or exploitation cases that are appropriate for referral by the adult protective services program to adult protection teams for supportive services include, but are not limited to, cases involving:~~

~~(a) Unexplained or implausibly explained bruises, burns, fractures, or other injuries in a disabled adult or an elderly person.~~

~~(b) Sexual abuse or molestation, or sexual exploitation, of a disabled adult or elderly person.~~

~~(c) Reported medical, physical, or emotional neglect of a disabled adult or an elderly person.~~

~~(d) Reported financial exploitation of a disabled adult or elderly person.~~

In all instances in which an adult protection team is providing certain services to abused, neglected, or exploited *vulnerable* ~~disabled~~ adults ~~or elderly persons~~, other offices and units of the department shall avoid duplicating the provisions of those services.

Section 40. Section 415.111, Florida Statutes, is amended to read:

415.111 Criminal penalties.—

(1) A person who knowingly and willfully fails to report a case of known or suspected abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~, or who knowingly and willfully prevents another person from doing so, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse *hotline* ~~registry and tracking system~~, or in other computer systems, or in the records of any case of abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or elderly person~~, except as provided in ss. 415.101-415.113, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who has custody of records and documents the confidentiality of which is abrogated under s. 415.1045*(3)*~~(5)~~ and who refuses to grant access to such records commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the reports to the local law enforcement agency having jurisdiction for an investigation to

determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 415.102. During the pendency of the investigation by the local law enforcement agency, the department must notify the local law enforcement agency of, and the local law enforcement agency must respond to, all subsequent reports concerning the same *vulnerable* ~~disabled~~ adult ~~or elderly person~~ in accordance with s. 415.104 or s. 415.1045. If the law enforcement agency believes that there are indicators of abuse, neglect, or exploitation, it must immediately notify the department, which must assure the safety of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

(5) A person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~, or a person who advises another to make a false report, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(a) The department shall establish procedures for determining whether a false report of abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~ has been made and for submitting all identifying information relating to such a false report to the local law enforcement agency as provided in this subsection and shall report annually to the Legislature the number of reports referred.

(b) Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(6) Each state attorney shall establish and publish procedures to facilitate the prosecution of persons under this section and shall report to the Legislature annually the number of complaints that have resulted in the filing of an information or indictment under this section.

Section 41. Section 415.1111, Florida Statutes, is amended to read:

415.1111 Civil penalties.—

~~(1) A person who is named as a perpetrator in a confirmed report of abuse, neglect, or exploitation of a disabled adult or an elderly person is subject to civil penalties as follows:~~

~~(a) For the first offense, a penalty of $250.~~

~~(b) For the second offense, a penalty of $500.~~

~~(c) For the third and subsequent offenses, a penalty of $1,000 per occurrence.~~

~~Second and subsequent offenses may be for the same type of abuse, neglect, or exploitation or for a different type, and may be perpetrated upon the same or a different disabled adult or elderly person.~~

~~(2) All fines received by the department under this section must be deposited in the Operations and Maintenance Trust Fund within the department. The Legislature shall annually appropriate from the fund an amount that is no less than the amount deposited under this section, to be expended only for the adult protective services program.~~

(1)~~(3)~~ A *vulnerable adult who has been abused, neglected, or exploited* ~~disabled adult or an elderly person who has been named as a victim in a confirmed report of abuse, neglect, or exploitation~~ as specified in this *chapter* ~~part~~ has a cause of action against any perpetrator ~~named in the confirmed report~~ and may recover actual and punitive damages for such abuse, neglect, or exploitation. The action may be brought by the *vulnerable* ~~disabled~~ adult ~~or elderly person~~, or that person's guardian, by a person or organization acting on behalf of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ with the consent of that person or that person's guardian, or by the personal representative of the estate of a deceased *victim* ~~disabled adult or elderly person~~ without regard to whether the cause of death resulted from the abuse, neglect, or exploitation. The action may be brought in any court of competent jurisdiction to enforce such action and to recover actual and punitive damages for any deprivation of or infringement on the rights of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~. A party who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~.

Section 42. Subsections (1), (2), and (5) of section 415.1113, Florida Statutes, are amended to read:

415.1113 Administrative fines for false report of abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed $10,000 for each violation, upon a person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or an elderly person~~, or a person who counsels another to make a false report.

(2) If the department alleges that a person has knowingly and willfully filed a false report with the central abuse *hotline* ~~registry and tracking system~~, the department must file a notice of intent that alleges the name, age, and address of the individual; the facts constituting the allegation that the individual made a false report; and the administrative fine that the department proposes to impose on the person. Each time that a false report is made constitutes a separate violation.

(5) At the hearing, the department must prove by clear and convincing evidence that the person knowingly and willfully filed a false report with the central abuse *hotline* ~~registry and tracking system~~. The person has the right to be represented by legal counsel at the hearing.

Section 43. Section 415.113, Florida Statutes, is amended to read:

415.113 Statutory construction; treatment by spiritual means.—Nothing in ss. 415.101-415.112 shall be construed to mean a person is abused, neglected, or in need of emergency or protective services for the sole reason that the person relies upon and is, therefore, being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a *well-recognized* ~~recognized~~ church or religious denomination *or organization*; nor shall anything in such sections be construed to authorize, permit, or require any medical care or treatment in contravention of the stated or implied objection of such person. Such construction does not:

(1) Eliminate the requirement that such a case be reported to the department;

(2) Prevent the department from investigating such a case; or

(3) Preclude a court from ordering, when the health of the individual requires it, the provision of medical services by a licensed physician or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious *denomination or* organization.

Section 44. *Sections 435.01, 435.02, 435.03, 435.04, 435.045, 435.05, 435.06, 435.07, 435.08, 435.09, 435.10, and 435.11, Florida Statutes, are designated as part I of chapter 435, Florida Statutes.*

Section 45. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 435.03, Florida Statutes, are amended to read:

435.03 Level 1 screening standards.—

(2) Any person for whom employment screening is required by statute must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(a) Section 415.111, relating to ~~adult~~ abuse, neglect, or exploitation of *a vulnerable adult* ~~aged persons or disabled adults~~.

(3) Standards must also ensure that the person:

(a) For employees and employers licensed or registered pursuant to chapter 400, *and for employees and employers of developmental services institutions as defined in s. 393.063, intermediate care facilities for the developmentally disabled as defined in s. 393.063, and mental health treatment facilities as defined in s. 394.455, meets the requirements of part II* ~~does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5), which has been uncontested or upheld under s. 415.103~~.

Section 46. Paragraphs (b) and (c) of subsection (1) and subsection (2) of section 435.05, Florida Statutes, are amended to read:

435.05 Requirements for covered employees.—Except as otherwise provided by law, the following requirements shall apply to covered employees:

(1)

(b) For level 1 screening, the employer must submit the information necessary for screening to the Florida Department of Law Enforcement within 5 working days after receiving it. *The Florida Department of Law Enforcement will conduct a search of its* ~~When required, the employer must at the same time submit sufficient information to the Department of Children and Family Services to complete a check of its records relating to the abuse, neglect, and exploitation of vulnerable adults. The Florida Department of Law Enforcement and the Department of Children and Family Services will conduct searches of their~~ records and will respond to the employer agency. The employer will inform the employee whether screening has revealed any disqualifying information.

(c) For level 2 screening, the employer or licensing agency must submit the information necessary for screening to the Florida Department of Law Enforcement within 5 working days after receiving it. ~~When required, the employer or licensing agency must also submit sufficient information to the Department of Children and Family Services to complete a check of its records.~~ The Florida Department of Law Enforcement will conduct a search of its criminal and juvenile records and will request that the Federal Bureau of Investigation conduct a search of its records for each employee for whom the request is made. The Florida Department of Law Enforcement ~~and the Department of Children and Family Services~~ will respond to the employer or licensing agency, and the employer or licensing agency will inform the employee whether screening has revealed disqualifying information.

(2) Unless otherwise prohibited by state or federal law, new employees may be placed on probationary status pending a determination of compliance with minimum standards set forth in this *part* ~~chapter~~.

Section 47. Subsection (1) of section 435.07, Florida Statutes, is amended to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section shall apply to exemptions from disqualification.

(1) The appropriate licensing agency may grant to any employee otherwise disqualified from employment an exemption from disqualification for:

(a) Felonies committed more than 3 years prior to the date of disqualification;

(b) Misdemeanors prohibited under any of the Florida Statutes cited in this chapter or under similar statutes of other jurisdictions;

(c) Offenses that were felonies when committed but are now misdemeanors;

(d) Findings of delinquency; *or*

(e) Commissions of acts of domestic violence as defined in s. 741.30.~~; or~~

~~(f) Confirmed reports of abuse, neglect, or exploitation of a vulnerable adult.~~

For the purposes of this subsection, the term "felonies" means both felonies prohibited under any of the Florida Statutes cited in this *part* ~~chapter~~ or under similar statutes of other jurisdictions.

Section 48. Section 435.08, Florida Statutes, is amended to read:

435.08 Payment for processing of fingerprints *and*~~,~~ state criminal records checks~~, and abuse hotline checks.~~—Either the employer or the employee is responsible for paying the costs of screening. Payment shall be submitted to the Florida Department of Law Enforcement with the request for screening. ~~When a search of the central abuse hotline is required, payment shall be submitted by separate check to the Department of Children and Family Services with the request for screening.~~

Section 49. Section 435.09, Florida Statutes, is amended to read:

435.09 Confidentiality of personnel background check information.—No criminal *or*~~,~~ juvenile~~, or abuse hotline~~ information obtained under this section may be used for any purpose other than determining whether persons meet the minimum standards for employment or for an owner or director of a covered service provider. The criminal records and juvenile records obtained by the department or by an employer are exempt from s. 119.07(1).

Section 50. Paragraph (g) of subsection (3) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

~~2. Health care services pools, as provided under s. 402.48.~~

2.~~3.~~ The Board of Acupuncture, created under chapter 457.

3.~~4.~~ The Board of Medicine, created under chapter 458.

4.~~5.~~ The Board of Osteopathic Medicine, created under chapter 459.

5.~~6.~~ The Board of Chiropractic Medicine, created under chapter 460.

6.~~7.~~ The Board of Podiatric Medicine, created under chapter 461.

7.~~8.~~ Naturopathy, as provided under chapter 462.

8.~~9.~~ The Board of Optometry, created under chapter 463.

9.~~10.~~ The Board of Nursing, created under chapter 464.

10.~~11.~~ The Board of Pharmacy, created under chapter 465.

11.~~12.~~ The Board of Dentistry, created under chapter 466.

12.~~13.~~ Midwifery, as provided under chapter 467.

13.~~14.~~ The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

14.~~15.~~ The Board of Nursing Home Administrators, created under part II of chapter 468.

15.~~16.~~ The Board of Occupational Therapy, created under part III of chapter 468.

16.~~17.~~ Respiratory therapy, as provided under part V of chapter 468.

17.~~18.~~ Dietetics and nutrition practice, as provided under part X of chapter 468.

18.~~19.~~ The Board of Athletic Training, created under part XIII of chapter 468.

19.~~20.~~ The Board of Orthotists and Prosthetists, created under part XIV of chapter 468.

20.~~21.~~ Electrolysis, as provided under chapter 478.

21.~~22.~~ The Board of Massage Therapy, created under chapter 480.

22.~~23.~~ The Board of Clinical Laboratory Personnel, created under part III of chapter 483.

23.~~24.~~ Medical physicists, as provided under part IV of chapter 483.

24.~~25.~~ The Board of Opticianry, created under part I of chapter 484.

25.~~26.~~ The Board of Hearing Aid Specialists, created under part II of chapter 484.

26.~~27.~~ The Board of Physical Therapy Practice, created under chapter 486.

27.~~28.~~ The Board of Psychology, created under chapter 490.

28.~~29.~~ School psychologists, as provided under chapter 490.

29.~~30.~~ The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department may contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 51. Paragraph (h) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (4), shall be granted only to the following persons, officials, and agencies:

(h) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or elderly person~~, when carrying out his or her official function;

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a *vulnerable* ~~disabled~~ adult ~~or elderly person~~; or

3. Employing and continuing employment of personnel of the department.

Section 52. Paragraphs (a) and (b) of subsection (3) of section 110.1127, Florida Statutes, are amended to read:

110.1127 Employee security checks.—

(3)(a) All positions in programs providing care to children, the developmentally disabled, *or vulnerable adults* ~~disabled adults, or elderly persons~~ for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility, and require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter.

(b) The employing agency may grant exemptions from disqualification from working with children, the developmentally disabled, *or vulnerable adults* ~~disabled adults, or elderly persons~~ as provided in s. 435.07.

Section 53. Paragraph (a) of subsection (12) of section 112.0455, Florida Statutes, is amended to read:

112.0455 Drug-Free Workplace Act.—

(12) DRUG-TESTING STANDARDS; LABORATORIES.—

(a) A laboratory may analyze initial or confirmation drug specimens only if:

1. The laboratory is licensed and approved by the Agency for Health Care Administration using criteria established by the United States Department of Health and Human Services as general guidelines for modeling the state drug testing program. Each applicant for licensure must comply with the following requirements:

a. Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee, or other similarly titled individual responsible for the daily operation of the laboratory, and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the laboratory, including billings for services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435, as well as the requirements of s. 435.03(3).

b. The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of an offense prohibited under the level 2 standards for screening set forth in chapter 435.

c. Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of screening requirements.

d. A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

e. Each applicant must submit to the agency, with its application, a description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from the Medicare or Medicaid programs. Proof of compliance with the requirements for disclosure of ownership and control interests under the Medicaid or Medicare programs shall be accepted in lieu of this submission.

f. Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her

services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this sub-subparagraph.

g. A license may not be granted to any applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

h. The agency may deny or revoke licensure if the applicant:

(I) Has falsely represented a material fact in the application required by sub-subparagraph e. or sub-subparagraph f., or has omitted any material fact from the application required by sub-subparagraph e. or sub-subparagraph f.; or

(II) Has had prior action taken against the applicant under the Medicaid or Medicare program as set forth in sub-subparagraph e.

i. An application for license renewal must contain the information required under sub-subparagraphs e. and f.

2. The laboratory has written procedures to ensure chain of custody.

3. The laboratory follows proper quality control procedures, including, but not limited to:

a. The use of internal quality controls including the use of samples of known concentrations which are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy.

b. An internal review and certification process for drug test results, conducted by a person qualified to perform that function in the testing laboratory.

c. Security measures implemented by the testing laboratory to preclude adulteration of specimens and drug test results.

d. Other necessary and proper actions taken to ensure reliable and accurate drug test results.

Section 54. Paragraphs (a), (b), and (c) of subsection (7) of section 119.07, Florida Statutes, are amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(7)(a) Any person or organization, including the Department of Children and Family Services, may petition the court for an order making public the records of the Department of Children and Family Services that pertain to investigations of alleged abuse, neglect, abandonment, or exploitation of a child *or a vulnerable*~~, a disabled~~ adult~~, or an elderly person~~. The court shall determine if good cause exists for public access to the records sought or a portion thereof. In making this determination, the court shall balance the best interest of the *vulnerable* ~~disabled~~ adult~~, elderly person,~~ or child who is the focus of the investigation, and in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. The public interest in access to such records is reflected in s. 119.01(1), and includes the need for citizens to know of and adequately evaluate the actions of the Department of Children and Family Services and the court system in providing *vulnerable* ~~disabled~~ adults~~, elderly persons,~~ and children of this state with the protections enumerated in ss. 39.001 and 415.101. However, this subsection does not contravene ss. 39.202 and 415.107, which protect the name of any person reporting the abuse, neglect, or exploitation of a child *or a vulnerable*~~, a disabled~~ adult~~, or an elderly person~~.

(b) In cases involving serious bodily injury to a child *or a vulnerable*~~, a disabled~~ adult ~~or an elderly person~~, the Department of Children and Family Services may petition the court for an order for the immediate public release of records of the department which pertain to the *protective* investigation ~~of abuse, neglect, abandonment, or exploitation of the child, disabled adult, or elderly person who suffered serious bodily injury~~. The petition must be personally served upon the child *or vulnerable*~~, disabled~~ adult~~, or elderly person~~, the child's parents or guardian, the legal guardian of that person, if any, and any person named as an alleged perpetrator in the report of abuse, neglect, abandonment, or exploitation. The court must determine if good cause exists for the public release of the records sought no later than 24 hours, excluding Saturdays, Sundays, and legal holidays, after the date the department filed the petition with the court. If the court has neither granted nor denied the petition within the 24-hour time period, the department may release to the public summary information including:

1. A confirmation that an investigation has been conducted concerning the alleged victim.

2. The dates and brief description of procedural activities undertaken during the department's investigation.

3. The date of each judicial proceeding, a summary of each participant's recommendations made at the judicial proceedings, and the rulings of the court.

The summary information may not include the name of, or other identifying information with respect to, any person identified in any investigation. In making a determination to release confidential information, the court shall balance the best interests of the *vulnerable* ~~disabled~~ adult ~~or elderly person~~ or child who is the focus of the investigation and, in the case of the child, the interests of that child's siblings, together with the privacy rights of other persons identified in the reports against the public interest for access to public records. However, this paragraph does not contravene ss. 39.202 and 415.107, which protect the name of any person reporting abuse, neglect, or exploitation of a child *or a vulnerable*~~, a disabled~~ adult~~, or an elderly person~~.

(c) When the court determines that good cause for public access exists, the court shall direct that the department redact the name of and other identifying information with respect to any person identified in any *protective investigation report* ~~unfounded report or proposed confirmed report or report closed without classification, or in any report that has not yet been classified pursuant to s. 415.1045(7),~~ until such time as the court finds that there is probable cause to believe that the person identified committed an act of alleged abuse, neglect, or abandonment.

Section 55. Subsection (1) of section 232.50, Florida Statutes, is amended to read:

232.50 Child abuse, abandonment, and neglect policy.—Every school board shall by March 1, 1985:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees or agents of the district school board have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect, have immunity from liability if they report such cases in good faith, and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-free telephone number of the *central* ~~state~~ abuse *hotline* ~~registry~~.

Section 56. Subsection (4) and paragraph (b) of subsection (5) of section 242.335, Florida Statutes, are amended to read:

242.335 Personnel screening; Florida School for the Deaf and the Blind.—

(4) The Florida School for the Deaf and the Blind may not use the criminal records, ~~abuse registry information,~~ private investigator findings, or information reference checks obtained by the school

pursuant to this section for any purpose other than determining if a person meets the minimum standards for good moral character for personnel employed by the school. The criminal records, ~~abuse registry information,~~ private investigator findings, and information from reference checks obtained by the Florida School for the Deaf and the Blind for determining the moral character of employees of the school are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(5) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

(b) Use the criminal records, ~~abuse registry information,~~ private investigator findings, or information from reference checks obtained under this section or information obtained from such records or findings for purposes other than screening for employment or release such information or records to persons for purposes other than screening for employment.

Section 57. Paragraph (a) of subsection (8) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(8) A law enforcement officer may confiscate the disabled parking permit from any person who fraudulently obtains or unlawfully uses such a permit. A law enforcement officer may confiscate any disabled parking permit that is expired, reported as lost or stolen, or defaced, or that does not display a personal identification number.

(a) Beginning April 1, 1999, the permit number of each confiscated permit must be submitted to the Department of Highway Safety and Motor Vehicles, and the fact that the permit has been confiscated must be noted on the permitholder's record. If two permits issued to the same person have been confiscated, the Department of Highway Safety and Motor Vehicles shall refer the information to the *central* ~~Florida~~ abuse hotline *of the Department of Children and Family Services* for an investigation of potential abuse, neglect, or exploitation of the permit owner.

Section 58. Paragraph (c) of subsection (1) of section 381.0059, Florida Statutes, is amended to read:

381.0059 Background screening requirements for school health services personnel.—

(1)

(c) The person subject to the required background screening or his or her employer must pay the fees required to obtain the background screening. Payment for the screening ~~and the abuse registry check~~ must be submitted to the Department of Health. The Florida Department of Law Enforcement shall charge the Department of Health for a level 2 screening at a rate sufficient to cover the costs of such screening pursuant to s. 943.053(3). The Department of Health shall establish a schedule of fees to cover the costs of the level 2 screening ~~and the abuse registry check~~. The applicant or his or her employer who pays for the required screening may be reimbursed by the Department of Health from funds designated for this purpose.

Section 59. Paragraph (d) of subsection (1) of section 381.60225, Florida Statutes, is amended to read:

381.60225 Background screening.—

(1) Each applicant for certification must comply with the following requirements:

(d) A provisional certification may be granted to the organization, agency, or entity when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard certification may be granted to the organization, agency, or entity upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 60. Paragraph (d) of subsection (7) of section 383.305, Florida Statutes, is amended to read:

383.305 Licensure; issuance, renewal, denial, suspension, revocation; fees; background screening.—

(7) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 61. Paragraph (d) of subsection (3) of section 390.015, Florida Statutes, is amended to read:

390.015 Application for license.—

(3) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 62. Paragraph (c) of subsection (5) and paragraph (d) of subsection (6) of section 393.067, Florida Statutes, are amended to read:

393.067 Licensure of residential facilities and comprehensive transitional education programs.—

(5) The applicant shall submit evidence which establishes the good moral character of the manager or supervisor of the facility or program and the direct service providers in the facility or program and its component centers or units. 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 of the direct service providers have failed the screening required by s. 393.0655.

(c) The department or a residential facility or comprehensive transitional education program may not use the criminal records *or*~~,~~ juvenile records~~, or abuse registry information~~ of a person obtained under this subsection for any purpose other than determining if that person meets the minimum standards for good moral character for a manager or supervisor of, or direct service provider in, such a facility or program. The criminal records *or*~~,~~ juvenile records~~, or abuse registry information~~ obtained by the department or a residential facility or comprehensive transitional education program for determining the moral character of a manager, supervisor, or direct service provider are exempt from s. 119.07(1).

(6) Each applicant for licensure as an intermediate care facility for the developmentally disabled must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 63. Paragraph (c) of subsection (1) of section 393.0674, Florida Statutes, is amended to read:

393.0674 Penalties.—

(1) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

(c) Use information from the criminal records or central abuse *hotline* ~~registry~~ obtained under s. 393.0655, s. 393.066, or s. 393.067 for any purpose other than screening that person for employment as specified in those sections or release such information to any other person for any purpose other than screening for employment as specified in those sections.

Section 64. Paragraph (e) of subsection (5) of section 394.459, Florida Statutes, is amended to read:

394.459 Rights of patients.—

(5) COMMUNICATION, ABUSE REPORTING, AND VISITS.—

(e) Each patient receiving mental health treatment in any facility shall have ready access to a telephone in order to report an alleged abuse. The facility staff shall orally and in writing inform each patient of the procedure for reporting abuse and shall make every reasonable effort to present the information in a language the patient understands. A written copy of that procedure, including the telephone number of the *central* abuse *hotline* ~~registry~~ and reporting forms, shall be posted in plain view.

Section 65. Paragraph (d) of subsection (12) of section 394.875, Florida Statutes, is amended to read:

394.875 Crisis stabilization units and residential treatment facilities; authorized services; license required; penalties.—

(12) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 66. Subsection (4) of section 395.0055, Florida Statutes, is amended to read:

395.0055 Background screening.—Each applicant for licensure must comply with the following requirements:

(4) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation; however, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 67. Paragraph (d) of subsection (4) of section 395.0199, Florida Statutes, is amended to read:

395.0199 Private utilization review.—

(4) Each applicant for registration must comply with the following requirements:

(d) A provisional registration may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but

the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A standard registration may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 68. Paragraph (g) of subsection (4) of section 395.3025, Florida Statutes, is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(4) Patient records are confidential and must not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to:

(g) The Department of Children and Family Services or its agent, for the purpose of investigations of cases of abuse, neglect, or exploitation of children or *vulnerable* ~~disabled~~ adults ~~or elderly persons~~.

Section 69. Subsection (3) of section 397.461, Florida Statutes, is amended to read:

397.461 Unlawful activities relating to personnel; penalties.—It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

(3) Use or release any criminal or juvenile ~~or central abuse registry~~ information obtained under this chapter for any purpose other than background checks of personnel for employment.

Section 70. Subsection (2) of section 400.022, Florida Statutes, is amended to read:

400.022 Residents' rights.—

(2) The licensee for each nursing home shall orally inform the resident of the resident's rights and provide a copy of the statement required by subsection (1) to each resident or the resident's legal representative at or before the resident's admission to a facility. The licensee shall provide a copy of the resident's rights to each staff member of the facility. Each such licensee shall prepare a written plan and provide appropriate staff training to implement the provisions of this section. The written statement of rights must include a statement that a resident may file a complaint with the agency or district ombudsman council. The statement must be in boldfaced type and shall include the name, address, and telephone numbers of the district ombudsman council and *central* ~~adult~~ abuse *hotline* ~~registry~~ where complaints may be lodged.

Section 71. Paragraph (d) of subsection (4) of section 400.071, Florida Statutes, is amended to read:

400.071 Application for license.—

(4) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation; however, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 72. Paragraphs (a), (c), and (e) of subsection (2) and subsections (3) and (8) of section 400.215, Florida Statutes, are amended to read:

400.215 Personnel screening requirement.—

(2) Employers and employees shall comply with the requirements of s. 435.05.

(a) Notwithstanding the provisions of s. 435.05(1), facilities must have in their possession evidence that level 1 screening has been completed before allowing an employee to begin working with patients as provided in subsection (1). All information necessary for conducting background screening using level 1 standards as specified in s. 435.03(1) ~~and for conducting a search of the central abuse registry and tracking system as specified in s. 435.03(3)(a)~~ shall be submitted by the nursing facility to the agency. Results of the background screening ~~and the abuse registry check~~ shall be provided by the agency to the requesting nursing facility. ~~An applicant who has been qualified under a level 1 criminal screening and who, under penalty of perjury, attests to not having been classified in the central abuse registry and tracking system as a perpetrator in a confirmed report of abuse, neglect, or exploitation may be allowed to work on a probationary status in the nursing facility, under supervision, for a period not to exceed 30 days, pending the results of an abuse registry screening.~~

(c) The agency shall establish and maintain a database of background screening information which shall include the results of both level 1 and level 2 screening ~~and central abuse registry and tracking system checks~~. The Department of Law Enforcement shall timely provide to the agency, electronically, the results of each statewide screening for incorporation into the database. ~~The Department of Children and Family Services shall provide the agency with electronic access to the central abuse registry and tracking system. The agency shall search the registry to identify any confirmed report and shall access such report for incorporation into the database.~~ The agency shall, upon request from any facility, agency, or program required by or authorized by law to screen its employees or applicants, notify the administrator of the facility, agency, or program of the qualifying or disqualifying status of the employee or applicant named in the request.

~~(e) Notwithstanding the confidentiality provisions of s. 415.107, the agency shall provide no later than 45 days after the effective date of this paragraph, a direct-access electronic screening capability to all enrolled facilities or agencies required by law to restrict employment to only an applicant who does not have a disqualifying report in the central abuse registry and tracking system. The agency shall, upon request, provide to such facility or agency a user code by which the facility or agency may query the listing of all persons disqualified because of a confirmed classification. The direct-access screening system shall allow for the electronic matching of an applicant's identifying information, including name, date of birth, race, sex, and social security number, against the listing of disqualified persons. The agency may charge a fee for issuing the user code sufficient to cover the cost of establishing and maintaining the direct-access screening system. The direct-access screening system shall provide immediately to the user only the electronic notification of applicant clearance or disqualification. The system shall also maintain for appropriate entry into the agency screening database an electronic record of the inquiry on behalf of the applicant.~~

(3) The applicant is responsible for paying the fees associated with obtaining the required screening. Payment for the screening ~~and the abuse registry check~~ shall be submitted to the agency. The agency shall establish a schedule of fees to cover the costs of level 1 and level 2 screening ~~and the abuse registry check~~. Facilities may reimburse employees for these costs. The Department of Law Enforcement shall charge the agency for a level 1 or level 2 screening a rate sufficient to cover the costs of such screening pursuant to s. 943.053(3). The agency shall, as allowable, reimburse nursing facilities for the cost of conducting background screening as required by this section. This reimbursement will not be subject to any rate ceilings or payment targets in the Medicaid Reimbursement plan.

(8) There is no monetary or unemployment liability on the part of, and no cause of action for damages arising against an employer that, upon notice of a disqualifying offense listed under chapter 435 ~~or a confirmed report of abuse, neglect, or exploitation~~ or an act of domestic violence, terminates the employee against whom the report was issued, whether or not the employee has filed for an exemption with the Department of Health or the Agency for Health Care Administration.

Section 73. Paragraph (g) of subsection (1) of section 400.414, Florida Statutes, is amended to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The agency may deny, revoke, or suspend any license issued under this part, or impose an administrative fine in the manner provided in chapter 120, for any of the following actions by an assisted living facility, any person subject to level 2 background screening under s. 400.4174, or any facility employee:

(g) A *determination that* ~~confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, which has been upheld following a chapter 120 hearing or a waiver of such proceedings where the perpetrator is~~ an employee, volunteer, administrator, or owner, or *person who* otherwise has access to the residents of a facility *does not meet the criteria specified in s. 435.03(2),* and the owner or administrator has not taken action to remove the *person* ~~perpetrator~~. Exemptions from disqualification may be granted as set forth in s. 435.07. No administrative action may be taken against the facility if the *person* ~~perpetrator~~ is granted an exemption.

Section 74. Paragraph (c) of subsection (1) and subsection (3) of section 400.4174, Florida Statutes, are amended to read:

400.4174 Background screening; exemptions~~; reports of abuse in facilities~~.—

(1)

(c) The agency may grant a provisional license to a facility applying for an initial license when each individual required by this subsection to undergo screening has completed the ~~abuse registry and~~ Department of Law Enforcement background checks, but has not yet received results from the Federal Bureau of Investigation, or when a request for an exemption from disqualification has been submitted to the agency pursuant to s. 435.07, but a response has not been issued.

~~(3) When an employee, volunteer, administrator, or owner of a facility is the subject of a confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, and the protective investigator knows that the individual is an employee, volunteer, administrator, or owner of a facility, the agency shall be notified of the confirmed report.~~

Section 75. Subsection (4) of section 400.426, Florida Statutes, is amended to read:

400.426 Appropriateness of placements; examinations of residents.—

(4) If possible, each resident shall have been examined by a licensed physician or a licensed nurse practitioner within 60 days before admission to the facility. The signed and completed medical examination report shall be submitted to the owner or administrator of the facility who shall use the information contained therein to assist in the determination of the appropriateness of the resident's admission and continued stay in the facility. The medical examination report shall become a permanent part of the record of the resident at the facility and shall be made available to the agency during inspection or upon request. An assessment that has been completed through the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program fulfills the requirements for a medical examination under this subsection and s. 400.407*(4)*~~(3)~~(b)6.

Section 76. Subsection (2) of section 400.428, Florida Statutes, is amended to read:

400.428 Resident bill of rights.—

(2) The administrator of a facility shall ensure that a written notice of the rights, obligations, and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. This notice shall include the name, address, and telephone numbers of the district ombudsman council and *central* ~~adult~~ abuse *hotline* ~~registry~~ and, when applicable, the Advocacy Center for Persons with Disabilities, Inc., and the district human rights advocacy committee, where complaints may be lodged. The facility must ensure a resident's access to a telephone to call the district ombudsman council, *central* ~~adult~~ abuse *hotline* ~~registry~~, Advocacy Center for Persons with Disabilities, Inc., and district human rights advocacy committee.

Section 77. Subsection (20) of section 400.462, Florida Statutes, is amended to read:

400.462 Definitions.—As used in this part, the term:

(20) "Screening" means the assessment of the background of home health agency personnel, nurse registry personnel, and persons registered under s. 400.509 and includes employment or contractual history checks~~, records checks of the department's central abuse hotline under chapter 415 relating to vulnerable adults,~~ and statewide criminal records correspondence checks through the Department of Law Enforcement.

Section 78. Paragraph (d) of subsection (4) of section 400.471, Florida Statutes, is amended to read:

400.471 Application for license; fee; provisional license; temporary permit.—

(4) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the licensee upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 79. Section 400.495, Florida Statutes, is amended to read:

400.495 Notice of toll-free telephone number for central abuse *hotline* ~~registry~~.—On or before the first day home health services are provided to a patient, any home health agency or nurse registry licensed under this part must inform the patient and his or her immediate

family, if appropriate, of the right to report abusive, neglectful, or exploitative practices. The statewide toll-free telephone number for the central abuse *hotline* ~~registry~~ must be provided to patients in a manner that is clearly legible and must include the words: "To report abuse, neglect, or exploitation, please call toll-free . . .(phone number). . .." The Agency for Health Care Administration shall adopt rules that provide for 90 days' advance notice of a change in the toll-free telephone number and that outline due process procedures, as provided under chapter 120, for home health agency personnel and nurse registry personnel who are reported to the central abuse *hotline* ~~registry~~. Home health agencies and nurse registries shall establish appropriate policies and procedures for providing such notice to patients.

Section 80. Paragraph (d) of subsection (2) of section 400.506, Florida Statutes, is amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(2) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 81. Subsection (6) of section 400.509, Florida Statutes, is amended to read:

400.509 Registration of particular service providers exempt from licensure; certificate of registration; regulation of registrants.—

(6) On or before the first day on which services are provided to a patient or client, any registrant under this part must inform the patient or client and his or her immediate family, if appropriate, of the right to report abusive, neglectful, or exploitative practices. The statewide toll-free telephone number for the central abuse *hotline* ~~registry~~ must be provided to patients or clients in a manner that is clearly legible and must include the words: "To report abuse, neglect, or exploitation, please call toll-free . . .(phone number). . .." Registrants must establish appropriate policies and procedures for providing such notice to patients or clients.

Section 82. Subsections (3), (4), (5), and (6) and paragraph (a) of subsection (7) of section 400.512, Florida Statutes, are amended to read:

400.512 Screening of home health agency personnel; nurse registry personnel; and companions and homemakers.—The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home health agency personnel; persons referred for employment by nurse registries; and persons employed by companion or homemaker services registered under s. 400.509.

(3) As a prerequisite to operating as a home health agency, nurse registry, or companion or homemaker service under s. 400.509, the administrator or managing employee, respectively, must submit to the agency his or her name and any other information necessary to conduct a complete screening according to this section. The agency shall submit the information to the Department of Law Enforcement ~~and the department's abuse hotline~~ for state processing. The agency shall review the record of the administrator or manager with respect to the offenses specified in this section and shall notify the owner of its findings. If disposition information is missing on a criminal record, the administrator or manager, upon request of the agency, must obtain and supply within 30 days the missing disposition information to the agency. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information will result in automatic disqualification.

(4) Proof of compliance with the screening requirements of chapter 435 shall be accepted in lieu of the requirements of this section if the person has been continuously employed or registered without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened ~~through the central abuse registry and tracking system of the department and~~ by the Department of Law Enforcement. A home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 shall directly provide proof of compliance to another home health agency, nurse registry, or companion or homemaker service registered under s. 400.509. The recipient home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 may not accept any proof of compliance directly from the person who requires screening. Proof of compliance with the screening requirements of this section shall be provided upon request to the person screened by the home health agencies; nurse registries; or companion or homemaker services registered under s. 400.509.

(5) There is no monetary liability on the part of, and no cause of action for damages arises against, a licensed home health agency, licensed nurse registry, or companion or homemaker service registered under s. 400.509, that, upon notice *that the employee or contractor has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction* ~~of a confirmed report of adult abuse, neglect, or exploitation~~, terminates the employee or contractor ~~against whom the report was issued~~, whether or not the employee or contractor has filed for an exemption with the agency in accordance with chapter 435 and whether or not the time for filing has expired.

(6) The costs of processing the statewide correspondence criminal records checks ~~and the search of the department's central abuse hotline~~ must be borne by the home health agency; the nurse registry; or the companion or homemaker service registered under s. 400.509, or by the person being screened, at the discretion of the home health agency, nurse registry, or s. 400.509 registrant.

(7)(a) It is a misdemeanor of the first degree, punishable under s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications to be an employee under this section;

2. Operate or attempt to operate an entity licensed or registered under this part with persons who do not meet the minimum standards for good moral character as contained in this section; or

3. Use information from the criminal records ~~or central abuse hotline~~ obtained under this section for any purpose other than screening that person for employment as specified in this section or release such information to any other person for any purpose other than screening for employment under this section.

Section 83. Paragraph (c) of subsection (1) and subsection (3) of section 400.5572, Florida Statutes, are amended to read:

400.5572 Background screening.—

(1)

(c) The agency may grant a provisional license to an adult day care center applying for an initial license when each individual required by this subsection to undergo screening has completed the ~~abuse registry and~~ Department of Law Enforcement background *check* ~~checks~~, but has not yet received results from the Federal Bureau of Investigation, or when a request for an exemption from disqualification has been submitted to the agency pursuant to s. 435.07, but a response has not been issued.

~~(3) When an employee, volunteer, operator, or owner of an adult day care center is the subject of a confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, and the protective investigator knows that the individual is an employee, volunteer, operator, or owner of a center, the agency shall be notified of the confirmed report.~~

Section 84. Subsection (2) of section 400.628, Florida Statutes, is amended to read:

400.628 Residents' bill of rights.—

(2) The provider shall ensure that residents and their legal representatives are made aware of the rights, obligations, and prohibitions set forth in this part. Residents must also be given the names, addresses, and telephone numbers of the district ombudsman council and the *central* ~~adult~~ abuse *hotline* ~~registry~~ where they may lodge complaints.

Section 85. Paragraph (d) of subsection (4) of section 400.801, Florida Statutes, is amended to read:

400.801 Homes for special services.—

(4) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 86. Paragraph (d) of subsection (3) of section 400.805, Florida Statutes, is amended to read:

400.805 Transitional living facilities.—

(3) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 87. Paragraph (d) of subsection (5) of section 400.906, Florida Statutes, is amended to read:

400.906 Initial application for license.—

(5) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 88. Subsection (10) of section 400.931, Florida Statutes, is amended to read:

400.931 Application for license; fee; provisional license; temporary permit.—

(10) When a change of the general manager of a home medical equipment provider occurs, the licensee must notify the agency of the change within 45 days thereof and must provide evidence of compliance with the background screening requirements in subsection (5); except that a general manager who has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but for whom background screening results from the Federal Bureau of Investigation have not yet been received, may be employed pending receipt of the Federal Bureau of Investigation background screening report. An individual may not continue to serve as general manager if the Federal Bureau of Investigation background screening report indicates any violation of background screening standards.

Section 89. Section 400.95, Florida Statutes, is amended to read:

400.95 Notice of toll-free telephone number for central abuse *hotline* ~~registry~~.—On or before the first day home medical equipment is delivered to the patient's home, any home medical equipment provider licensed under this part must inform the consumer and his or her immediate family, if appropriate, of the right to report abusive, neglectful, or exploitative practices. The statewide toll-free telephone number for the central abuse *hotline* ~~registry~~ must be provided to consumers in a manner that is clearly legible and must include the words: "To report abuse, neglect, or exploitation, please call toll-free 1-800-962-2873." Home medical equipment providers shall establish appropriate policies and procedures for providing such notice to consumers.

Section 90. Subsections (3), (4), (5), and (6) and paragraph (a) of subsection (7) of section 400.953, Florida Statutes, are amended to read:

400.953 Background screening of home medical equipment provider personnel.—The agency shall require employment screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home medical equipment provider personnel.

(3) Proof of compliance with the screening requirements of s. 110.1127, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s. 985.407 or this part must be accepted in lieu of the requirements of this section if the person has been continuously employed in the same type of occupation for which he or she is seeking employment without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened ~~through the central abuse registry and tracking system of the department and~~ by the Department of Law Enforcement. An employer or contractor shall directly provide proof of compliance to another employer or contractor, and a potential employer or contractor may not accept any proof of compliance directly from the person requiring screening. Proof of compliance with the screening requirements of this section shall be provided, upon request, to the person screened by the home medical equipment provider.

(4) There is no monetary liability on the part of, and no cause of action for damages arising against, a licensed home medical equipment provider that, upon notice *that an employee has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction* ~~of a confirmed report of adult abuse, neglect, or exploitation under chapter 415~~, terminates the employee ~~against whom the report was issued~~, whether or not the employee has filed for an exemption with the agency and whether or not the time for filing has expired.

(5) The costs of processing the statewide correspondence criminal records checks ~~and the search of the department's central abuse registry~~ must be borne by the home medical equipment provider or by the person being screened, at the discretion of the home medical equipment provider.

(6) Neither the agency nor the home medical equipment provider may use the criminal records *or*~~,~~ juvenile records~~, or central abuse registry information~~ of a person for any purpose other than determining whether that person meets minimum standards of good moral character for home medical equipment provider personnel.

(7)(a) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for paid employment a material fact used in making a determination as to the person's qualifications to be an employee under this section;

2. Operate or attempt to operate an entity licensed under this part with persons who do not meet the minimum standards for good moral character as contained in this section; or

3. Use information from the criminal records ~~or central abuse registry~~ obtained under this section for any purpose other than screening that person for employment as specified in this section, or release such information to any other person for any purpose other than screening for employment under this section.

Section 91. Subsection (1) of section 400.955, Florida Statutes, is amended to read:

400.955 Procedures for screening of home medical equipment provider personnel.—

(1) A person employed by a home medical equipment provider shall, within 5 working days after starting to work, submit to the home medical equipment provider a complete set of information necessary to conduct a screening under this section. The person must sign an affidavit stating whether he or she meets the minimum standards for good moral character under this section. The home medical equipment provider shall submit the information to the Department of Law Enforcement ~~and to the department's central abuse registry and tracking system~~ for processing. If disposition information is missing on a criminal record, it is the responsibility of the person being screened to obtain and supply the missing information within 30 days. Failure to supply the missing information or to show reasonable efforts to obtain such information will result in automatic disqualification for employment.

Section 92. Paragraph (d) of subsection (10) of section 400.962, Florida Statutes, is amended to read:

400.962 License required; license application.—

(10)

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation; however, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been granted by the agency as set forth in chapter 435.

Section 93. Subsections (4) and (8) of section 400.964, Florida Statutes, are amended to read:

400.964 Personnel screening requirement.—

(4) The applicant is responsible for paying the fees associated with obtaining the required screening. Payment for the screening ~~and the abuse registry check~~ must be submitted to the agency as prescribed by the agency.

(8) There is no monetary or unemployment liability on the part of, and no cause of action for damages arises against an employer that, upon notice of a disqualifying offense listed under chapter 435 ~~or a confirmed report of abuse, neglect, or exploitation~~ or an act of domestic violence, terminates the employee ~~against whom the report was issued~~, whether or not the employee has filed for an exemption with the Department of Health or the Agency for Health Care Administration.

Section 94. Paragraph (d) of subsection (2) of section 402.3025, Florida Statutes, is amended to read:

402.3025 Public and nonpublic schools.—For the purposes of ss. 402.301-402.319, the following shall apply:

(2) NONPUBLIC SCHOOLS.—

(d)1. Programs for children who are at least 3 years of age, but under 5 years of age, which are not licensed under ss. 402.301-402.319 shall substantially comply with the minimum child care standards promulgated pursuant to ss. 402.305-402.3057.

2. The department or local licensing agency shall enforce compliance with such standards, where possible, to eliminate or minimize duplicative inspections or visits by staff enforcing the minimum child care standards and staff enforcing other standards under the jurisdiction of the department.

3. The department or local licensing agency may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

a. To protect the health, sanitation, safety, and well-being of all children under care.

b. To enforce its rules and regulations.

c. To use corrective action plans, whenever possible, to attain compliance prior to the use of more restrictive enforcement measures.

d. To make application for injunction to the proper circuit court, and the judge of that court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of ss. 402.301-402.319. Any violation of this section or of the standards applied under ss. 402.305-402.3057 which threatens harm to any child in the school's programs for children who are at least 3 years of age, but are under 5 years of age, or repeated violations of this section or the standards under ss. 402.305-402.3057, shall be grounds to seek an injunction to close a program in a school.

e. To impose an administrative fine, not to exceed $100, for each violation of the minimum child care standards promulgated pursuant to ss. 402.305-402.3057.

4. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

a. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any required written documentation for exclusion from licensure pursuant to this section a material fact used in making a determination as to such exclusion; or

b. Use information from the criminal records ~~or central abuse registry~~ obtained under s. 402.305 or s. 402.3055 for any purpose other than screening that person for employment as specified in those sections or release such information to any other person for any purpose other than screening for employment as specified in those sections.

5. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of any person obtained under s. 402.305 or s. 402.3055 for any purpose other than screening for employment as specified in those sections or to release information from such records to any other person for any purpose other than screening for employment as specified in those sections.

Section 95. Paragraph (c) of subsection (5) of section 402.3125, Florida Statutes, is amended to read:

402.3125 Display and appearance of license; posting of violations; information to be provided to parents.—

(5) The department shall develop a model brochure for distribution by the department and by local licensing agencies to every child care facility in the state. Pursuant thereto:

(c) The brochure shall, at a minimum, contain the following information:

1. A statement that the facility is licensed and has met state standards for licensure as established by s. 402.305 or that the facility is licensed by a local licensing agency and has met or exceeded the state standards, pursuant to ss. 402.306 and 402.307. Such statement shall include a listing of specific standards that licensed facilities must meet pursuant to s. 402.305.

2. A statement indicating that information about the licensure status of the child care facility can be obtained by telephoning the department office or the office of the local licensing agency issuing the license at a telephone number or numbers which shall be printed upon or otherwise affixed to the brochure.

3. The statewide toll-free telephone number of the *central* ~~Florida~~ abuse *hotline* ~~Registry~~, together with a notice that reports of suspected and actual cases of child physical abuse, sexual abuse, and neglect are received and referred for investigation by the *hotline* ~~registry~~.

4. The date that the current license for the facility was issued and the date of its scheduled expiration if it is not renewed.

5. Any other information relating to competent child care that the department deems would be helpful to parents and other caretakers in their selection of a child care facility.

Section 96. Paragraph (d) of subsection (6) of section 402.313, Florida Statutes, is amended to read:

402.313 Family day care homes.—

(6) The department shall prepare a brochure on family day care for distribution by the department and by local licensing agencies, if appropriate, to family day care homes for distribution to parents utilizing such child care, and to all interested persons, including physicians and other health professionals; mental health professionals; school teachers or other school personnel; social workers or other professional child care, foster care, residential, or institutional workers; and law enforcement officers. The brochure shall, at a minimum, contain the following information:

(d) The statewide toll-free telephone number of the *central* ~~Florida~~ abuse *hotline* ~~Registry~~, together with a notice that reports of suspected and actual child physical abuse, sexual abuse, and neglect are received and referred for investigation by the *hotline* ~~registry~~.

Section 97. Paragraph (b) of subsection (11) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(11)

(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 (4)(a).

2. Use information from the criminal records ~~or central abuse registry~~ 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.

Section 98. Subsection (29) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(29) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and

shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03 ~~or has a confirmed report of abuse, neglect, or exploitation pursuant to chapter 415~~.

Section 99. Subsection (5) of section 430.205, Florida Statutes, is amended to read:

430.205 Community care service system.—

(5) Any person who has been classified as a functionally impaired elderly person is eligible to receive community-care-for-the-elderly core services. Those elderly persons who are determined by ~~adult~~ protective *investigations* ~~services~~ to be *vulnerable adults* ~~elderly persons~~ in need of services, pursuant to s. *415.104(3)(b)* ~~415.1045(2)(b)~~, or to be victims of abuse, neglect, or exploitation who are in need of immediate services to prevent further harm and are referred by *the* adult protective services *program*, shall be given primary consideration for receiving community-care-for-the-elderly services. As used in this subsection, "primary consideration" means that an assessment and services must commence within 72 hours after referral to the department or as established in accordance with department contracts by local protocols developed between department service providers and *the* adult protective services *program*.

Section 100. Subsection (1) of section 447.208, Florida Statutes, is amended to read:

447.208 Procedure with respect to certain appeals under s. 447.207.—

(1) Any person filing an appeal pursuant to subsection (8) or subsection (9) of s. 447.207 shall be entitled to a hearing pursuant to subsections (4) and (5) of s. 447.503 and in accordance with chapter 120; however, the hearing shall be conducted within 30 days of the filing of an appeal with the commission, unless an extension of time is granted by the commission for good cause ~~or unless the basis for the appeal is an allegation of abuse or neglect under s. 415.1075, in which case the hearing by the Public Employees Relations Commission may not be held until the confirmed report of abuse or neglect has been upheld pursuant to the procedures for appeal in s. 415.1075~~. Discovery may be granted only upon a showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. To the extent that chapter 120 is inconsistent with these provisions, the procedures contained in this section shall govern.

Section 101. Section 447.401, Florida Statutes, is amended to read:

447.401 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; however, when the issue under appeal is an allegation of abuse, abandonment, or neglect by an employee under s. 39.201 or *s. 415.1034* ~~s. 415.1075~~, the grievance may not be decided until the abuse, abandonment, or neglect of a child has been judicially determined ~~or until a confirmed report of abuse or neglect of a disabled adult or elderly person has been upheld pursuant to the procedures for appeal in s. 415.1075~~. However, an arbiter or other neutral shall not have the power to add to, subtract from, modify, or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure administered without regard to membership or nonmembership in any organization, except that certified employee organizations shall not be required to process grievances for employees who are not members of the organization. A career service employee shall have the option of utilizing the civil service appeal procedure, an unfair labor practice procedure, or a grievance procedure established under this section, but such employee is precluded from availing himself or herself to more than one of these procedures.

Section 102. Subsection (5) of section 455.712, Florida Statutes, is amended to read:

455.712 Business establishments; requirements for active status licenses.—

(5) This section applies to any business establishment registered, permitted, or licensed by the department to do business. Business establishments include, but are not limited to, dental laboratories, electrology facilities, massage establishments, *and* pharmacies~~, and health care services pools~~.

Section 103. Paragraph (e) of subsection (1) of section 464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(e) Having *been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction* ~~a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(6) which has been uncontested or upheld under the procedures of s. 415.1075~~; or having committed an act which constitutes domestic violence as defined in s. 741.28.

Section 104. Paragraph (f) of subsection (4) of section 468.520, Florida Statutes, is amended to read:

468.520 Definitions.—As used in this part:

(4) "Employee leasing" means an arrangement whereby a leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client. The term does not include the following:

(f) A health care services pool licensed under s. *400.980* ~~402.48~~, unless otherwise engaged in business as an employee leasing company.

Section 105. Section 468.826, Florida Statutes, is amended to read:

468.826 Exemption from liability.—If an employer terminates or denies employment to a certified nursing assistant whose certification is inactive as shown on the certified nursing assistant registry or whose name appears ~~on the central abuse registry and tracking system of the Department of Children and Family Services or~~ on a criminal screening report of the Department of Law Enforcement, the employer is not civilly liable for such termination and a cause of action may not be brought against the employer for damages, regardless of whether the employee has filed for an exemption from the department under s. 468.824(1). There may not be any monetary liability on the part of, and a cause of action for damages may not arise against, any licensed facility, its governing board or members thereof, medical staff, disciplinary board, agents, investigators, witnesses, employees, or any other person for any action taken in good faith without intentional fraud in carrying out this section.

Section 106. Subsections (1) and (2) of section 468.828, Florida Statutes, are amended to read:

468.828 Background screening information; rulemaking authority.—

(1) The Agency for Health Care Administration shall allow the department to electronically access its background screening database and records~~, and the Department of Children and Family Services shall allow the department to electronically access its central abuse registry and tracking system under chapter 415~~.

(2) An employer, or an agent thereof, may not use criminal records *or*~~,~~ juvenile records~~, or information obtained from the central abuse hotline under chapter 415~~ for any purpose other than determining if the person meets the requirements of this part. Such records and information obtained by the department shall remain confidential and exempt from s. 119.07(1).

Section 107. Paragraph (d) of subsection (2) of section 483.101, Florida Statutes, is amended to read:

483.101 Application for clinical laboratory license.—

(2) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 108. Paragraph (d) of subsection (2) of section 483.30, Florida Statutes, is amended to read:

483.30 Licensing of centers.—

(2) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for ~~the abuse registry background check and~~ the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 109. Paragraph (a) of subsection (2) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(a) The division has responsibility and jurisdiction for all inspections required by this chapter. The division has responsibility for quality assurance. Each licensed establishment shall be inspected at least biannually and at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall establish a system to determine inspection frequency. Public lodging units classified as resort condominiums or resort dwellings are not subject to this requirement, but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector identifies *vulnerable* ~~disabled~~ adults ~~or elderly persons~~ who appear to be victims of neglect, as defined in s. 415.102, or, in the case of a building that is not equipped with automatic sprinkler systems, tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: the Department of Health, the Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants and clients, and other relevant organizations, to develop a plan which improves the prospects for safety of affected residents and, if necessary, identifies alternative living arrangements such as facilities licensed under part II or part III of chapter 400.

Section 110. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03*(1)*, (2), and (39), or who has *been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction,* ~~a confirmed report of abuse, neglect, or exploitation which has been uncontested or upheld pursuant to the provisions of ss. 415.104 and 415.1075~~ shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 111. Subsection (12) of section 744.474, Florida Statutes, is amended to read:

744.474 Reasons for removal of guardian.—A guardian may be removed for any of the following reasons, and the removal shall be in addition to any other penalties prescribed by law:

(12) *Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction* ~~A confirmed report pursuant to a protective investigation made by the Department of Children and Family Services, which has been uncontested or has been upheld, in accordance with s. 415.1075, that the guardian has abused, neglected, or exploited the ward~~.

Section 112. Section 744.7081, Florida Statutes, is amended to read:

744.7081 Access to records by Statewide Public Guardianship Office; confidentiality.—Notwithstanding any other provision of law to the contrary, any medical, financial, or mental health records held by an agency, or the court and its agencies, which are necessary to evaluate the public guardianship system, to assess the need for additional public guardianship, or to develop required reports, shall be provided to the

Statewide Public Guardianship Office upon that office's request. Any confidential or exempt information provided to the Statewide Public Guardianship Office shall continue to be held confidential or exempt as otherwise provided by law. All records held by the Statewide Public Guardianship Office relating to the medical, financial, or mental health of vulnerable ~~citizens who are elderly persons or disabled~~ adults as defined in chapter 415, persons with a developmental disability as defined in chapter 393, or persons with a mental illness as defined in chapter 394, shall be confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 113. Paragraph (a) of subsection (6) of section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act; definitions; legislative findings, purpose, and intent; criteria; designation; registration; community and public notification; immunity; penalties.—

(6) REGISTRATION.—

(a) A sexual predator must register with the department by providing the following information to the department:

1. Name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, photograph, address of legal residence and address of any current temporary residence, including a rural route address and a post office box, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the offender. A post office box shall not be provided in lieu of a physical residential address. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the department written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel *and*~~,~~ treatment~~, and abuse registry~~ records; and evidentiary genetic markers when available.

Section 114. Paragraph (e) of subsection (5) of section 916.107, Florida Statutes, is amended to read:

916.107 Rights of forensic clients.—

(5) COMMUNICATION, ABUSE REPORTING, AND VISITS.—

(e) Each client committed pursuant to this chapter shall have ready access to a telephone in order to report an alleged abuse. The facility or program staff shall orally and in writing inform each client of the procedure for reporting abuse and shall present the information in a language the client understands. A written copy of that procedure, including the telephone number of the *central* abuse *hotline* ~~registry~~ and reporting forms, shall be posted in plain view.

Section 115. Paragraph (a) of subsection (4) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.— The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.— Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), ~~s. 415.1075(4),~~ s. 985.407, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices

of the Department of Education, any district school board, or any local governmental entity that licenses child care facilities.

Section 116. Paragraph (e) of subsection (4) of section 985.05, Florida Statutes, is amended to read:

985.05 Court records.—

(4) A court record of proceedings under this part is not admissible in evidence in any other civil or criminal proceeding, except that:

(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and 985.407~~, and for proof in a chapter 120 proceeding pursuant to s. 415.1075~~.

Section 117. *Sections 415.1065, 415.1075, 415.1085, and 415.109, Florida Statutes, are repealed.*

Section 118. *There is hereby appropriated from the Health Care Trust Fund to the Agency for Health Care Administration one full-time equivalent position and $60,000 to implement the provisions of s. 400.980, Florida Statutes, relating to the regulation of health care services pools, as provided for in this act.*

Section 119. Subsection (4) of section 20.41, Florida Statutes, is amended to read:

20.41 Department of Elderly Affairs.—There is created a Department of Elderly Affairs.

(4) The department shall administratively house the State Long-Term Care Ombudsman Council, created by s. 400.0067, and the *local* ~~district~~ long-term care ombudsman councils, created by s. 400.0069 and shall, as required by s. 712 of the federal Older Americans Act of 1965, ensure that both the state and *local* ~~district~~ long-term care ombudsman councils operate in compliance with the Older Americans Act. The councils in performance of their duties shall not be subject to control, supervision, or direction by the department.

Section 120. Paragraph (h) of subsection (4) of section 395.3025, Florida Statutes, is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(4) Patient records are confidential and must not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to:

(h) The State Long-Term Care Ombudsman Council and the *local* ~~district~~ long-term care ombudsman councils, with respect to the records of a patient who has been admitted from a nursing home or long-term care facility, when the councils are conducting an investigation involving the patient as authorized under part II of chapter 400, upon presentation of identification as a council member by the person making the request. Disclosure under this paragraph shall only be made after a competent patient or the patient's representative has been advised that disclosure may be made and the patient has not objected.

Section 121. Paragraph (b) of subsection (3) of section 400.0063, Florida Statutes, is amended to read:

400.0063 Establishment of Office of State Long-Term Care Ombudsman; designation of ombudsman and legal advocate.—

(3)

(b) The duties of the legal advocate shall include, but not be limited to:

1. Assisting the ombudsman in carrying out the duties of the office with respect to the abuse, neglect, or violation of rights of residents of long-term care facilities.

2. Assisting the state and *local* ~~district~~ ombudsman councils in carrying out their responsibilities under this part.

3. Initiating and prosecuting legal and equitable actions to enforce the rights of long-term care facility residents as defined in this chapter.

4. Serving as legal counsel to the state and *local* ~~district~~ ombudsman councils, or individual members thereof, against whom any suit or other legal action is initiated in connection with the performance of the official duties of the councils or an individual member.

Section 122. Paragraph (f) of subsection (1) and subsections (2) and (3) of section 400.0065, Florida Statutes, are amended to read:

400.0065 State Long-Term Care Ombudsman; duties and responsibilities; conflict of interest.—

(1) The purpose of the Office of State Long-Term Care Ombudsman shall be to:

(f) Provide administrative and technical assistance to state and *local* ~~district~~ ombudsman councils.

(2) The State Long-Term Care Ombudsman shall have the duty and authority to:

(a) Assist and support the efforts of the State Long-Term Care Ombudsman Council in the establishment and coordination of *local* ~~district~~ ombudsman councils throughout the state.

(b) Perform the duties specified in state and federal law, rules, and regulations.

(c) Within the limits of federal and state funding authorized and appropriated, employ such personnel, including staff for *local* ~~district~~ ombudsman councils, as are necessary to perform adequately the functions of the office and provide or contract for legal services to assist the state and *local* ~~district~~ ombudsman councils in the performance of their duties. Staff positions for each *local* ~~district~~ ombudsman council may be established as career service positions, and shall be filled *by the ombudsman after* ~~in~~ consultation with the respective *local* ~~district~~ ombudsman council.

(d) Contract for services necessary to carry out the activities of the office.

(e) Apply for, receive, and accept grants, gifts, or other payments, including, but not limited to, real property, personal property, and services from a governmental entity or other public or private entity or person, and make arrangements for the use of such grants, gifts, or payments.

(f) Annually prepare a budget request that shall be submitted to the Governor by the department for transmittal to the Legislature.

~~(f) Perform the duties specified in state and federal law without interference by officials of the Department of Elderly Affairs, the Agency for Health Care Administration, or the Department of Children and Family Services. The ombudsman shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives whenever organizational or departmental policy issues threaten the ability of the Office of State Long-Term Care Ombudsman to carry out its duties under state or federal law.~~

(g) Coordinate, to the greatest extent possible, state and *local* ~~district~~ ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illnesses and with legal assistance programs for the poor through adoption of memoranda of understanding and other means.

(h) Enter into a cooperative agreement with the statewide and district human rights advocacy committees for the purpose of coordinating advocacy services provided to residents of long-term care facilities.

(i) Enter into a cooperative agreement with the Medicaid Fraud Division as prescribed under s. 731(e)(2)(B) of the Older Americans Act.

(3) The State Long-Term Care Ombudsman shall not:

(a) Have a direct involvement in the licensing or certification of, or an ownership or investment interest in, a long-term care facility or a provider of a long-term care service.

(b) Be employed by, or participate in the management of, a long-term care facility.

(c) Receive, or have a right to receive, directly or indirectly, remuneration, in cash or in kind, under a compensation agreement with the owner or operator of a long-term care facility.

The Department of Elderly Affairs, *in consultation with ombudsman,* shall adopt rules to establish procedures to identify and eliminate conflicts of interest as described in this subsection.

Section 123. Section 400.0066, Florida Statutes, is created to read:

400.0066 Office of State Long-Term Care Ombudsman and departments of state government.—

(1) The State Long-Term Care Ombudsman shall perform the duties specified in state and federal law.

(2) Officials from the Department of Elderly Affairs, the Agency for Health Care Administration, and the Department of Children and Family Services shall not interfere in the performance of official duties of any ombudsman staff or volunteers.

(3) The Department of Elderly Affairs shall provide administrative support to the long-term care ombudsman program, including:

(a) Office space for state and local ombudsman councils.

(b) Assistance with personnel, accounting, and management information systems.

(4) The Department of Elderly Affairs shall meet the costs associated with these functions from funds appropriated to the department.

(5) The Department of Elderly Affairs shall include the costs associated with support of the long-term care ombudsman program in developing its budget requests for consideration by the Governor and submittal to the Legislature.

(6) The Department of Elderly Affairs may divert from the federal ombudsman appropriation an amount equal to the department's administrative cost ratio, not to exceed 10 percent of the federal appropriation, for the ombudsman. The remaining ninety percent or more of the allotment from the Older Americans Act Program shall be expended on direct ombudsman activities.

Section 124. Section 400.0067, Florida Statutes, is amended to read:

400.0067 Establishment of State Long-Term Care Ombudsman Council; duties; membership.—

(1) There is created within the Office of State Long-Term Care Ombudsman, the State Long-Term Care Ombudsman Council.

(2) The State Long-Term Care Ombudsman Council shall:

(a) Assist the ombudsman in reaching a consensus among *local* ~~district~~ ombudsman councils on issues of statewide concern.

(b) Serve as an appellate body in receiving from the *local* ~~district~~ ombudsman councils complaints not resolved at the *local* ~~district~~ level. The state ombudsman council may enter any long-term care facility involved in an appeal, pursuant to the conditions specified in s. 400.0069(3).

(c) Assist the ombudsman to discover, investigate, and determine the existence of abuse or neglect in any long-term care facility and to develop procedures, in consultation with the Department of Elderly Affairs, relating to such investigations. Investigations may consist, in part, of one or more onsite administrative inspections.

(d) Assist the ombudsman in eliciting, receiving, responding to, and resolving complaints made by or on behalf of long-term care facility residents and in developing procedures, in consultation with the Department of Elderly Affairs, relating to the receipt and resolution of such complaints.

(e) Elicit and coordinate state, local, and voluntary organizational assistance for the purpose of improving the care received by residents of a long-term care facility.

(f) Be authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties, including assistance from the adult protective services program of the Department of Children and Family Services.

~~(g) Enter into a cooperative agreement with the statewide and district human rights advocacy committees for the purpose of coordinating advocacy services provided to residents of long-term care facilities.~~

(g)~~(h)~~ Prepare an annual report describing the activities carried out by the ombudsman and the State Long-Term Care Ombudsman Council in the year for which the report is prepared. The State Long-Term Care Ombudsman Council shall submit the report to the Commissioner of the United States Administration on Aging, the Governor, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, the chairpersons of appropriate House and Senate committees, the Secretaries of Elderly Affairs and Children and Family Services, and the Director of Health Care Administration. The report shall be submitted at least 30 days before the convening of the regular session of the Legislature and shall, at a minimum:

1. Contain and analyze data collected concerning complaints about and conditions in long-term care facilities.

2. Evaluate the problems experienced by residents of long-term care facilities.

3. Contain recommendations for improving the quality of life of the residents and for protecting the health, safety, welfare, and rights of the residents.

4. Analyze the success of the ombudsman program during the preceding year and identify the barriers that prevent the optimal operation of the program. The report of the program's successes shall also address the relationship between the state long-term care ombudsman program, the Department of Elderly Affairs, the Agency for Health Care Administration, and the Department of Children and Family Services, and an assessment of how successfully the state long-term care ombudsman program has carried out its responsibilities under the Older Americans Act.

5. Provide policy and regulatory and legislative recommendations to solve identified problems; resolve residents' complaints; improve the quality of care and life of the residents; protect the health, safety, welfare, and rights of the residents; and remove the barriers to the optimal operation of the state long-term care ombudsman program.

6. Contain recommendations from the *local* ~~district~~ ombudsman councils regarding program functions and activities.

7. Include a report on the activities of the legal advocate and other legal advocates acting on behalf of the *local* ~~district~~ and state councils.

(3)(a) The State Long-Term Care Ombudsman Council shall be composed of*: one active local council member designated by each local council and three persons appointed by the Governor.* ~~a number of members equal to the number of district councils in the state plus three. Each district ombudsman council, including the ombudsman councils for subdistricts 3A and 3B, shall appoint one member and the Governor shall appoint three members to the State Long-Term Care Ombudsman Council. An individual designated by a district ombudsman council must have been a member of a district ombudsman council for at least 1 year, and shall continue to serve as an active member at the district level. The Governor's appointments shall be made from a list of not fewer than eight nominees, to be selected by the secretary in~~

~~consultation with the State Long-Term Care Ombudsman Council and submitted to the Governor. If the appointments are not made within 30 days after the Governor receives the list of nominees, the secretary shall, in consultation with the State Long-Term Care Ombudsman Council, appoint three members from the list of nominees submitted to the Governor. At least one member appointed by the Governor must be over 60 years of age.~~

(b)1. The ombudsman, in consultation with the secretary and the state ombudsman council, shall submit a list of at least eight names to the Governor of persons not serving on a local council.

2. The Governor shall appoint three members from the list, at least one of whom must be over 60 years of age.

3. If the Governor's appointments are not made within 60 days after the ombudsman submits the list, the ombudsman, in consultation with the state ombudsman council, shall appoint three members, at least one of whom must be over 60 years of age.

(c)~~(b)~~ All members shall be appointed to serve 3-year terms. *A member of the state ombudsman council may not serve more than two consecutive terms.* Any vacancy shall be filled in the same manner as the original appointment. The position of any member missing three consecutive regular meetings without cause shall be declared vacant. *The findings of the ombudsman regarding cause shall be final and binding.*

(d)~~(c)~~ The state ombudsman council shall elect a chairperson for a term of 1 year from among the members who have served for at least 1 year. The chairperson shall select a vice chairperson from among the members. The vice chairperson shall preside over the council in the absence of the chairperson.

(e)~~(d)~~ The state ombudsman council shall meet upon the call of the chairperson, at least quarterly or more frequently as needed.

(f)~~(e)~~ Members shall receive no compensation but shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

~~(4) Members shall be appointed and serve 3-year terms as provided by this section.~~

(4)~~(5)~~ No officer, employee, or representative of the Office of State Long-Term Care Ombudsman or of the State Long-Term Care Ombudsman Council, nor any member of the immediate family of such officer, employee, or representative, may have a conflict of interest. ~~The Department of Elderly Affairs, in consultation with~~ The ombudsman~~,~~ shall adopt rules to identify and remove conflicts of interest.

(5)~~(6)~~ The Department of Elderly Affairs shall make a separate and distinct request for an appropriation for all expenses for the state and *local* ~~district~~ ombudsman councils.

Section 125. Section 400.0069, Florida Statutes, is amended to read:

400.0069 *Local* ~~District~~ long-term care ombudsman councils; duties; membership.—

(1) There shall be at least one long-term care ombudsman council in each of the planning and service areas of the Department of Elderly Affairs, which shall function under the direction of the *ombudsman and the* state ombudsman council.

(2) The duties of the *local* ~~district~~ ombudsman council are:

(a) To serve as a third-party mechanism for protecting the health, safety, welfare, and civil and human rights of residents of a long-term care facility.

(b) To discover, investigate, and determine the existence of abuse or neglect in any long-term care facility and to use the procedures provided for in ss. 415.101-415.113 when applicable. Investigations may consist, in part, of one or more onsite administrative inspections.

(c) To elicit, receive, investigate, respond to, and resolve complaints made by, or on behalf of, long-term care facility residents.

(d) To review and, if necessary, to comment on, for their effect on the rights of long-term care facility residents, all existing or proposed rules, regulations, and other governmental policies relating to long-term care facilities.

(e) To review personal property and money accounts of Medicaid residents pursuant to an investigation to obtain information regarding a specific complaint or problem.

(f) To represent the interests of residents before government agencies and to seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents.

(g) To carry out other activities that the ombudsman determines to be appropriate.

(3) In order to carry out the duties specified in subsection (2), the *local* ~~district~~ ombudsman council is authorized, pursuant to ss. 400.19(1) and 400.434, to enter any long-term care facility without notice or first obtaining a warrant, subject to the provisions of s. 400.0073(5).

(4) Each *local* ~~district~~ ombudsman council shall be composed of no less than 15 members and no more than 30 members from the *local planning and service area* ~~district~~, to include the following: one medical or osteopathic physician whose practice includes or has included a substantial number of geriatric patients and who may have limited practice in a long-term care facility; one registered nurse who has geriatric experience, if possible; one licensed pharmacist; one registered dietitian; at least six nursing home residents or representative consumer advocates for nursing home residents; at least three residents of assisted living facilities or adult family-care homes or three representative consumer advocates for long-term care facility residents; one attorney; and one professional social worker. In no case shall the medical director of a long-term care facility or an employee of the Agency for Health Care Administration, the Department of Children and Family Services, or the Department of Elderly Affairs serve as a member or as an ex officio member of a council. Each member of the council shall certify that neither the council member nor any member of the council member's immediate family has any conflict of interest pursuant to subsection (10). *Local* ~~District~~ ombudsman councils are encouraged to recruit council members who are 60 years of age or older.

(5) All members shall be appointed to serve 3-year terms. Upon expiration of a term and in case of any other vacancy, the council shall *select* ~~appoint~~ a replacement by majority vote ~~of the council, subject to the approval of the Governor~~. *The ombudsman shall review the selection of the council and recommend approval or disapproval to the Governor.* If no action is taken by the Governor to approve or disapprove the replacement of a member within 30 days after the *ombudsman* ~~council~~ has notified the Governor of *his or her recommendation,* ~~the appointment, the appointment of~~ the replacement shall be considered *disapproved and the process for selection of a replacement shall be repeated* ~~approved~~. ~~The term of any member missing three consecutive regular meetings without cause shall be declared vacant.~~

(6) The *local* ~~district~~ ombudsman council shall elect a chair for a term of 1 year from members who have served at least 1 year. The chair shall select a vice chair from among the members of the council. The vice chair shall preside over the council in the absence of the chair.

(7) The *local* ~~district~~ ombudsman council shall meet upon the call of the chair *or the ombudsman*, at least once a month or more frequently as needed to handle emergency situations.

(8) A member of a *local* ~~district~~ ombudsman council shall receive no compensation but shall be reimbursed for travel expenses both within and outside the county of residence in accordance with the provisions of s. 112.061.

(9) The *local* ~~district~~ ombudsman councils are authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of their duties. All state

agencies shall cooperate with the *local* ~~district~~ ombudsman councils in providing requested information and agency representatives at council meetings. ~~The Department of Children and Family Services shall continue to provide space and in-kind administrative support for each district ombudsman council staff within available resources until the Legislature appropriates funds for office space and administrative support.~~

(10) No officer, employee, or representative of a *local* ~~district~~ long-term care ombudsman council, nor any member of the immediate family of such officer, employee, or representative, may have a conflict of interest. ~~The Department of Elderly Affairs, in consultation with~~ The ombudsman~~,~~ shall adopt rules to identify and remove conflicts of interest.

Section 126. Section 400.0071, Florida Statutes, is amended to read:

400.0071 Complaint procedures.—

(1) The state ombudsman council shall establish state and *local* ~~district~~ procedures for receiving complaints against a nursing home or long-term care facility or its employee.

(2) These procedures shall be posted in full view in every nursing home or long-term care facility. Every resident or representative of a resident shall receive, upon admission to a nursing home or long-term care facility, a printed copy of the procedures of the state and the *local* ~~district~~ ombudsman councils.

Section 127. Subsections (1), (2), (3), and (4) of section 400.0073, Florida Statutes, are amended to read:

400.0073 State and *local* ~~district~~ ombudsman council investigations.—

(1) A *local* ~~district~~ ombudsman council shall investigate any complaint of a resident or representative of a resident based on an action by an administrator or employee of a nursing home or long-term care facility which might be:

(a) Contrary to law.

(b) Unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law.

(c) Based on a mistake of fact.

(d) Based on improper or irrelevant grounds.

(e) Unaccompanied by an adequate statement of reasons.

(f) Performed in an inefficient manner.

(g) Otherwise erroneous.

(2) In an investigation, both the state and *local* ~~district~~ ombudsman councils have the authority to hold hearings.

(3) Subsequent to an appeal from a *local* ~~district~~ ombudsman council, the state ombudsman council may investigate any nursing home or long-term care facility.

(4) In addition to any specific investigation made pursuant to a complaint, the *local* ~~district~~ ombudsman council shall conduct, at least annually, an investigation, which shall consist, in part, of an onsite administrative inspection, of each nursing home or long-term care facility within its jurisdiction.

Section 128. Section 400.0075, Florida Statutes, is amended to read:

400.0075 Complaint resolution procedures.—

(1) Any complaint, including any problem identified by an ombudsman council as a result of an investigation, deemed valid and requiring remedial action by the *local* ~~district~~ ombudsman council shall be identified and brought to the attention of the long-term care facility administrator in writing. Upon receipt of such document, the administrator, in concurrence with the *local* ~~district~~ ombudsman council chair, shall establish target dates for taking appropriate remedial action. If, by the target date, the remedial action is not completed or forthcoming, the *local* ~~district~~ ombudsman council may:

(a) Extend the target date if the council has reason to believe such action would facilitate the resolution of the complaint.

(b) In accordance with s. 400.0077, publicize the complaint, the recommendations of the council, and the response of the long-term care facility.

(c) Refer the complaint to the state ombudsman council.

If the health, safety, welfare, or rights of the resident are in imminent danger, the *local* ~~district~~ long-term care ombudsman council may seek immediate legal or administrative remedies to protect the resident.

(2) Upon referral from the *local* ~~district~~ ombudsman council, the state ombudsman council shall assume the responsibility for the disposition of the complaint. If a long-term care facility fails to take action on a complaint found valid by the state ombudsman council, the state council may:

(a) In accordance with s. 400.0077, publicize the complaint, the recommendations of the council, and the response of the long-term care facility.

(b) Recommend to the agency a series of facility reviews pursuant to s. 400.19(4) to assure correction and nonrecurrence of conditions that give rise to complaints against a long-term care facility.

(c) Recommend to the agency changes in rules for inspecting and licensing or certifying long-term care facilities, and recommend to the Agency for Health Care Administration changes in rules for licensing and regulating long-term care facilities.

(d) Refer the complaint to the state attorney for prosecution if there is reason to believe the long-term care facility or its employee is guilty of a criminal act.

(e) Recommend to the Agency for Health Care Administration that the long-term care facility no longer receive payments under the State Medical Assistance Program (Medicaid).

(f) Recommend that the agency initiate procedures for revocation of license in accordance with chapter 120.

(g) Seek legal, administrative, or other remedies to protect the health, safety, welfare, or rights of the resident.

If the health, safety, welfare, or rights of the resident are in imminent danger, the State Long-Term Care Ombudsman Council shall seek immediate legal or administrative remedies to protect the resident.

(3) The state ombudsman council shall provide, as part of its annual report required pursuant to s. 400.0067(2)*(g)*~~(h)~~, information relating to the disposition of all complaints to the Department of Elderly Affairs.

Section 129. Paragraph (a) of subsection (1) and subsections (4) and (5) of section 400.0077, Florida Statutes, are amended to read:

400.0077 Confidentiality.—

(1) The following are confidential and exempt from the provisions of s. 119.07(1):

(a) Resident records held by the ombudsman or by the state or a *local* ~~district~~ ombudsman council.

(4) Members of any state or *local* ~~district~~ ombudsman council shall not be required to testify in any court with respect to matters held to be confidential under s. 400.414 except as may be necessary to enforce the provisions of this act.

(5) Subject to the provisions of this section, the *Office of State Long-Term Care Ombudsman* ~~Department of Elderly Affairs, in consultation with the ombudsman and the State Long-Term Care Ombudsman~~

~~Council,~~ shall adopt rules for the disclosure by the ombudsman or *local* ~~district~~ ombudsman councils of files maintained by the program.

Section 130. Subsection (2) of section 400.0079, Florida Statutes, is amended to read:

400.0079 Immunity.—

(2) The ombudsman or any person acting on behalf of the Office of State Long-Term Care Ombudsman or the state or a *local* ~~district~~ long-term care ombudsman council shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed, during the good faith performance of official duties.

Section 131. Subsections (1) and (2) of section 400.0081, Florida Statutes, are amended to read:

400.0081 Access.—

(1) The Office of State Long-Term Care Ombudsman, the State Long-Term Care Ombudsman Council, and the *local* ~~district~~ long-term care ombudsman councils, or their representatives, shall have access to:

(a) Long-term care facilities and residents.

(b) Medical and social records of a resident for review, if:

1. The office has the permission of the resident or the legal representative of the resident; or

2. The resident is unable to consent to the review and has no legal representative.

(c) Medical and social records of the resident as necessary to investigate a complaint, if:

1. A legal guardian of the resident refuses to give permission.

2. The office has reasonable cause to believe that the guardian is not acting in the best interests of the resident.

3. The representative obtains the approval of the ombudsman.

(d) The administrative records, policies, and documents to which the residents, or the general public, have access.

(e) Upon request, copies of all licensing and certification records maintained by the state with respect to a long-term care facility.

(2) Notwithstanding paragraph (1)(b), if, pursuant to a complaint investigation by the state ombudsman council or a *local* ~~district~~ ombudsman council, the legal representative of the resident refuses to give permission for the release of the resident's records, and if the Office of ~~the~~ State Long-Term Care Ombudsman ~~Council~~ has reasonable cause to find that the legal representative is not acting in the best interests of the resident, the medical and social records of the resident must be made available to the state or *local* ~~district~~ council as is necessary for the members of the council to investigate the complaint.

Section 132. Subsections (1) and (2) of section 400.0083, Florida Statutes, are amended to read:

400.0083 Interference; retaliation; penalties.—

(1) It shall be unlawful for any person, long-term care facility, or other entity to willfully interfere with a representative of the Office of ~~the~~ State Long-Term Care Ombudsman, the State Long-Term Care Ombudsman Council, or a *local* ~~district~~ long-term care ombudsman council in the performance of official duties.

(2) It shall be unlawful for any person, long-term care facility, or other entity to retaliate against any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of the Office of ~~the~~ State Long-Term Care Ombudsman, the State Long-Term Care Ombudsman Council, or a *local* ~~district~~ long-term care ombudsman council.

Section 133. Section 400.0087, Florida Statutes, is amended to read:

400.0087 Agency oversight.—

(1) The Department of Elderly Affairs shall monitor the *local* ~~district~~ ombudsman councils responsible for carrying out the duties delegated by s. 400.0069 and federal law. The department, in consultation with the ombudsman and the State Long-Term Care Ombudsman Council, shall adopt rules to establish the policies and procedures for the monitoring of *local* ~~district~~ ombudsman councils.

(2) The department is responsible for ensuring that the Office of State Long-Term Care Ombudsman prepares its annual report; provides information to public and private agencies, legislators, and others; provides appropriate training to representatives of the office or of the state or *local* ~~district~~ long-term care ombudsman councils; and coordinates ombudsman services with the Advocacy Center for Persons with Disabilities and with providers of legal services to residents of long-term care facilities in compliance with state and federal laws.

(3) The Department of Elderly Affairs is the designated state unit on aging for purposes of complying with the federal Older Americans Act. The Department of Elderly Affairs shall ensure that the ombudsman program has the objectivity and independence required to qualify it for funding under the federal Older Americans Act, and shall carry out the long-term care ombudsman program through the Office of ~~the~~ State Long-Term Care Ombudsman ~~Council~~. The Department of Elderly Affairs shall also:

(a) Receive and disburse state and federal funds for purposes that the state ombudsman council has formulated in accordance with the Older Americans Act.

(b) Act as liaison between the federal program representatives, the staffs of the state and *local* ~~district~~ ombudsman councils, and members of the state and *local* ~~district~~ ombudsman councils.

Section 134. Section 400.0089, Florida Statutes, is amended to read:

400.0089 Agency reports.—The State Long-Term Care Ombudsman Council, shall, in cooperation with the Department of Elderly Affairs, maintain a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities and to residents, for the purpose of identifying and resolving significant problems. The council shall submit such data as part of its annual report required pursuant to s. 400.0067(2)*(g)*~~(h)~~ to the Agency for Health Care Administration, the Department of Children and Family Services, the Statewide Human Rights Advocacy Committee, the Advocacy Center for Persons with Disabilities, the Commissioner for the United States Administration on Aging, the National Ombudsman Resource Center, and any other state or federal entities that the ombudsman determines appropriate.

Section 135. Section 400.0091, Florida Statutes, is amended to read:

400.0091 Training.—The ombudsman shall provide appropriate training to all employees of the Office of State Long-Term Care Ombudsman and to the state and *local* ~~district~~ long-term care ombudsman councils, including all unpaid volunteers. The ombudsman shall implement the training program no later than June 1, 1994. No employee, officer, or representative of the office or of the state or *local* ~~district~~ long-term care ombudsman councils, other than the ombudsman, may carry out any authorized ombudsman duty or responsibility unless the person has received the training required by this section and has been approved by the ombudsman as qualified to carry out ombudsman activities on behalf of the office or the state or *local* ~~district~~ long-term care ombudsman councils.

Section 136. Present subsections (8), (9), and (10) of section 400.021, Florida Statutes, are renumbered as subsections (7), (8), and (9), respectively, and present subsection (7) is renumbered as subsection (10) and amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(10) ~~(7)~~ "*Local* ~~District~~ ombudsman council" means a *local* ~~district~~ long-term care ombudsman council established pursuant to s. 400.0069, located within the Older Americans Act planning and service areas.

Section 137. Paragraph (c) of subsection (1) and subsections (2) and (3) of section 400.022, Florida Statutes, are amended to read:

400.022 Residents' rights.—

(1) All licensees of nursing home facilities shall adopt and make public a statement of the rights and responsibilities of the residents of such facilities and shall treat such residents in accordance with the provisions of that statement. The statement shall assure each resident the following:

(c) Any entity or individual that provides health, social, legal, or other services to a resident has the right to have reasonable access to the resident. The resident has the right to deny or withdraw consent to access at any time by any entity or individual. Notwithstanding the visiting policy of the facility, the following individuals must be permitted immediate access to the resident:

1. Any representative of the federal or state government, including, but not limited to, representatives of the Department of Children and Family Services, the Department of Health, the Agency for Health Care Administration, the Office of the Attorney General, and the Department of Elderly Affairs; any law enforcement officer; members of the state or *local* ~~district~~ ombudsman council; and the resident's individual physician.

2. Subject to the resident's right to deny or withdraw consent, immediate family or other relatives of the resident.

The facility must allow representatives of the State Long-Term Care Ombudsman Council to examine a resident's clinical records with the permission of the resident or the resident's legal representative and consistent with state law.

(2) The licensee for each nursing home shall orally inform the resident of the resident's rights and provide a copy of the statement required by subsection (1) to each resident or the resident's legal representative at or before the resident's admission to a facility. The licensee shall provide a copy of the resident's rights to each staff member of the facility. Each such licensee shall prepare a written plan and provide appropriate staff training to implement the provisions of this section. The written statement of rights must include a statement that a resident may file a complaint with the agency or *local* ~~district~~ ombudsman council. The statement must be in boldfaced type and shall include the name, address, and telephone numbers of the *local* ~~district~~ ombudsman council and adult abuse registry where complaints may be lodged.

(3) Any violation of the resident's rights set forth in this section shall constitute grounds for action by the agency under the provisions of s. 400.102. In order to determine whether the licensee is adequately protecting residents' rights, the annual inspection of the facility shall include private informal conversations with a sample of residents to discuss residents' experiences within the facility with respect to rights specified in this section and general compliance with standards, and consultation with the ombudsman council in the *local* ~~district~~ in which the nursing home is located.

Section 138. Subsections (8), (9), (11), (12), (13), and (14) of section 400.0255, Florida Statutes, are amended to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(8) The notice required by subsection (7) must be in writing and must contain all information required by state and federal law, rules, or regulations applicable to Medicaid or Medicare cases. The agency shall develop a standard document to be used by all facilities licensed under this part for purposes of notifying residents of a discharge or transfer. Such document must include a means for a resident to request the *local* ~~district~~ long-term care ombudsman council to review the notice and request information about or assistance with initiating a fair hearing with the department's Office of Appeals Hearings. In addition to any other pertinent information included, the form shall specify the reason allowed under federal or state law that the resident is being discharged or transferred, with an explanation to support this action. Further, the form shall state the effective date of the discharge or transfer and the location to which the resident is being discharged or transferred. The form shall clearly describe the resident's appeal rights and the procedures for filing an appeal, including the right to request the *local* ~~district~~ ombudsman council to review the notice of discharge or transfer. A copy of the notice must be placed in the resident's clinical record, and a copy must be transmitted to the resident's legal guardian or representative and to the *local* ~~district~~ ombudsman council.

(9) A resident may request that the *local* ~~district~~ ombudsman council review any notice of discharge or transfer given to the resident. When requested by a resident to review a notice of discharge or transfer, the *local* ~~district~~ ombudsman council shall do so within 7 days after receipt of the request. The nursing home administrator, or the administrator's designee, must forward the request for review contained in the notice to the *local* ~~district~~ ombudsman council within 24 hours after such request is submitted. Failure to forward the request within 24 hours after the request is submitted shall toll the running of the 30-day advance notice period until the request has been forwarded.

(11) Notwithstanding paragraph (10)(b), an emergency discharge or transfer may be implemented as necessary pursuant to state or federal law during the period of time after the notice is given and before the time a hearing decision is rendered. Notice of an emergency discharge or transfer to the resident, the resident's legal guardian or representative, and the *local* ~~district~~ ombudsman council if requested pursuant to subsection (9) must be by telephone or in person. This notice shall be given before the transfer, if possible, or as soon thereafter as practicable. A *local* ~~district~~ ombudsman council conducting a review under this subsection shall do so within 24 hours after receipt of the request. The resident's file must be documented to show who was contacted, whether the contact was by telephone or in person, and the date and time of the contact. If the notice is not given in writing, written notice meeting the requirements of subsection (8) must be given the next working day.

(12) After receipt of any notice required under this section, the *local* ~~district~~ ombudsman council may request a private informal conversation with a resident to whom the notice is directed, and, if known, a family member or the resident's legal guardian or designee, to ensure that the facility is proceeding with the discharge or transfer in accordance with the requirements of this section. If requested, the *local* ~~district~~ ombudsman council shall assist the resident with filing an appeal of the proposed discharge or transfer.

(13) The following persons must be present at all hearings authorized under this section:

(a) The resident, or the resident's legal representative or designee.

(b) The facility administrator, or the facility's legal representative or designee.

A representative of the *local* ~~district~~ long-term care ombudsman council may be present at all hearings authorized by this section.

(14) In any hearing under this section, the following information concerning the parties shall be confidential and exempt from the provisions of s. 119.07(1):

(a) Names and addresses.

(b) Medical services provided.

(c) Social and economic conditions or circumstances.

(d) Evaluation of personal information.

(e) Medical data, including diagnosis and past history of disease or disability.

(f) Any information received verifying income eligibility and amount of medical assistance payments. Income information received from the

Social Security Administration or the Internal Revenue Service must be safeguarded according to the requirements of the agency that furnished the data.

The exemption created by this subsection does not prohibit access to such information by a *local* ~~district~~ long-term care ombudsman council upon request, by a reviewing court if such information is required to be part of the record upon subsequent review, or as specified in s. 24(a), Art. I of the State Constitution.

Section 139. Subsection (1) of section 400.19, Florida Statutes, is amended to read:

400.19 Right of entry and inspection.—

(1) The agency and any duly designated officer or employee thereof or a member of the State Long-Term Care Ombudsman Council or the *local* ~~district~~ long-term care ombudsman council shall have the right to enter upon and into the premises of any facility licensed pursuant to this part, or any distinct nursing home unit of a hospital licensed under chapter 395 or any freestanding facility licensed under chapter 395 that provides extended care or other long-term care services, at any reasonable time in order to determine the state of compliance with the provisions of this part and rules in force pursuant thereto. The right of entry and inspection shall also extend to any premises which the agency has reason to believe is being operated or maintained as a facility without a license, but no such entry or inspection of any premises shall be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the circuit court authorizing same. Any application for a facility license or renewal thereof, made pursuant to this part, shall constitute permission for and complete acquiescence in any entry or inspection of the premises for which the license is sought, in order to facilitate verification of the information submitted on or in connection with the application; to discover, investigate, and determine the existence of abuse or neglect; or to elicit, receive, respond to, and resolve complaints. The agency shall, within 60 days after receipt of a complaint made by a resident or resident's representative, complete its investigation and provide to the complainant its findings and resolution.

Section 140. Subsection (1) of section 400.191, Florida Statutes, is amended to read:

400.191 Availability, distribution, and posting of reports and records.—

(1) The agency shall provide information to the public about all of the licensed nursing home facilities operating in the state. The agency shall, within 60 days after an annual inspection visit or within 30 days after any interim visit to a facility, send copies of the inspection reports to the *local* ~~district~~ long-term care ombudsman council, the agency's local office, and a public library or the county seat for the county in which the facility is located.

Section 141. Subsection (6) and paragraph (c) of subsection (7) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(6) Prior to conducting a survey of the facility, the survey team shall obtain a copy of the *local* ~~district~~ long-term care ombudsman council report on the facility. Problems noted in the report shall be incorporated into and followed up through the agency's inspection process. This procedure does not preclude the *local* ~~district nursing home and~~ long-term care ~~facility~~ ombudsman council from requesting the agency to conduct a followup visit to the facility.

(7) The agency shall, at least every 15 months, evaluate all nursing home facilities and make a determination as to the degree of compliance by each licensee with the established rules adopted under this part as a basis for assigning a licensure status to that facility. The agency shall base its evaluation on the most recent inspection report, taking into consideration findings from other official reports, surveys, interviews, investigations, and inspections. The agency shall assign a licensure status of standard or conditional to each nursing home.

(c) In evaluating the overall quality of care and services and determining whether the facility will receive a conditional or standard license, the agency shall consider the needs and limitations of residents in the facility and the results of interviews and surveys of a representative sampling of residents, families of residents, ombudsman council members in the *planning and service area* ~~district~~ in which the facility is located, guardians of residents, and staff of the nursing home facility.

Section 142. Subsection (13) of section 400.419, Florida Statutes, is amended to read:

400.419 Violations; administrative fines.—

(13) The agency shall develop and disseminate an annual list of all facilities sanctioned or fined $5,000 or more for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and Family Services, the area agencies on aging, the Statewide Human Rights Advocacy Committee, and the state and *local* ~~district nursing home~~ ombudsman councils. The Department of Children and Family Services shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list.

Section 143. Subsection (2) of section 400.428, Florida Statutes, is amended to read:

400.428 Resident bill of rights.—

(2) The administrator of a facility shall ensure that a written notice of the rights, obligations, and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. This notice shall include the name, address, and telephone numbers of the *local* ~~district~~ ombudsman council and adult abuse registry and, when applicable, the Advocacy Center for Persons with Disabilities, Inc., and the district human rights advocacy committee, where complaints may be lodged. The facility must ensure a resident's access to a telephone to call the *local* ~~district~~ ombudsman council, adult abuse registry, Advocacy Center for Persons with Disabilities, Inc., and district human rights advocacy committee.

Section 144. Section 400.434, Florida Statutes, is amended to read:

400.434 Right of entry and inspection.—Any duly designated officer or employee of the department, the Department of Children and Family Services, the agency, the state or local fire marshal, or a member of the state or *local* ~~district~~ long-term care ombudsman council shall have the right to enter unannounced upon and into the premises of any facility licensed pursuant to this part in order to determine the state of compliance with the provisions of this part and of rules or standards in force pursuant thereto. The right of entry and inspection shall also extend to any premises which the agency has reason to believe is being operated or maintained as a facility without a license; but no such entry or inspection of any premises may be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the circuit court authorizing such entry. The warrant requirement shall extend only to a facility which the agency has reason to believe is being operated or maintained as a facility without a license. Any application for a license or renewal thereof made pursuant to this part shall constitute permission for, and complete acquiescence in, any entry or inspection of the premises for which the license is sought, in order to facilitate verification of the information submitted on or in connection with the application; to discover, investigate, and determine the existence of abuse or neglect; or to elicit, receive, respond to, and resolve complaints. Any current valid license shall constitute unconditional permission for, and complete acquiescence in, any entry or inspection of the premises by authorized personnel. The agency shall retain the right of entry and inspection of facilities that have had a license revoked or suspended within the previous 24 months, to ensure that the facility is not operating unlawfully. However, before entering the facility, a

statement of probable cause must be filed with the director of the agency, who must approve or disapprove the action within 48 hours. Probable cause shall include, but is not limited to, evidence that the facility holds itself out to the public as a provider of personal care services or the receipt of a complaint by the long-term care ombudsman council about the facility.

Section 145. Subsection (2) of section 400.435, Florida Statutes, is amended to read:

400.435 Maintenance of records; reports.—

(2) Within 60 days after the date of the biennial inspection visit or within 30 days after the date of any interim visit, the agency shall forward the results of the inspection to the *local* ~~district~~ ombudsman council in whose planning and service area, as defined in part II, the facility is located; to at least one public library or, in the absence of a public library, the county seat in the county in which the inspected assisted living facility is located; and, when appropriate, to the district adult services and district alcohol, drug abuse, and mental health program offices.

Section 146. Paragraph (i) of subsection (1) and subsection (5) of section 400.4415, Florida Statutes, are amended to read:

400.4415 Assisted living facilities advisory committee.—

(1) There is created the assisted living facilities advisory committee, which shall assist the agency in developing and implementing a pilot rating system for facilities. The committee shall consist of nine members who are to be appointed by, and report directly to, the director of the agency. The membership is to include:

(i) One consumer representative from a *local* ~~district~~ long-term care ombudsman council.

(5) In determining the rating and evaluating the overall quality of care and services, the agency shall consider the needs and limitations of residents in the facility and the results of interviews and surveys of a representative sampling of residents, families of residents, long-term care ombudsman council members in the *planning and service area* ~~district~~ in which the facility is located, guardians of residents, and staff of the facility.

Section 147. Subsection (7) of section 400.619, Florida Statutes, is amended to read:

400.619 Licensure application and renewal.—

(7) Access to a licensed adult family-care home must be provided at reasonable times for the appropriate officials of the department, the Department of Health, the Department of Children and Family Services, the agency, and the State Fire Marshal, who are responsible for the development and maintenance of fire, health, sanitary, and safety standards, to inspect the facility to assure compliance with these standards. In addition, access to a licensed adult family-care home must be provided at reasonable times for the *local* ~~district~~ long-term care ombudsman council.

Section 148. Subsection (2) of section 400.628, Florida Statutes, is amended to read:

400.628 Residents' bill of rights.—

(2) The provider shall ensure that residents and their legal representatives are made aware of the rights, obligations, and prohibitions set forth in this part. Residents must also be given the names, addresses, and telephone numbers of the *local* ~~district~~ ombudsman council and the adult abuse registry where they may lodge complaints.

Section 149. *There is hereby appropriated from the General Revenue Fund to the long-term care ombudsman program within the Department of Elderly Affairs the sum of $40,000 in nonrecurring funds to be used for training members of the state and local long-term care ombudsman councils.*

Section 150. *There is hereby appropriated from the General Revenue Fund to the long-term care ombudsman program within the Department of Elderly Affairs the sum of $40,000 in nonrecurring funds to be used for materials to educate residents of long-term care facilities and their families and visitors, facility staff, and the general public about the ombudsman program and to encourage such persons to seek assistance from the long-term care ombudsman program.*

Section 151. 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.—

(1) When any child is removed from the home and maintained in an out-of-home placement, the department is authorized to have a medical screening performed on the child without authorization from the court and without consent from a parent or legal custodian. Such medical screening shall be performed by a licensed health care professional and shall be to examine the child for injury, illness, and communicable diseases and to determine the need for immunization. The department shall by rule establish the invasiveness of the medical procedures authorized to be performed under this subsection. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When the department has performed the medical screening authorized by subsection (1), or when it is otherwise determined by a licensed health care professional that a child who is in an out-of-home placement, but who has not been committed to the department, is in need of medical treatment, including the need for immunization, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent or legal custodian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or legal custodian of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment, including immunization, for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or legal custodian of the child is available but refuses to consent to the necessary treatment, including immunization, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse, abandonment, or neglect of the child by a parent, caregiver, or legal custodian. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3)*(a)* A judge may order a child in an out-of-home placement to be examined by a licensed health care professional.

(b) The judge may also order such child to be evaluated by a psychiatrist or a psychologist~~, by a district school board educational needs assessment team,~~ or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the department. If it is necessary to place a child in a residential facility for such evaluation, ~~then~~ the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable.

(c) The judge may also order such child to be evaluated by a district school board educational needs assessment team. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities

and other handicaps, and screening for the need for alternative education as defined in s. 230.23.

(4) A judge may order a child in an out-of-home placement to be treated by a licensed health care professional based on evidence that the child should receive treatment. The judge may also order such child to receive mental health or *developmental disabilities* ~~retardation~~ services from a psychiatrist, psychologist, or other appropriate service provider. *Except as provided in subsection (5),* if it is necessary to place the child in a residential facility for such services, ~~then~~ the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable. A child may be provided *developmental disabilities or* mental health ~~or retardation~~ services in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable.

(5) Children who are in the legal custody of the department may be placed by the department 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)1. 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.

(6)~~(5)~~ When a child is in an out-of-home placement, a licensed health care professional shall be immediately called if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care.

(7)~~(6)~~ Except as otherwise provided herein, nothing in this section shall be deemed to eliminate the right of a parent, legal custodian, or the child to consent to examination or treatment for the child.

(8)~~(7)~~ Except as otherwise provided herein, nothing in this section shall be deemed to alter the provisions of s. 743.064.

(9)~~(8)~~ A court shall not be precluded from ordering services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(10)~~(9)~~ Nothing in this section shall be construed to authorize the permanent sterilization of the child unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(11)~~(10)~~ For the purpose of obtaining an evaluation or examination, or receiving treatment as authorized pursuant to this section, no child alleged to be or found to be dependent shall be placed in a detention home or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(12)~~(11)~~ The parents or legal custodian of a child in an out-of-home placement remain financially responsible for the cost of medical treatment provided to the child even if either one or both of the parents or if the legal custodian did not consent to the medical treatment. After a hearing, the court may order the parents or legal custodian, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(13)~~(12)~~ Nothing in this section alters the authority of the department to consent to medical treatment for a dependent child when the child has been committed to the department and the department has become the legal custodian of the child.

(14)~~(13)~~ At any time after the filing of a shelter petition or petition for dependency, when the mental or physical condition, including the blood group, of a parent, caregiver, legal custodian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 152. Section 394.4785, Florida Statutes, is amended to read:

394.4785 *Children and adolescents* ~~Minors~~; admission and placement in mental facilities.—

(1) *A child or adolescent as defined in s. 394.492 may not be admitted to a state-owned or state-operated mental health treatment facility. A child may be admitted pursuant to s. 394.4625 or s. 394.467 to a crisis stabilization unit or a residential treatment center licensed under chapter 394 or a hospital licensed under chapter 395. The treatment center, unit, or hospital must provide the least-restrictive available treatment that is appropriate to the individual needs of the child or adolescent and must adhere to the guiding principles, system of care, and service planning provisions contained in part III of chapter 394.* ~~(a) A minor who is admitted to a state mental hospital and placed in the general population or in a specialized unit for children or adolescents shall reside in living quarters separate from adult patients, and a minor who has not attained the age of 14 shall reside in living quarters separate from minors who are 14 years of age or older.~~

(2)~~(b)~~ A *person* ~~minor~~ under the age of 14 who is admitted to any hospital licensed pursuant to chapter 395 *may* ~~shall~~ not be admitted to a bed in a room or ward with an adult patient in a mental health unit or share common areas with an adult patient in a mental health unit. However, a *person* ~~minor~~ 14 years of age or older may be admitted to a bed in a room or ward in the mental health unit with an adult if the admitting physician documents in the case record that such placement is medically indicated or for reasons of safety. Such placement shall be reviewed by the attending physician or a designee or on-call physician each day and documented in the case record.

~~(2) In all cases involving the admission of minors to a state mental hospital, the case record shall document that a good faith effort was made to place the minor in a less restrictive form of treatment. Admission to a state mental hospital shall be regarded as the last and only treatment option available. Notwithstanding the provision of paragraph (1)(a), an individual under the age of 18 may be housed in the general population if the hospital multidisciplinary treatment and rehabilitation team has reviewed the patient and has documented in the case record that such placement is necessary for reasons of safety. Such patients placed in the general population must be reviewed by this team every 30 days and recertified as appropriate for placement in the general population.~~

Section 153. Present subsections (18), (19), and (20) of section 394.67, Florida Statutes, are redesignated as subsections (19), (20), and (21), respectively, and a new subsection (18) is added to that section to read:

394.67 Definitions.—As used in this part, the term:

(18) "Residential treatment center for children and adolescents" means a 24-hour residential program, including a therapeutic group home, which provides mental health services to emotionally disturbed children or adolescents as defined in s. 394.492(5) or (6) and which is a private for-profit or not-for-profit corporation under contract with the department which offers a variety of treatment modalities in a more restrictive setting.

Section 154. Section 394.875, Florida Statutes, is amended to read:

394.875 Crisis stabilization units, ~~and~~ residential treatment facilities, *and residential treatment centers for children and adolescents*; authorized services; license required; penalties.—

(1)(a) The purpose of a crisis stabilization unit is to stabilize and redirect a client to the most appropriate and least restrictive community setting available, consistent with the client's needs. Crisis stabilization units may screen, assess, and admit for stabilization persons who present themselves to the unit and persons who are brought to the unit under s. 394.463. Clients may be provided 24-hour observation, medication prescribed by a physician or psychiatrist, and other appropriate services. Crisis stabilization units shall provide services regardless of the client's ability to pay and shall be limited in size to a maximum of 30 beds.

(b) The purpose of a residential treatment facility is to be a part of a comprehensive treatment program for mentally ill individuals in a community-based residential setting.

(c) The purpose of a residential treatment center for children and adolescents is to provide mental health assessment and treatment services pursuant to ss. 394.491, 394.495, and 394.496 to children and adolescents who meet the target population criteria specified in s. 394.493(1)(a), (b), or (c).

(2) It is unlawful for any entity to hold itself out as a crisis stabilization unit, ~~or~~ a residential treatment facility, *or a residential treatment center for children and adolescents,* or to act as a crisis stabilization unit, ~~or~~ a residential treatment facility, *or a residential treatment center for children and adolescents,* unless it is licensed by the agency pursuant to this chapter.

(3) Any person who violates subsection (2) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) The agency may maintain an action in circuit court to enjoin the unlawful operation of a crisis stabilization unit, ~~or~~ a residential treatment facility, *or a residential treatment center for children and adolescents* if the agency first gives the violator 14 days' notice of its intention to maintain such action and if the violator fails to apply for licensure within such 14-day period.

(5) Subsection (2) does not apply to:

(a) Homes for special services licensed under chapter 400; *or*

(b) Nursing homes licensed under chapter 400.~~; or~~

(c) *Comprehensive transitional education programs* ~~Residential child caring facilities~~ licensed under *s. 393.067* ~~s. 409.175~~.

(6) The department, in consultation with the agency, may establish multiple license classifications for residential treatment facilities.

(7) The agency may not issue a license to a crisis stabilization unit unless the unit receives state mental health funds and is affiliated with a designated public receiving facility.

(8) The agency may issue a license for a crisis stabilization unit or short-term residential treatment facility, certifying the number of authorized beds for such facility as indicated by existing need and available appropriations. The agency may disapprove an application for such a license if it determines that a facility should not be licensed pursuant to the provisions of this chapter. Any facility operating beds in excess of those authorized by the agency shall, upon demand of the agency, reduce the number of beds to the authorized number, forfeit its license, or provide evidence of a license issued pursuant to chapter 395 for the excess beds.

(9) A children's crisis stabilization unit which does not exceed 20 licensed beds and which provides separate facilities or a distinct part of a facility, separate staffing, and treatment exclusively for minors may be located on the same premises as a crisis stabilization unit serving adults. The department, in consultation with the agency, shall adopt rules governing facility construction, staffing and licensure requirements, and the operation of such units for minors.

(10) The department, in consultation with the agency, must adopt rules governing a residential treatment center for children and adolescents which specify licensure standards for: admission; length of stay; program and staffing; discharge and discharge planning; treatment planning; seclusion, restraints, and time-out; rights of patients under s. 394.459; use of psychotropic medications; and standards for the operation of such centers.

(11)~~(10)~~ Notwithstanding the provisions of subsection (8), crisis stabilization units may not exceed their licensed capacity by more than 10 percent, nor may they exceed their licensed capacity for more than 3 consecutive working days or for more than 7 days in 1 month.

(12)~~(11)~~ Notwithstanding the other provisions of this section, any facility licensed under chapters 396 and 397 for detoxification, residential level I care, and outpatient treatment may elect to license concurrently all of the beds at such facility both for that purpose and as a long-term residential treatment facility pursuant to this section, if all of the following conditions are met:

(a) The licensure application is received by the department prior to January 1, 1993.

(b) On January 1, 1993, the facility was licensed under chapters 396 and 397 as a facility for detoxification, residential level I care, and outpatient treatment of substance abuse.

(c) The facility restricted its practice to the treatment of law enforcement personnel for a period of at least 12 months beginning after January 1, 1992.

(d) The number of beds to be licensed under chapter 394 is equal to or less than the number of beds licensed under chapters 396 and 397 as of January 1, 1993.

(e) The licensee agrees in writing to a condition placed upon the license that the facility will limit its treatment exclusively to law enforcement personnel and their immediate families who are seeking admission on a voluntary basis and who are exhibiting symptoms of posttraumatic stress disorder or other mental health problems, including drug or alcohol abuse, which are directly related to law enforcement work and which are amenable to verbal treatment therapies; the licensee agrees to coordinate the provision of appropriate postresidential care for discharged individuals; and the licensee further agrees in writing that a failure to meet any condition specified in this paragraph shall constitute grounds for a revocation of the facility's license as a residential treatment facility.

(f) The licensee agrees that the facility will meet all licensure requirements for a residential treatment facility, including minimum standards for compliance with lifesafety requirements, except those licensure requirements which are in express conflict with the conditions and other provisions specified in this subsection.

(g) The licensee agrees that the conditions stated in this subsection must be agreed to in writing by any person acquiring the facility by any means.

Any facility licensed under this subsection is not required to provide any services to any persons except those included in the specified conditions of licensure, and is exempt from any requirements related to the 60-day or greater average length of stay imposed on community-based residential treatment facilities otherwise licensed under this chapter.

(13)~~(12)~~ Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee and financial officer, or other similarly titled individual who is responsible for the financial operation of the facility, including billings for client care and services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435, as well as the requirements of s. 435.03(3).

(b) The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse registry background check and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening

standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(e) Each applicant must submit to the agency, with its application, a description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from the Medicare or Medicaid programs. Proof of compliance with the requirements for disclosure of ownership and control interests under the Medicaid or Medicare programs shall be accepted in lieu of this submission.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

(h) The agency may deny or revoke licensure if the applicant:

1. Has falsely represented a material fact in the application required by paragraph (e) or paragraph (f), or has omitted any material fact from the application required by paragraph (e) or paragraph (f); or

2. Has had prior action taken against the applicant under the Medicaid or Medicare program as set forth in paragraph (e).

(i) An application for license renewal must contain the information required under paragraphs (e) and (f).

Section 155. Paragraph (j) of subsection (2) of section 409.175, Florida Statutes, is amended 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:

(j) "Residential child-caring agency" means any person, corporation, or agency, public or private, other than the child's parent or legal guardian, that provides staffed 24-hour care for children in facilities maintained for that purpose, regardless of whether operated for profit or whether a fee is charged. Such residential child-caring agencies include, but are not limited to, maternity homes, runaway shelters, group homes that are administered by an agency, emergency shelters that are not in private residences, and wilderness camps. Residential child-caring agencies do not include hospitals, boarding schools, summer or recreation camps, nursing homes, or facilities operated by a governmental agency for the training, treatment, or secure care of delinquent youth, or facilities licensed under s. 393.067 *or s. 394.875* or chapter 397.

Section 156. *Nothing in this act excuses or relieves the department of any other obligations to abused, neglected or abandoned children in its custody.*

Section 157. Except as otherwise provided herein, this act shall take effect September 1, 2000.

And the title is amended as follows:
remove from the title of the bill: the entire title
and insert in lieu thereof: A bill to be entitled An act relating to long-term care; amending s. 394.455, F.S.; redefining the term "mental illness" for purposes of part I of ch. 394, F.S.; amending s. 394.492, F.S.; redefining the term "child or adolescent who is experiencing an acute mental or emotional crisis" for purposes of part III of ch. 394, F.S.; amending s. 394.493, F.S.; revising the income standard that is the basis for a sliding fee scale adopted by the Department of Children and Family Services for mental health services provided to children and adolescents; amending s. 394.65, F.S.; redesignating part IV of ch. 394, F.S., as "The Community Substance Abuse and Mental Health Services Act"; amending s. 394.66, F.S.; providing legislative intent with respect to substance abuse and mental health services; amending s. 394.67, F.S.; revising definitions; creating s. 394.674, F.S.; providing clinical eligibility for substance abuse and mental health services funded by the Department of Children and Family Services; providing fee collection requirements; providing for availability of crisis services, substance abuse services, and mental health services; requiring that the Department of Children and Family Services adopt rules; requiring contracting service providers to establish a sliding fee scale; providing for copayments; amending s. 394.675, F.S.; revising the types of services provided by the department under the substance abuse and mental health service system; creating s. 394.676, F.S.; authorizing the Department of Children and Family Services to establish an indigent psychiatric medication program; requiring the department to adopt rules; providing for certain continued treatment of persons discharged from facilities; amending s. 394.74, F.S.; conforming provisions relating to contracts for substance abuse and mental health programs to changes made by the act; amending s. 394.75, F.S.; providing for a state master plan for financing and delivery of community-based substance abuse and mental health services; providing plan requirements; providing for annual update and submission to the Legislature; requiring district health and human services boards, rather than planning councils, to prepare district substance abuse and mental health plans; providing plan requirements; revising the population groups to be addressed in the plans to conform to changes made by the act; amending ss. 394.4574, 394.76, 394.77, 394.78, 394.908, and 397.321, F.S., relating to department responsibilities for mental health residents who reside in certain assisted living facilities, the financing of district programs and services, uniform information and reporting systems, procedures for audits and dispute resolution, distribution of appropriations, and development of a district plan for substance abuse services; conforming provisions to changes made by the act; requiring the department to submit a report to the Legislature which describes the compliance of providers with performance outcome standards; directing the Commission on Mental Health and Substance Abuse to conduct a study and make certain recommendations to the Legislature; including certain older adults in the target groups for substance abuse and mental health services of the Department of Children and Family Services; requiring the department to track and report on providers of such services to older adults; repealing s. 394.79, F.S., relating to a state alcohol, drug abuse, and mental health plan; amending s. 400.6065, F.S.; providing employment screening requirements for hospice personnel; providing penalties; renumbering and amending s. 402.48, F.S.; revising the definition of "health care services pool"; providing background screening requirements for applicants for registration, managing employees, and financial officers of such entities, and certain others; providing penalties; requiring such entities to obtain a certificate of registration from the Agency for Health Care Administration; providing for injunction; revising application procedures; revising responsibilities regarding temporary employees; increasing a penalty; transferring powers, duties, functions, and appropriations relating to health care services pools from the Department of Health to the Agency for Health Care Administration; amending s. 415.102, F.S.; revising definitions; amending s. 415.103, F.S.; providing for a central abuse hotline to receive reports of abuse, neglect, or exploitation of vulnerable adults; amending s. 415.1034, F.S.; conforming provisions relating to mandatory reporting; amending s. 415.1035, F.S.; providing duty of the Department of Children and Family Services to ensure that facilities inform residents of their right to report abuse, neglect, or exploitation; amending s. 415.1036, F.S.; conforming provisions relating to immunity of persons making reports; amending ss. 415.104 and 415.1045, F.S.; revising provisions relating to protective investigations; extending the

time limit for completion of the department's investigation; providing for access to records and documents; providing for working agreements with law enforcement entities; amending s. 415.105, F.S.; authorizing the department to petition the court to enjoin interference with the provision of protective services; amending s. 415.1051, F.S.; providing for enforcement of court-ordered protective services when any person interferes; amending s. 415.1052, F.S., relating to interference with investigations or provision of services; amending s. 415.1055, F.S.; deleting provisions relating to notification to subjects, reporters, law enforcement, and state attorneys of a report alleging abuse, neglect, or exploitation; amending s. 415.106, F.S., relating to cooperation by criminal justice and other agencies; amending s. 415.107, F.S.; providing certain access to confidential records and reports; providing that information in the central abuse hotline may not be used for employment screening; amending s. 415.1102, F.S.; revising provisions relating to adult protection teams; amending s. 415.111, F.S., relating to criminal penalties; amending s. 415.1111, F.S.; revising provisions relating to civil penalties; amending s. 415.1113, F.S., relating to administrative fines for false reporting; amending s. 415.113, F.S., relating to treatment by spiritual means; amending s. 435.03, F.S.; revising provisions relating to level 1 and level 2 screening standards; amending s. 435.05, F.S.; revising provisions relating to screening requirements for covered employees; amending s. 435.07, F.S., relating to exemptions; amending s. 435.08, F.S., relating to payment for processing records checks; amending s. 435.09, F.S., relating to confidentiality of background check information; amending ss. 20.43, 455.712, and 468.520, F.S.; deleting references to health care services pools in provisions relating to the Department of Health; correcting a cross reference; amending ss. 39.202, 90.803, 110.1127, 112.0455, 119.07, 232.50, 242.335, 320.0848, 381.0059, 381.60225, 383.305, 390.015, 393.067, 393.0674, 394.459, 394.875, 355.0055, 395.0199, 395.3025, 397.461, 400.022, 400.071, 400.215, 400.414, 400.4174, 400.426, 400.428, 400.462, 400.471, 400.495, 400.506, 400.509, 400.512, 400.5572, 400.628, 400.801, 400.805, 400.906, 400.931, 400.95, 400.953, 400.955, 400.962, 400.964, 402.3025, 402.3125, 402.313, 409.175, 409.912, 430.205, 447.208, 447.401, 464.018, 468.826, 468.828, 483.101, 483.30, 509.032, 744.309, 744.474, 744.7081, 775.21, 916.107, 943.0585, and 985.05, F.S.; conforming to the act provisions relating to protection of vulnerable adults and the central abuse hotline; repealing s. 415.1065, F.S., relating to management of records of the central abuse registry and tracking system; repealing s. 415.1075, F.S., relating to amendment of such records, and expunctions, appeals, and exemptions with respect thereto; repealing s. 415.1085, F.S., relating to photographs and medical examinations pursuant to investigations of abuse or neglect of an elderly person or disabled adult; repealing s. 415.109, F.S., relating to abrogation of privileged communication in cases involving suspected adult abuse, neglect, or exploitation; providing an appropriation; amending s. 400.0065, F.S.; providing duty of the State Long-Term Care Ombudsman to prepare and submit annual budget requests; providing duty to enter into a cooperative agreement relating to investigation of Medicaid fraud; providing for consultation on rulemaking by the Department of Elderly Affairs relating to conflict of interest; deleting provisions relating to governmental interference with duties of the Office of State Long-Term Care Ombudsman; creating s. 400.0066, F.S.; providing relationship between the office and departments of state government; providing responsibilty of the Department of Elderly Affairs for administrative support and costs for the program; amending ss. 400.0067 and 400.0069, F.S.; revising provisions relating to appointment and terms of service of members of the state and local ombudsman councils; amending s. 400.0077, F.S.; providing authority of the office to adopt rules relating to disclosure of files maintained by the program; deleting such rulemaking authority of the department; amending ss. 20.41, 395.3025, 400.0063, 400.0071, 400.0073, 400.0075, 400.0079, 400.0081, 400.0083, 400.0087, 400.0089, 400.0091, 400.021, 400.022, 400.0255, 400.19, 400.191, 400.23, 400.419, 400.428, 400.434, 400.435, 400.4415, 400.619, and 400.628, F.S.; clarifying and conforming references and cross references; providing appropriations; amending s. 39.407, F.S.; revising provisions governing the medical, psychiatric, and psychological examination and treatment of children; prescribing procedures for the admission of children or adolescents to residential treatment centers for residential mental health treatment; amending s. 394.4785, F.S.; prohibiting children and adolescents from admission to state mental health treatment facilities; requiring residential treatment centers for children and adolescents to adhere to certain standards; amending s. 394.67, F.S.; defining the term "residential treatment center for children and adolescents"; amending s. 394.875, F.S.; requiring the licensure of residential treatment centers for children and adolescents; requiring the Department of Children and Family Services to adopt rules; amending s. 409.175, F.S.; specifying that residential child-caring agencies do not include residential treatment centers for children and adolescents; providing effective dates.

Rep. Argenziano moved the adoption of the amendment, which was adopted.

On motion by Rep. Argenziano, the rules were suspended and CS for SB 358, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 592

Yeas—115

The Chair	Crist	Johnson	Ritter
Albright	Crow	Jones	Roberts
Alexander	Detert	Kelly	Rojas
Andrews	Diaz de la Portilla, R.	Kilmer	Rubio
Argenio	Dockery	Kosmas	Russell
Argenziano	Edwards	Kyle	Ryan
Arnall	Effman	Lacasa	Sanderson
Bainter	Eggelletion	Lawson	Sembler
Ball	Farkas	Lee	Smith, C.
Barreiro	Fasano	Levine	Smith, K.
Bense	Feeney	Littlefield	Sobel
Betancourt	Fiorentino	Lynn	Sorensen
Bilirakis	Frankel	Maygarden	Spratt
Bitner	Fuller	Melvin	Stafford
Bloom	Futch	Merchant	Stansel
Boyd	Garcia	Miller, J.	Starks
Bradley	Gay	Miller, L.	Suarez
Bronson	Goode	Minton	Sublette
Brown	Goodlette	Morroni	Trovillion
Brummer	Gottlieb	Murman	Tullis
Bucher	Green, C.	Ogles	Turnbull
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Posey	Wallace
Cantens	Hafner	Prieguez	Wasserman Schultz
Casey	Harrington	Pruitt	Waters
Chestnut	Henriquez	Putnam	Wiles
Constantine	Heyman	Rayson	Wilson
Cosgrove	Hill	Reddick	Wise
Crady	Jacobs	Ritchie	

Nays—None

Votes after roll call:
Yeas—Hart, Peaden

So the bill passed, as amended, and was immediately certified to the Senate.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1074, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Commerce and Economic Opportunities and Senator King—

CS for SB 1074—A bill to be entitled An act relating to motorsports; creating s. 549.10, F.S.; defining the terms "motorsport entertainment complex," "motorsports event," "owner" and "sanctioning body"; authorizing contracts for promotional activities; providing an effective date.

—was read the first time by title. On motion by Rep. Johnson, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 593

Yeas—116

The Chair	Crady	Hill	Reddick
Albright	Crist	Jacobs	Ritchie
Alexander	Crow	Johnson	Ritter
Andrews	Detert	Jones	Roberts
Argenio	Diaz de la Portilla, R.	Kelly	Rojas
Argenziano	Dockery	Kilmer	Rubio
Arnall	Edwards	Kosmas	Russell
Bainter	Effman	Kyle	Ryan
Ball	Eggelletion	Lacasa	Sanderson
Barreiro	Farkas	Lawson	Sembler
Bense	Fasano	Lee	Smith, C.
Betancourt	Feeney	Levine	Smith, K.
Bilirakis	Fiorentino	Littlefield	Sobel
Bitner	Frankel	Lynn	Sorensen
Bloom	Fuller	Maygarden	Spratt
Boyd	Futch	Merchant	Stafford
Bradley	Garcia	Miller, J.	Stansel
Bronson	Gay	Miller, L.	Starks
Brown	Goode	Minton	Suarez
Brummer	Goodlette	Morroni	Sublette
Bucher	Gottlieb	Murman	Trovillion
Bullard	Green, C.	Ogles	Tullis
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Wasserman Schultz
Casey	Harrington	Prieguez	Waters
Chestnut	Hart	Pruitt	Wiles
Constantine	Henriquez	Putnam	Wilson
Cosgrove	Heyman	Rayson	Wise

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has adopted SCR 1168 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Rossin—

SCR 1168—A concurrent resolution reconfirming the appointment of John W. Turcotte as Director of the Office of Program Policy Analysis and Government Accountability.

—was read the first time by title. On motion by Rep. Pruitt, the rules were suspended and the concurrent resolution was read the second time by title and adopted. Under the rule, the concurrent resolution was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2084, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator King—

SB 2084—A bill to be entitled An act relating to rulemaking authority of the Division of Workers' Compensation of the Department of Labor and Employment Security (RAB); amending s. 440.38, F.S.; authorizing the division to specify by rule the amount of the security deposit and net worth required for an employer to obtain authorization to self-insure; requiring that the division provide by rule for suspending or revoking an employer's authorization to self-insure; providing an effective date.

—was read the first time by title. On motion by Rep. Melvin, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 594

Yeas—117

The Chair	Crist	Jones	Roberts
Albright	Crow	Kelly	Rojas
Alexander	Detert	Kilmer	Rubio
Andrews	Diaz de la Portilla, R.	Kosmas	Russell
Argenio	Dockery	Kyle	Ryan
Argenziano	Edwards	Lacasa	Sanderson
Arnall	Effman	Lawson	Sembler
Bainter	Farkas	Lee	Smith, C.
Ball	Fasano	Levine	Smith, K.
Barreiro	Feeney	Littlefield	Sobel
Bense	Fiorentino	Lynn	Sorensen
Betancourt	Frankel	Maygarden	Spratt
Bilirakis	Fuller	Melvin	Stafford
Bitner	Futch	Merchant	Stansel
Bloom	Garcia	Miller, J.	Starks
Boyd	Gay	Miller, L.	Suarez
Bradley	Goode	Minton	Sublette
Bronson	Goodlette	Morroni	Trovillion
Brown	Gottlieb	Murman	Tullis
Brummer	Green, C.	Ogles	Turnbull
Bucher	Greene, A.	Patterson	Villalobos
Bullard	Greenstein	Peaden	Wallace
Bush	Hafner	Posey	Wasserman Schultz
Byrd	Harrington	Prieguez	Waters
Cantens	Hart	Pruitt	Wiles
Casey	Henriquez	Putnam	Wilson
Chestnut	Heyman	Rayson	Wise
Constantine	Hill	Reddick	
Cosgrove	Jacobs	Ritchie	
Crady	Johnson	Ritter	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has amended House Amendment 1 and concurred in same as amended, passed as further amended CS for SB 2050, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS for SB 2050—A bill to be entitled An act relating to workforce innovation; creating s. 445.001, F.S.; designating chapter 445, F.S., as the "Workforce Innovation Act of 2000"; creating s. 445.002, F.S.; providing definitions; transferring, renumbering, and amending s. 288.9956, F.S.; revising provisions implementing the federal Workforce Investment Act of 1998 to conform to changes made by the act; revising the investment act principles; revising funding requirements; deleting obsolete provisions; transferring, renumbering, and amending s. 288.9952, F.S.; redesignating the Workforce Development Board as "Workforce Florida, Inc."; providing for Workforce Florida, Inc., to function as a not-for-profit corporation and be the principal workforce policy organization for the state; providing for a board of directors; providing for the appointment of a president of Workforce Florida, Inc.; providing duties of the board of directors; specifying programs to be under the oversight of Workforce Florida, Inc.; requiring reports and measures of outcomes; providing for Workforce Florida, Inc., to develop the state's workforce-development strategy; authorizing the granting of charters to regional workforce boards; creating s. 445.005, F.S.; requiring the chairperson of Workforce Florida, Inc., to establish the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council; providing for council members; providing for the councils to advise the board of directors of Workforce

Florida, Inc., and make recommendations for implementing workforce strategies; creating s. 445.006, F.S.; requiring Workforce Florida, Inc., to develop a strategic plan for workforce development; requiring updates of the plan; requiring a marketing plan as part of the strategic plan; providing for performance measures and contract guidelines; requiring that the plan include a teen pregnancy prevention component; transferring, renumbering, and amending s. 288.9953, F.S.; redesignating the regional workforce development boards as the "regional workforce boards"; providing requirements for contracts with an organization or individual represented on the board; transferring duties for overseeing the regional workforce boards to Workforce Florida, Inc.; requiring the workforce boards to establish certain committees; specifying that regional workforce boards and their entities are not state agencies; providing for procurement procedures; creating s. 445.008, F.S.; authorizing Workforce Florida, Inc., to create the Workforce Training Institute; providing for the institute to include Internet-based modules; requiring Workforce Florida, Inc., to adopt policies for operating the institute; authorizing the acceptance of grants and donations; transferring, renumbering, and amending s. 288.9951, F.S.; redesignating one-stop career centers as the "one-stop delivery system"; providing for the system to be the state's primary strategy for providing workforce-development services; providing a procedure for designating one-stop delivery system operators; authorizing a lease agreement with the Agency for Workforce Innovation for employment services; requiring Workforce Florida, Inc., to review the delivery of employment services and report to the Governor and Legislature; providing legislative intent with respect to the transfer of programs and administrative responsibilities for the state's workforce-development system; providing for a transition period; requiring that the Governor appoint a representative to coordinate the transition plan; requiring that the Governor submit information and obtain waivers as required by federal law; providing for the transfer of records, balances of appropriations, and other funds; providing for the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to contract with Workforce Florida, Inc., as the state's principal workforce policy organization; transferring the records, personnel, appropriations, and other funds of the WAGES Program and the Workforce Development Board of Enterprise Florida, Inc., to Workforce Florida, Inc., as created by the act; transferring the employees of the Jobs and Education Partnership to the Agency for Workforce Innovation; transferring the programs and functions of the Division of Workforce and Employment Opportunities and the Office of Labor Market and Performance Information of the Department of Labor and Employment Security to the Agency for Workforce Innovation; providing certain exceptions; transferring certain vacant positions to the Agency for Workforce Innovation for allocation to regional workforce boards; authorizing Workforce Florida, Inc., to contract with the Agency for Workforce Innovation for the lease of employees; creating s. 445.010, F.S.; providing principles for developing and managing information technology for the workforce system; requiring the sharing of information between agencies within the workforce system; creating s. 445.011, F.S.; requiring Workforce Florida, Inc., to implement a workforce information system, subject to legislative appropriation; specifying information systems to be included; providing requirements for procurement and validation services; requiring that the system be compatible with the state's information system; creating s. 445.012, F.S.; establishing the Careers for Florida's Future Incentive Grant Program; providing for loans to encourage students to obtain degrees or certificates in advanced technology fields; requiring Workforce Florida, Inc., to manage the grant program, under contract with the Department of Education; providing for the allocation of funds; providing for regional workforce boards to determine award recipients; specifying the amount of the grants; providing for the transfer of a grant award; creating s. 445.0121, F.S.; providing eligibility requirements for an initial incentive grant award; creating s. 445.0122, F.S.; providing for renewal of grants; creating s. 445.0123, F.S.; specifying postsecondary education institutions that are eligible to enroll a student who receives an incentive grant; creating s. 445.0124, F.S.; specifying eligible programs; creating s. 445.0125, F.S.; providing a repayment schedule after termination of an incentive grant; creating s. 445.0128, F.S.; authorizing school boards and community college boards of trustees to apply to Workforce Florida, Inc., for workplace education grants; providing requirements for grant applications; providing for a workplace education coordinator; providing program requirements; creating s. 445.013, F.S.; providing for challenge grants in support of welfare-to-work initiatives; requiring Workforce Florida, Inc., to establish the grant program, subject to legislative appropriation; specifying types of organizations that are eligible to receive a grant under the program; providing requirements for matching funds; providing requirements for administering and evaluating the grant program; creating s. 445.014, F.S.; providing for a small business workforce service initiative; requiring Workforce Florida, Inc., to establish a program for support services to small businesses, subject to legislative appropriation; specifying eligible uses of funds under the program; providing program criteria; defining the term "small business" for purposes of the program; creating s. 445.015, F.S.; providing for initiatives to support economic development for working poor families; authorizing Workforce Florida, Inc., to establish economic-development projects for families at risk of welfare dependency, subject to legislative appropriation; providing eligibility requirements; requiring Workforce Florida, Inc., to establish a pilot grant program for youth internships, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring a business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; establishing a specified number of pilot programs for incumbent workers with disabilities; requiring Workforce Florida, Inc., to develop guidelines for the pilot programs; transferring, renumbering, and amending s. 288.9955, F.S., relating to the Untried Worker Placement and Employment Incentive Act; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 414.15, F.S.; providing certain diversion services under the one-stop delivery system; providing for regional workforce boards to determine eligibility for diversion services; deleting certain limitations on diversion payments; creating s. 445.018, F.S.; providing for a diversion program to strengthen families; specifying services that may be offered under the program; providing that such services are not assistance under federal law or guidelines; requiring families that receive services to agree not to apply for temporary cash assistance for a specified period unless an emergency arises; providing requirements for repaying the value of services provided; transferring, renumbering, and amending s. 414.159, F.S., relating to the teen parent and pregnancy prevention diversion program; conforming cross-references to changes made by the act; creating s. 445.020, F.S.; providing for certain criteria for establishing eligibility for diversion programs; transferring, renumbering, and amending s. 414.155, F.S., relating to the relocation assistance program; providing duties of the regional workforce boards; revising eligibility requirements for services under the program; requiring the board of directors of Workforce Florida, Inc., to determine eligibility criteria and relocation plans; transferring, renumbering, and amending s. 414.223, F.S., relating to Retention Incentive Training Accounts; authorizing the board of directors of Workforce Florida, Inc., to establish such accounts; transferring, renumbering, and amending s. 414.18, F.S., relating to a program for dependent care for families with children with special needs; conforming provisions to changes made by the act; creating s. 445.024, F.S.; specifying the activities that satisfy the work requirements for a participant in the welfare-transition program; providing for regional workforce boards to administer various subsidized employment programs formerly administered by the local WAGES coalitions; including GED preparation and literacy education within the activities that satisfy work requirements under the welfare-transition program; providing requirements for participating in work activities; providing for certain individuals to be exempt from such requirements; requiring regional workforce boards to prioritize work requirements if funds are insufficient; requiring regional workforce boards to contract for work activities, training, and other services; transferring, renumbering, and amending s. 414.20, F.S.; authorizing the regional workforce boards to prioritize or limit certain support services; providing requirements for the boards in providing for counseling and therapy services; transferring, renumbering, and amending s. 414.1525, F.S.; providing for a severance benefit in lieu of cash assistance payments; requiring the regional workforce boards to determine eligibility for such a benefit; creating s. 445.028, F.S.;

requiring the Department of Children and Family Services, in cooperation with Workforce Florida, Inc., to provide for certain transitional benefits and services for families leaving the temporary cash assistance program; transferring, renumbering, and amending s. 414.21, F.S., relating to transitional medical benefits; clarifying requirements for notification; transferring, renumbering, and amending s. 414.22, F.S.; authorizing the board of directors of Workforce Florida, Inc., to prioritize transitional education and training; providing for regional workforce boards to authorize child care or other services; transferring, renumbering, and amending s. 414.225, F.S.; providing for transitional transportation services administered by regional workforce boards; expanding the period such services may be available; creating s. 445.032, F.S.; providing for transitional child care services; authorizing regional workforce boards to prioritize such services; transferring, renumbering, and amending s. 414.23, F.S.; providing for the evaluation of programs funded under Temporary Assistance for Needy Families; creating s. 445.034, F.S.; providing requirements for expenditures from the Temporary Assistance for Needy Families block grant; transferring, renumbering, and amending s. 414.44, F.S.; requiring the board of directors of Workforce Florida, Inc., to collect data and make reports; amending s. 414.025, F.S.; revising legislative intent with respect to the programs administered under chapter 414, F.S., to conform to changes made by the act; amending s. 414.0252, F.S.; revising definitions; amending s. 414.045, F.S., relating to the cash assistance program; specifying families that are considered to be work-eligible cases; providing for the regional workforce boards to provide for service delivery for work-eligible cases; amending s. 414.065, F.S.; deleting provisions governing work activities to conform to changes made by the act; amending s. 414.085, F.S.; specifying eligibility standards for the temporary cash assistance program; amending s. 414.095, F.S.; revising requirements for determining eligibility for temporary cash assistance; conforming cross-references to changes made by the act; revising eligibility requirements for noncitizens; amending s. 414.105, F.S.; revising procedures for reviewing exemptions from the requirements for eligibility for temporary cash assistance; deleting certain limitations on the period of such exemptions; providing an extension of certain time limitations with respect to an applicant for supplemental security disability income (SSDI); providing for the regional workforce boards to review the prospects of certain participants for employment; amending s. 414.157, F.S., relating to the diversion program for victims of domestic violence; conforming provisions to changes made by the act; amending s. 414.158, F.S.; providing for a diversion program to prevent or reduce child abuse and neglect; providing for eligibility; amending ss. 414.35, 414.36, F.S., relating to emergency relief and the recovery of overpayments; deleting obsolete provisions; amending ss. 414.39, 414.41, F.S., relating to case screening and the recovery of certain payments; conforming provisions to changes made by the act; amending s. 414.55, F.S.; deleting provisions authorizing a delay in the implementation of certain programs; providing for Workforce Florida, Inc., to implement the community work program; amending s. 414.70, F.S.; revising certain provisions of a drug-testing and drug-screening program to conform to changes made by the act; deleting obsolete provisions; repealing ss. 239.249, 288.9950, 288.9954, 288.9957, 288.9958, 288.9959, 414.015, 414.026, 414.0267, 414.027, 414.028, 414.029, 414.030, 414.055, 414.125, 414.25, 414.38, F.S., relating to funding for vocational and technical education programs, the Workforce Florida Act of 1996, the Workforce Development Board, the WAGES Program State Board of Directors, the WAGES Program, matching grants, local WAGES coalitions, the WAGES Program business registry, WAGES Program Employment Projects, one-stop career centers, the Learnfare Program, exemptions from requirements for certain leases of real property, and certain pilot programs; conforming provisions to changes made by the act; amending s. 14.2015, F.S.; providing additional duties of the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor with respect to workforce development; requiring that the office cooperate and contract with Workforce Florida, Inc., in performing certain functions; amending s. 20.171, F.S.; revising duties of the Assistant Secretary for Programs and Operations within the Department of Labor and Employment Security; abolishing the Division of Workforce and Employment Opportunities within the department to conform to changes made by the act; creating s. 20.50, F.S.; creating the Agency for Workforce Innovation in the Department of Management Services; specifying duties of the agency; providing for the agency to administer the Office of One-Stop Workforce Services, the Office of Workforce Accountability, and the Office of Workforce Information Services; specifying the federal grants and other funds assigned to the agency for administration; amending s. 212.08, F.S., relating to sales tax exemptions; deleting a requirement that a business register with the WAGES Program Business Registry for purposes of qualifying for certain exemptions; amending s. 212.096, F.S.; redefining the term "new employee" to include participants in the welfare-transition program for purposes of certain tax credits; amending ss. 212.097, 212.098, F.S., relating to job tax credits; providing eligibility for tax credits to certain businesses that hire participants in the welfare-transition program; amending s. 216.136, F.S.; redesignating the Occupational Forecasting Conference as the "Workforce Estimating Conference"; specifying additional duties of the conference with respect to developing forecasts for employment demands and occupational trends; amending s. 220.181, F.S., relating to the enterprise zone jobs credit; providing for businesses that hire participants in the welfare-transition program to be eligible for the credit; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; providing eligibility for children whose parents participate in the welfare-transition program; amending s. 232.17, F.S.; revising requirements for administering the Child Labor Law to conform to changes made by the act; amending s. 234.01, F.S.; providing for school boards to provide transportation services to participants in the welfare-transition program; amending s. 234.211, F.S., relating to the use of school buses; conforming provisions to changes made by the act; amending s. 239.105, F.S.; redefining the term "degree vocational education program" for purposes of ch. 239, F.S.; amending s. 239.115, F.S.; providing for a response fund to be used to provide customized training for businesses; providing for remaining balances to carry over; providing for performance funds to be distributed to certain workforce programs; conforming provisions to changes made by the act; amending s. 239.117, F.S.; providing for school districts or community colleges to pay the fees of students enrolled in a program under the welfare-transition program; amending s. 239.229, F.S.; requiring the Department of Education to update certain vocational, adult, and community education programs; amending s. 239.301, F.S.; providing for literacy assessments and other specialized services for participants in the welfare-transition program; amending s. 239.514, F.S., relating to the Workforce Development Capitalization Incentive Grant Program; conforming provisions to changes made by the act; amending s. 240.209, F.S.; requiring that the Board of Regents consider industry-driven competencies in certain program reviews; amending s. 240.312, F.S.; revising requirements for reviewing certificate career education programs and certain degree programs; amending s. 240.35, F.S.; providing for students enrolled in employment and training programs under the welfare-transition program to be exempt from certain fees; amending ss. 240.40207, 240.40685, F.S., relating to the Florida Gold Seal Vocational Scholars award and the Certified Education Paraprofessional Welfare Transition Program; conforming provisions to changes made by the act; amending s. 240.61, F.S., relating to college reach-out programs; providing for including temporary cash assistance in determining eligibility; amending s. 246.50, F.S.; providing for recipients of temporary cash assistance to be eligible for the Teacher-Aide Welfare Transition Program; amending ss. 288.046, 288.047, 288.0656, F.S., relating to quick-response training; deleting a reference to targeted industrial clusters; providing for the program to be administered by Workforce Florida, Inc., in conjunction with Enterprise Florida, Inc.; abolishing the advisory committee; revising requirements for the grant agreements; providing for a Quick-Response Training Program for participants in the welfare-transition program; amending s. 288.901, F.S.; providing for the chairperson of Workforce Florida, Inc., to be a member of the board of directors of Enterprise Florida, Inc.; amending ss. 288.904, 288.905, 288.906, F.S.; revising the duties and functions of Enterprise Florida, Inc., to conform to changes made by the act; amending s. 320.20, F.S.; providing for employing participants in the welfare-transition program for certain projects of the Department of Transportation and the Florida Seaport Transportation and Economic Development Council; amending ss. 322.34, 341.052, F.S., relating to proceeds from the sale of seized motor vehicles and a public transit block grant program; conforming provisions to changes made by the act;

amending s. 402.3015, F.S.; including children who participate in certain diversion programs under ch. 445, F.S., in the subsidized child care program; providing for certain needy families to be eligible to participate in the subsidized child care program; amending s. 402.33, F.S.; defining the term "state and federal aid" to include temporary cash assistance; amending s. 402.40, F.S.; revising membership requirements of the Child Welfare Standards and Training Council to reflect changes made by the act; amending s. 402.45, F.S., relating to the community resource mother or father program; providing for eligibility for recipients of temporary cash assistance; amending s. 403.973, F.S.; providing for expedited permitting of projects that employ participants in the welfare-transition program; amending ss. 409.2554, 409.259, F.S., relating to the child support enforcement program; conforming provisions to changes made by the act; amending s. 409.903, F.S., relating to payments for medical assistance; conforming provisions; amending s. 409.942, F.S.; requiring Workforce Florida, Inc., to establish an electronic benefit transfer program; requiring that the program be compatible with the benefit transfer program of the Department of Children and Family Services; amending ss. 411.01, 411.232, 411.242, F.S., relating to the Florida Partnership for School Readiness, the Children's Early Investment Program, and the Education Now and Babies Later Program; conforming provisions and revising eligibility for such programs; amending s. 413.82, F.S., relating to occupational access and opportunity; conforming a definition to changes made by the act; amending s. 421.10, F.S., relating to housing authorities; conforming income requirements; amending ss. 427.013, 427.0155, 427.0157, F.S., relating to the Commission for the Transportation Disadvantaged and community transportation programs; providing for the Division of Workforce Development within the Department of Education to perform duties with respect to apprenticeship training which were formerly performed by the Division of Jobs and Benefits within the Department of Labor and Employment Security; providing for the Division of Workforce Development within the Department of Education to perform duties with respect to apprenticeship training which were formerly performed by the Division of Jobs and Benefits within the Department of Labor and Employment Security; redesignating the State Apprenticeship Council as the "State Apprenticeship Advisory Council"; revising the method of appointing members to the council; amending ss. 446.40, 446.41, 446.42, 446.43, 446.44, F.S.; redesignating the Rural Manpower Services Program as the "Rural Workforce Services Program"; providing for the Division of Workforce Administrative Support of the Department of Management Services to administer the program under the direction of Workforce Florida, Inc.; amending s. 446.50, F.S.; requiring the Agency for Workforce Innovation to administer services for displaced homemakers under the direction of Workforce Florida, Inc.; requiring Workforce Florida, Inc., to develop the plan for the program; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for administration by the Department of Labor and Employment Security; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 497.419, F.S., relating to preneed contracts; conforming provisions to changes made by the act; providing appropriations; providing that no entitlement is created by the act; providing for expiration of specified sections; providing for severability; providing effective dates.

(Amendment 1 and Amendment 4 to Amendment 1 attached to original bill and shown in the *Journal* on pages 987-1052, April 28. Amendments 1, 2, 3, 4, 5, 6, and 7 to Engrossed Amendment 1 attached to original bill and shown in the *Journal* on page 1417, May 2.)

Senate Amendment 1 to House Amendment 1—On page 11, line 31, through page 12, line 5, delete those lines

Senate Amendment 2 to House Amendment 1—On page 12, line 22, delete *two*

and insert: *five*

Senate Amendment 3 to House Amendment 1—On page 13, line 20, before the period

insert: *through his respective presiding officer*

Senate Amendment 4 to House Amendment 1—On page 35, lines 10-12, delete those lines

and insert:

if approved by Workforce Florida, Inc., based upon a showing that a fair and competitive process was used to select the administrative entity.

Senate Amendment 5 to House Amendment 1—On page 47, line 27, through page 48, line 9, delete those lines.

Senate Amendment 6 to House Amendment 1—On page 117, line 24, delete "*extension of* ~~exception to~~"

and insert: exception to

Senate Amendment 7 to House Amendment 1—On page 118, line 20, delete "*extension of* ~~exception from~~"

and insert: exception from

Senate Amendment 8 to House Amendment 1—On page 132, lines 8-22, delete those lines

and insert:

(a) The beginning date of eligibility for temporary cash assistance is the date on which the application is approved or 30 days after the date of application, whichever is earlier.

(b) The add date for a newborn child is the date of the child's birth.

(c) The add date for all other individuals is the date on which the client contacts the department to request that the individual be included in the grant for temporary cash assistance.

(d) Medicaid coverage for a recipient of temporary cash assistance begins on the first day of the first month of eligibility for temporary cash assistance, and such coverage shall include any eligibility required by federal law which is prior to the month of application.

Senate Amendment 9 to House Amendment 1—On page 142, line 14, through page 148, line 12, delete those lines

and insert:

(4) A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months. Hardship exemptions to the time limitations of this chapter shall be limited to 20 percent of *the average monthly caseload* ~~participants in all subsequent years~~, as determined by the department *in cooperation with Workforce Florida, Inc.* ~~and approved by the WAGES Program State Board of Directors.~~ Criteria for hardship exemptions include:

(a) Diligent participation in activities, combined with inability to obtain employment.

(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.

(c) Significant barriers to employment, combined with a need for additional time.

(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. Temporary cash assistance shall be provided through a protective payee. Staff ~~of the Children and Families Program Office~~ of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.

~~At the recommendation of the local WAGES coalition, temporary cash assistance under a hardship exemption for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.~~

(5)~~(3)~~ In addition to the exemptions listed in subsection *(3)* ~~(2)~~, a victim of domestic violence may be granted a hardship exemption if the effects of such domestic violence delay or otherwise interrupt or adversely affect the individual's participation in the program. ~~Hardship exemptions granted under this subsection shall not be subject to the percentage limitations in subsection (2).~~

(6)~~(4)~~ The department, *in cooperation with Workforce Florida, Inc.*, shall establish a procedure for ~~reviewing and~~ approving hardship exemptions *and for reviewing hardship cases at least once every 2 years. Regional workforce boards*~~, and the local WAGES coalitions~~ may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.016.

~~(5) The cumulative total of all hardship exemptions may not exceed 12 months, may include reduced benefits at the option of the community review panel, and shall, in combination with other periods of temporary cash assistance as an adult, total no more than 48 months of temporary cash assistance. If an individual fails to comply with program requirements during a hardship exemption period, the hardship exemption shall be removed.~~

(7)~~(6)~~ For individuals who have moved from another state, *the* ~~and have legally resided in this state for less than 12 months, the time limitation for temporary cash assistance shall be the shorter of the respective time limitations used in the two states, and~~ months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.

(8) For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which temporary cash assistance was received through the family transition program shall count towards the time limitations under this chapter.

(9) Except when temporary cash assistance was received through the family transition program, the calculation of the time limitation for temporary cash assistance shall begin with the first month of receipt of temporary cash assistance after the effective date of this act.

(10) Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.

(11) An individual who receives benefits under the Supplemental Security Income *(SSI)* program or the Social Security Disability Insurance *(SSDI)* program is not subject to time limitations. An individual who has applied for supplemental security income (SSI) *or supplemental security disability income (SSDI),* but has not yet received a determination must be granted an extension of time limits until the individual receives a final determination on the SSI application. Determination shall be considered final once all appeals have been exhausted, benefits have been received, or denial has been accepted without any appeal. *While awaiting a final determination,* such individual must continue to meet all program requirements assigned to the participant based on medical ability to comply. *If a final determination results in the denial of benefits for supplemental security income (SSI) or supplemental security disability income (SSDI), any period during which the recipient received assistance under this chapter shall count against* ~~Extensions of time limits shall be within~~ the recipient's 48-month lifetime limit. ~~Hardship exemptions granted under this subsection shall not be subject to the percentage limitations in subsection (2).~~

(12) A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.

(13) A member of the ~~WAGES Program~~ staff *of the regional workforce board* shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 24-month time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.

Senate Amendment 10 to House Amendment 1—On page 165, lines 1-18, delete those lines

and insert:

(a) The Office of Workforce Services shall administer state merit system program staff within the workforce service delivery system, pursuant to policies of Workforce Florida, Inc. The office shall be responsible for delivering services through the one-stop delivery system and for ensuring that participants in welfare transition programs receive case management services, diversion assistance, support services, including subsidized child care and transportation services, Medicaid services, and transition assistance to enable them to succeed in the workforce. The office shall be directed by the Deputy Director for Workforce Services, who shall be appointed by and serve at the pleasure of the director.

Senate Amendment 11 to House Amendment 1—On page 167, lines 7 through 10, delete those lines

and insert: *functions assigned to the agency. Notwithstanding other provisions*

Senate Amendment 12 to House Amendment 1—On page 283, line 4, and on page 284, line 10, delete *"1"*

and insert: *3*

Senate Amendment 13 to House Amendment 1—On page 292, line 4, delete *$15*

and insert: *$10*

Senate Amendment 14 to House Amendment 1—On page 292, line 19, delete *$10*

and insert: *$12*

Senate Amendment 15 to House Amendment 1—On page 292, between lines 25 and 26,

insert the following:

(7) For grants to support local economic development projects that lead to jobs for needy Florida families authorized by section 445.015, Florida Statutes, the sum of $5 million is appropriated from

nonrecurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.

Senate Amendment 16 to House Amendment 1 (with title amendment)—On page 293, line 7, through page 295, line 9, delete those lines.

And the title is amended as follows:

On page 315, lines 12 through 18, delete those lines

and insert: providing that no

Representative(s) Bradley, Chestnut, and Hill offered the following:

(Amendment Bar Code: 123145)

House Amendment 1 to Senate Amendment 1 to House Amendment 1—On page 1, line 17, insert:

No officer, director, employee, or consultant of such corporation shall be or shall have been for the two years immediately preceding his or her appointment, election, selection, or retention, a member of the Legislature, appointed state officer, or statewide elected officer.

Rep. Bradley moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 595

Yeas—49

Andrews	Edwards	Kosmas	Ryan
Barreiro	Effman	Lawson	Smith, C.
Betancourt	Eggelletion	Lee	Sobel
Bloom	Frankel	Levine	Stafford
Boyd	Gottlieb	Logan	Stansel
Bradley	Greene, A.	Lynn	Suarez
Brown	Greenstein	Merchant	Turnbull
Bucher	Hafner	Miller, L.	Wasserman Schultz
Bullard	Henriquez	Rayson	Wiles
Bush	Heyman	Reddick	Wilson
Casey	Hill	Ritchie	
Chestnut	Jacobs	Ritter	
Cosgrove	Johnson	Roberts	

Nays—71

The Chair	Crow	Jones	Putnam
Albright	Detert	Kelly	Rojas
Alexander	Diaz de la Portilla, R.	Kilmer	Rubio
Argenio	Dockery	Kyle	Russell
Argenziano	Farkas	Lacasa	Sanderson
Arnall	Fasano	Littlefield	Sembler
Bainter	Feeney	Maygarden	Smith, K.
Ball	Fiorentino	Melvin	Sorensen
Bense	Flanagan	Miller, J.	Spratt
Bilirakis	Fuller	Minton	Starks
Bitner	Futch	Morroni	Sublette
Bronson	Garcia	Murman	Trovillion
Brummer	Gay	Ogles	Tullis
Byrd	Goode	Patterson	Villalobos
Cantens	Goodlette	Peaden	Wallace
Constantine	Green, C.	Posey	Waters
Crady	Harrington	Prieguez	Wise
Crist	Hart	Pruitt	

Votes after roll call:
Nays to Yeas—Posey

On motion by Rep. Hart, the House concurred in Senate Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 to House Amendment 1. The question recurred on the passage of CS for SB 2050. The vote was:

Session Vote Sequence: 596

Yeas—89

The Chair	Crist	Kilmer	Rubio
Albright	Crow	Kosmas	Russell
Alexander	Detert	Kyle	Sanderson
Andrews	Diaz de la Portilla, R.	Lacasa	Sembler
Argenio	Dockery	Lawson	Smith, K.
Argenziano	Farkas	Littlefield	Sobel
Arnall	Fasano	Lynn	Sorensen
Bainter	Feeney	Melvin	Spratt
Ball	Fiorentino	Merchant	Stansel
Barreiro	Flanagan	Miller, J.	Starks
Bense	Fuller	Minton	Sublette
Betancourt	Futch	Morroni	Trovillion
Bilirakis	Garcia	Murman	Tullis
Bitner	Gay	Ogles	Turnbull
Boyd	Goode	Patterson	Villalobos
Bradley	Goodlette	Peaden	Wallace
Bronson	Green, C.	Posey	Wasserman Schultz
Brummer	Greenstein	Prieguez	Waters
Byrd	Harrington	Pruitt	Wiles
Cantens	Hart	Putnam	Wise
Casey	Johnson	Ritter	
Constantine	Jones	Roberts	
Crady	Kelly	Rojas	

Nays—29

Bloom	Effman	Hill	Reddick
Brown	Eggelletion	Jacobs	Smith, C.
Bucher	Frankel	Lee	Stafford
Bullard	Gottlieb	Levine	Suarez
Bush	Greene, A.	Logan	Wilson
Chestnut	Hafner	Maygarden	
Cosgrove	Henriquez	Miller, L.	
Edwards	Heyman	Rayson	

Votes after roll call:
Yeas—Ryan
Nays—Ritchie
Nays to Yeas—Henriquez, Heyman

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

CS for SB 772—A bill to be entitled An act relating to rulemaking authority regarding transportation (RAB); amending s. 20.23, F.S.; authorizing the Florida Department of Transportation to adopt rules for the delegation of authority beyond the assistant secretaries; amending s. 334.187, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to the use of prepaid escrow accounts; amending s. 334.044, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to approval of aggregate and other material sources; amending s. 337.18, F.S.; authorizing the Florida Department of Transportation to adopt rules related to surety bonds; amending s. 338.155, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to guaranteed toll accounts; amending s. 339.09, F.S.; authorizing the Florida Department of Transportation to adopt rules related to the expenditure of transportation revenues; amending s. 427.013, F.S.; authorizing the Commission for the Transportation Disadvantaged to adopt rules related to developing operational standards; amending s. 427.0135, F.S.; granting authority for rules adopted by the Commission for the Transportation Disadvantaged related to member departments; amending s. 427.015, F.S.; granting authority for rules adopted by the Commission for the Transportation Disadvantaged related to community transportation coordinators; providing an effective date.

—was taken up, having been read the first and second times earlier today.

Representative(s) K. Smith offered the following:

(Amendment Bar Code: 882985)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (1), paragraph (b) of subsection (2), and paragraphs (c) and (d) of subsection (3) of section 20.23, Florida Statutes, are amended to read:

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

(1)

(c) The secretary shall appoint three assistant secretaries who shall be directly responsible to the secretary and who shall perform such duties as are specified in this section and such other duties as are assigned by the secretary. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary. *The department has the authority to adopt rules necessary for the delegation of authority beyond the assistant secretaries.* The assistant secretaries shall serve at the pleasure of the secretary.

(2)

(b) The commission shall have the primary functions to:

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements therein to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department, using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature and the Governor methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to Florida's changing economic and demographic development patterns. The initial report by the commission must be delivered to the Governor and Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain such experts as are reasonably necessary to effectuate this subparagraph, and the department shall pay the expenses of such experts.

(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; ~~and~~

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

f. Administration of motor carrier compliance and safety.

2. Assistant Secretary for District Operations.—

a. Administration of the eight districts; *and*

b. Implementation of the decentralization of the department.~~; and~~

~~c. Administration of motor carrier compliance and safety.~~

3. Assistant Secretary for Finance and Administration.—

a. Financial planning and management;

b. Information systems;

c. Accounting systems;

d. Administrative functions; and

e. Administration of toll operations.

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

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

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

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

d. Performing other activities of a statewide nature.

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; ~~and~~

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

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.

Section 2. Subsection (8) is added to section 206.8745, Florida Statutes, to read:

206.8745 Credits and refund claims.—

(8) Undyed, tax-paid diesel fuel purchased in this state and consumed by the engine of a qualified motor coach during idle time for the purpose of running climate control systems and maintaining electrical systems for the motor coach is subject to a refund. As used in this subsection, the term "qualified motor coach" means a privately owned vehicle that is designed to carry nine or more passengers, that has a gross vehicle weight of at least 33,000 pounds, that is used exclusively in the commercial application of transporting passengers for compensation, and that has the capacity to measure diesel fuel consumed in Florida during idling, separate from diesel fuel consumed to propel the vehicle in this state, by way of an on-board computer.

(a) The purchaser may make one claim for refund per calendar year.

(b) The annual refund claim must be submitted before April 1 of the year following the year in which the tax was paid and after December 31, 2000.

(c) The purchaser must submit original or copies of original purchase invoices showing the taxes paid, or, in lieu of original invoices, a purchaser may submit a schedule of purchases containing the information required by s. 206.41(5)(b)1.

(d) The purchaser must remit, as an offset to the refund, sales tax due under chapter 212 based on the purchase price of the fuel, net of the state tax refunded.

The Department of Revenue may adopt rules to administer this subsection.

Section 3. Paragraph (b) of subsection (3) and subsection (6) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of $5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

(6) The Department of Transportation shall subject any project that receives funds pursuant to this section *and s. 320.20* to a final audit. The department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

Section 4. Subsections (1), (4), (11), and (12) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee ~~as an ex officio nonvoting member~~; the director of the Office of Tourism, Trade, and Economic Development or his or her designee ~~as an ex officio nonvoting member~~; and the secretary of the Department of Community Affairs or his or her designee ~~as an ex officio nonvoting member~~.

(4) The council shall adopt rules for evaluating projects which may be funded under *ss.* ~~s.~~ 311.07 *and 320.20*. The rules shall provide criteria for evaluating the economic benefit of the project, measured by the potential for the proposed project to *maintain or* increase cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members ~~except for members representing the Department of Transportation; the Department of Community Affairs; and the Office of Tourism, Trade, and Economic Development~~. A vote of the majority of the voting members present is sufficient for any action of the council, *except that a member representing the Department of Transportation, the Department of Community Affairs, or the Office of Tourism, Trade, and Economic Development may vote to overrule any action of the council approving a project pursuant to subsection (5).* ~~unless~~ The bylaws of the council *may* require a greater vote for a particular action.

(12) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida

Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. *Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with the provisions of s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall be exempt from this requirement.*

Section 5. Subsections (3) and (4) of section 320.20, Florida Statutes, are amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(3) Notwithstanding any other provision of law except subsections (1) and (2), on July 1, 1996, and annually thereafter, $15 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided for in chapter 311. Such revenues shall be distributed on a 50-50 matching basis to any port listed in s. 311.09(1) to be used for funding projects as described in s. 311.07(3)(b). Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the State of Florida. The state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend in any manner which will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07. The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects which have been approved pursuant to s. 311.09(5)-(9). The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection are limited to eligible projects listed in this subsection. Income derived from a project completed with the use of program funds, beyond operating costs and debt service, shall be restricted to further port capital improvements consistent with maritime purposes and for no other purpose. Use of such income for nonmaritime purposes is prohibited. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection. *The revenues available under this subsection shall not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; provided, however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. No refunding bonds secured by revenues available under this subsection may be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds. Any revenue bonds or other indebtedness issued after July 1, 2000, other than refunding bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.*

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), on July 1, 1999, and annually thereafter, $10 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in chapter 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(a) For any seaport intermodal access projects that are identified in the 1997-1998 Tentative Work Program of the Department of Transportation, up to the amounts needed to offset the funding requirements of this section.~~; and~~

(b) For seaport intermodal access projects as described in s. 341.053(5) that are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds.~~; or~~

(c) On a 50-50 matching basis for projects as described in s. 311.07(3)(b).

(d) For seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of wharves, docks, or similar structures. Funding for such projects shall require a 25 percent match of the funds received pursuant to this subsection. Matching funds shall come from any port funds, federal funds, local funds, or private funds.

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the state. This state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and subsection (3). The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects that have been approved pursuant to s. 311.09(5)-(9), or for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the FSTED Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of WAGES participants. The goal for employment of WAGES participants is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council can demonstrate to the satisfaction of the Secretary of Labor and Employment Security that such a requirement would severely hamper the successful completion of the project. In such an instance, the Secretary of Labor and Employment Security shall establish an appropriate percentage of employees that must be WAGES participants. The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or

counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection. *The revenues available under this subsection shall not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; provided, however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. No refunding bonds secured by revenues available under this subsection may be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds. Any revenue bonds or other indebtedness issued after July 1, 2000, other than refunding bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.*

Section 6. Subsection (5) of section 334.044, Florida Statutes, is amended, and paragraph (c) is added to subsection (10) of said section, to read:

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

(5) To purchase, lease, or otherwise acquire property *and*~~,~~ materials, *including the purchase of promotional items as part of public information and education campaigns for the promotion of traffic and train safety awareness, alternatives to single-occupant vehicle travel, and commercial motor vehicle safety; to purchase, lease, or otherwise acquire* equipment~~,~~ and supplies;~~,~~ and to sell, exchange, or otherwise dispose of any property *that* ~~which~~ is no longer needed by the department.

(10)

(c) The department is authorized to adopt rules relating to approval of aggregate and other material sources.

Section 7. Subsection (4) is added to section 334.187, Florida Statutes, to read:

334.187 Guarantee of obligations to the department.—

(4) The department is authorized to adopt rules relating to the use of prepaid escrow accounts for purchases from the department.

Section 8. Subsection (3) of section 335.02, Florida Statutes, is amended to read:

335.02 Authority to designate transportation facilities and rights-of-way and establish lanes; procedure for redesignation and relocation.—

(3) The department may establish standards for lanes on the State Highway System, including the Florida Intrastate Highway System established pursuant to s. 338.001. *In determining the number of lanes for any regional corridor or section of highway on the State Highway System to be funded by the department with state or federal funds, the department shall evaluate all alternatives and seek to achieve the highest degree of efficient mobility for corridor users. In conducting the analysis, the department must give consideration to the following factors consistent with sound engineering principles:*

(a) Overall economic importance of the corridor as a trade or tourism corridor.

(b) Safety of corridor users, including the importance of the corridor for evacuation purposes.

(c) Cost-effectiveness of alternative methods of increasing the mobility of corridor users.

(d) Current and projected traffic volumes on the corridor.

(e) Multimodal alternatives.

(f) Use of intelligent transportation technology in increasing the efficiency of the corridor.

(g) Compliance with state and federal policies related to clean air, environmental impacts, growth management, livable communities, and energy conservation.

(h) Addition of special use lanes, such as exclusive truck lanes, high-occupancy-vehicle toll lanes, and exclusive interregional traffic lanes.

(i) Availability and cost of rights-of-way, including associated costs, and the most effective use of existing rights-of-way.

(j) Regional economic and transportation objectives, where articulated.

(k) The future land use plan element of local government comprehensive plans, as appropriate, including designated urban infill and redevelopment areas.

(l) The traffic circulation element, if applicable, of local government comprehensive plans, including designated transportation corridors and public transportation corridors.

(m) The approved metropolitan planning organization's long-range transportation plan, as appropriate.

This subsection does not preclude a number of lanes in excess of 10 lanes, but an additional factor that must be considered before the department may determine that the number of lanes should be more than 10 is the capacity to accommodate in the future alternative forms of transportation within existing or potential rights-of-way. ~~The standards may include the maximum number of lanes to be provided by state funds and access requirements for such facilities.~~

Section 9. Paragraph (b) of subsection (1) of section 336.025, Florida Statutes, is amended to read:

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

(1)

(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. 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, 1996, and which expire on August 31 of any year may be reimposed 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, ~~or~~ the reconstruction or resurfacing of existing paved roads, *or the paving of existing graded roads when undertaken in part to relieve or mitigate existing or potential adverse environmental impacts,* 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.

Section 10. 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.

Section 11. Section 334.035, Florida Statutes, is amended to read:

334.035 Purpose of transportation code.—The purpose of the Florida Transportation Code is to establish the responsibilities of the state, the counties, and the municipalities in the planning and development of the transportation systems serving the people of the state and to assure the development of an integrated, balanced statewide transportation system. *The prevailing principles to be considered in planning and developing these transportation systems are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility* ~~which enhances economic development through promotion of international trade and interstate and intrastate commerce~~. This code is necessary for the protection of the public safety and general welfare and for the preservation of all transportation facilities in the state. The chapters in the code shall be considered components of the total code, and the provisions therein, unless expressly limited in scope, shall apply to all chapters.

Section 12. Section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(1) The prevailing principles to be considered in planning and developing an integrated, balanced statewide transportation system are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility.

(2)~~(1)~~ The mission of the Department of Transportation shall be to provide a safe~~, interconnected~~ statewide transportation system ~~for Florida's citizens and visitors~~ that ensures the mobility of people and *goods* ~~freight~~, *enhances* ~~while enhancing~~ economic prosperity, *and preserves* ~~and sustaining~~ the quality of our environment *and communities*.

(3)~~(2)~~ The department shall document in the Florida Transportation Plan, *in accordance with s. 339.155 and based upon the prevailing principles of preserving the existing transportation infrastructure, enhancing Florida's economic competitiveness, and improving travel choices to ensure mobility,* ~~pursuant to s. 339.155~~ the goals and objectives *that* ~~which~~ provide statewide policy guidance for accomplishing the department's mission.

(4)~~(3)~~ At a minimum, the department's goals shall address the following *prevailing principles.*~~:~~

(a) Preservation.—Protecting the state's transportation infrastructure investment. Preservation includes:

1. Ensuring that 80 percent of the pavement on the State Highway System meets department standards;

2. Ensuring that 90 percent of department-maintained bridges meet department standards; and

3. Ensuring that the department achieves 100 percent of the acceptable maintenance standard on the state highway system.

(b) Economic Competitiveness.—Ensuring that the state has a clear understanding of the economic consequences of transportation investments, and how such investments affect the state's economic competitiveness. The department must develop a macroeconomic analysis of the linkages between transportation investment and economic performance, as well as a method to quantifiably measure the economic benefits of the district-work-program investments. Such an analysis must analyze:

1. The state's and district's economic performance relative to the competition.

2. The business environment as viewed from the perspective of companies evaluating the state as a place in which to do business.

3. The state's capacity to sustain long-term growth.

(c) Mobility—Ensuring a cost-effective, statewide, interconnected transportation system.

~~(a) Providing a safe transportation system for residents, visitors, and commerce.~~

~~(b) Preservation of the transportation system.~~

~~(c) Providing an interconnected transportation system to support Florida's economy.~~

~~(d) Providing travel choices to support Florida's communities.~~

Section 13. Section 337.175, Florida Statutes, is amended to read:

337.175 Retainage.—The department *may* ~~shall~~ provide in its construction contracts for retaining a portion of the amount due a contractor for work that the contractor has completed, until completion and final acceptance of the project by the department. *If the department allows* ~~However~~, contractors *may* ~~shall be allowed to~~ substitute securities as provided by s. 255.052, or ~~to~~ substitute certificates of deposit or irrevocable letters of credit approved by the department comptroller in lieu of retainage.

Section 14. Subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds; requirement with respect to contract award; defaults; damage assessments.—

(1) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. For a project for which the contract price is $150,000 or less, the department may waive the requirement for all or a portion of a surety bond if it determines the project is of a noncritical nature and nonperformance will not endanger public health, safety, or property. The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according

to plans and specifications and within the time period specified, and for the prompt payment of all persons furnishing labor, material, equipment, and supplies therefor; however, whenever an improvement, demolition, or removal contract price is $25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. *The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.*

Section 15. Subsection (1) of section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(1) No persons are permitted to use any toll facility without payment of tolls, except employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. Any Florida highway patrol officer, sheriff, deputy sheriff, or municipal police officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business. The secretary, or the secretary's designee, may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation. The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation pursuant to s. 318.18. *The department is authorized to adopt rules relating to guaranteed toll accounts.*

Section 16. Subsection (1) of section 338.161, Florida Statutes, is amended to read:

338.161 Authority of department to advertise and promote electronic toll collection.—

(1) The department is authorized to incur expenses for paid advertising, marketing, and promotion of *toll facilities and* electronic toll collection products and services. Promotions may include discounts and free products.

Section 17. Subsection (6) of section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(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.

Section 18. Subsection (2) of section 339.09, Florida Statutes, is amended to read:

339.09 Use of transportation tax revenues; restrictions.—

(2) The department may, in cooperation with the Federal Government, expend transportation tax revenues pursuant to rules adopted by the department, for control of undesirable rodents, relocation assistance, and moving costs of persons displaced by highway construction *and other related transportation projects* to the extent, but only to the extent, required by federal law to be undertaken by the state to continue to be eligible for federal highway funds.

Section 19. Section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(1) THE FLORIDA TRANSPORTATION PLAN.—The department shall develop and annually update a statewide transportation plan, to be known as the Florida Transportation Plan. The plan shall be designed so as to be easily read and understood by the general public. The purpose of the Florida Transportation Plan is to establish and define the state's long-range transportation goals and objectives to be accomplished over a period of at least 20 years within the context of the State Comprehensive Plan, and any other statutory mandates and authorizations *and based upon the prevailing principles of: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility*. The Florida Transportation Plan shall consider the needs of the entire state transportation system and examine the use of all modes of transportation to effectively and efficiently meet such needs.

(2) SCOPE OF PLANNING PROCESS.—

~~(a)~~ The department shall carry out a transportation planning process *in conformance with s. 334.046(1) which* ~~that~~ provides for consideration of projects and strategies that will:

(a)~~1.~~ Support the economic vitality of the United States, Florida, and the metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

(b)~~2.~~ Increase the safety and security of the transportation system for motorized and nonmotorized users;

(c)~~3.~~ Increase the accessibility and mobility options available to people and for freight;

(d)~~4.~~ Protect and enhance the environment, promote energy conservation, and improve quality of life;

(e)~~5.~~ Enhance the integration and connectivity of the transportation system, across and between modes throughout Florida, for people and freight;

(f)~~6.~~ Promote efficient system management and operation; and

(g)~~7.~~ Emphasize the preservation of the existing transportation system.

~~(b) Additionally, the department shall consider:~~

~~1. With respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;~~

~~2. The concerns of Indian tribal governments and federal land management agencies that have jurisdiction over land within the boundaries of Florida; and~~

~~3. Coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.~~

~~(c) The results of the management systems required pursuant to federal laws and regulations.~~

~~(d) Any federal, state, or local energy use goals, objectives, programs, or requirements.~~

~~(e) Strategies for incorporating bicycle transportation facilities and pedestrian walkways in projects where appropriate throughout the state.~~

~~(f) International border crossings and access to ports, airports, spaceports, intermodal transportation facilities, major freight distribution routes, national parks, recreation and scenic areas, monuments and historic sites, and military installations.~~

~~(g) The transportation needs of nonmetropolitan areas through a process that includes consultation with local elected officials with jurisdiction over transportation.~~

~~(h) Consistency of the plan, to the maximum extent feasible, with strategic regional policy plans, metropolitan planning organization plans, and approved local government comprehensive plans so as to contribute to the management of orderly and coordinated community development.~~

~~(i) Connectivity between metropolitan areas within the state and with metropolitan areas in other states.~~

~~(j) Recreational travel and tourism.~~

~~(k) Any state plan developed pursuant to the Federal Water Pollution Control Act.~~

~~(l) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.~~

~~(m) The total social, economic, energy, and environmental effects of transportation decisions on the community and region.~~

~~(n) Methods to manage traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant vehicle travel.~~

~~(o) Methods to expand and enhance transit services and to increase the use of such services.~~

~~(p) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decisionmaking and the provisions of all applicable short-range and long-range land use and development plans.~~

~~(q) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.~~

~~(r) Preservation and management of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors, and identification of those corridors for which action is most needed to prevent destruction or loss.~~

~~(s) Future, as well as existing, needs of the state transportation system.~~

~~(t) Methods to enhance the efficient movement of commercial motor vehicles.~~

~~(u) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.~~

~~(v) Investment strategies to improve adjoining state and local roads that support rural economic growth and tourism development, federal agency renewable resources management, and multipurpose land management practices, including recreation development.~~

~~(w) The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the state.~~

~~(x) A seaport or airport master plan, which has been incorporated into an approved local government comprehensive plan, and the linkage of transportation modes described in such plan which are needed to provide for the movement of goods and passengers between the seaport or airport and the other transportation facilities.~~

~~(y) The spaceport master plan approved by the Spaceport Florida Authority.~~

~~(z) The joint use of transportation corridors and major transportation facilities for alternate transportation and community uses.~~

~~(aa) The integration of any proposed system into all other types of transportation facilities in the community.~~

(3) FORMAT, SCHEDULE, AND REVIEW.—The Florida Transportation Plan shall be a unified, concise planning document that clearly defines the state's long-range transportation goals and objectives and documents the department's short-range objectives developed to further such goals and objectives. The plan shall include a glossary that clearly and succinctly defines any and all phrases, words, or terms of art included in the plan, with which the general public may be unfamiliar and shall consist of, at a minimum, the following components:

(a) A long-range component documenting the goals and long-term objectives necessary to implement the results of the department's findings from its examination of the criteria listed in subsection (2) *and s. 334.046(1).* The long-range component must be developed in cooperation with the metropolitan planning organizations and reconciled, to the maximum extent feasible, with the long-range plans developed by metropolitan planning organizations pursuant to s. 339.175. The plan must also be developed in consultation with affected local officials in nonmetropolitan areas and with any affected Indian tribal governments. The plan must provide an examination of transportation issues likely to arise during at least a 20-year period. The long-range component shall be updated at least once every 5 years, or more often as necessary, to reflect substantive changes to federal or state law.

(b) A short-range component documenting the short-term objectives and strategies necessary to implement the goals and long-term objectives contained in the long-range component. The short-range component must define the relationship between the long-range goals and the short-range objectives, specify those objectives against which the department's achievement of such goals will be measured, and identify transportation strategies necessary to efficiently achieve the goals and objectives in the plan. It must provide a policy framework within which the department's legislative budget request, the strategic information resource management plan, and the work program are developed. The short-range component shall serve as the department's annual agency strategic plan pursuant to s. 186.021. The short-range component shall be developed consistent with the requirements of s. 186.022 and consistent with available and forecasted state and federal funds. In addition to those entities listed in s. 186.022, the short-range component shall also be submitted to the Florida Transportation Commission.

(4) ANNUAL PERFORMANCE REPORT.—The department shall develop an annual performance report evaluating the operation of the department for the preceding fiscal year. The report, which shall meet the requirements of s. 186.022, shall also include a summary of the financial operations of the department and shall annually evaluate how well the adopted work program meets the short-term objectives contained in the short-range component of the Florida Transportation Plan. In addition to the entities listed in s. 186.022, this performance report shall also be submitted to the Florida Transportation Commission and the legislative appropriations and transportation committees.

(5) ADDITIONAL TRANSPORTATION PLANS.—

(a) Upon request by local governmental entities, the department may in its discretion develop and design transportation corridors, arterial and collector streets, vehicular parking areas, and other support facilities which are consistent with the plans of the department for major transportation facilities. The department may render to local governmental entities or their planning agencies such technical assistance and services as are necessary so that local plans and facilities are coordinated with the plans and facilities of the department.

(b) Each regional planning council, as provided for in s. 186.504, or any successor agency thereto, shall develop, as an element of its strategic regional policy plan, transportation goals and policies. *The transportation goals and policies must be prioritized to comply with the prevailing principles provided in subsection (2) and s. 334.046(1).* The transportation goals and policies shall be consistent, to the maximum extent feasible, with the goals and policies of the metropolitan planning organization and the Florida Transportation Plan. The transportation goals and policies of the regional planning council will be advisory only and shall be submitted to the department and any affected metropolitan planning organization for their consideration and comments. Metropolitan planning organization plans and other local transportation plans shall be developed consistent, to the maximum extent feasible, with the regional transportation goals and policies. The regional planning council shall review urbanized area transportation plans and any other planning products stipulated in s. 339.175 and provide the department and respective metropolitan planning organizations with written recommendations which the department and the metropolitan planning organizations shall take under advisement.

Further, the regional planning councils shall directly assist local governments which are not part of a metropolitan area transportation planning process in the development of the transportation element of their comprehensive plans as required by s. 163.3177.

(6) PROCEDURES FOR PUBLIC PARTICIPATION IN TRANSPORTATION PLANNING.—

(a) During the development of the long-range component of the Florida Transportation Plan and prior to substantive revisions, the department shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other known interested parties with an opportunity to comment on the proposed plan or revisions. These opportunities shall include, at a minimum, publishing a notice in the Florida Administrative Weekly and within a newspaper of general circulation within the area of each department district office.

(b) During development of major transportation improvements, such as those increasing the capacity of a facility through the addition of new lanes or providing new access to a limited or controlled access facility or construction of a facility in a new location, the department shall hold one or more hearings prior to the selection of the facility to be provided; prior to the selection of the site or corridor of the proposed facility; and prior to the selection of and commitment to a specific design proposal for the proposed facility. Such public hearings shall be conducted so as to provide an opportunity for effective participation by interested persons in the process of transportation planning and site and route selection and in the specific location and design of transportation facilities. The various factors involved in the decision or decisions and any alternative proposals shall be clearly presented so that the persons attending the hearing may present their views relating to the decision or decisions which will be made.

(c) Opportunity for design hearings:

1. The department, prior to holding a design hearing, shall duly *notify* ~~notice~~ all affected property owners of record, as recorded in the property appraiser's office, by mail at least 20 days prior to the date set for the hearing. The affected property owners shall be:

a. Those whose property lies in whole or in part within 300 feet on either side of the centerline of the proposed facility.

b. Those *whom* ~~who~~ the department determines will be substantially affected environmentally, economically, socially, or safetywise.

2. For each subsequent hearing, the department shall ~~daily~~ publish notice ~~at least 14 days immediately~~ prior to the hearing date in a newspaper of general circulation for the area affected. *These notices must be published twice, with the first notice appearing at least 15 days, but no later than 30 days, before the hearing*

3. A copy of the notice of opportunity for the hearing *must* ~~shall~~ be furnished to the United States Department of Transportation and to the appropriate departments of the state government at the time of publication.

4. The opportunity for another hearing shall be afforded in any case when proposed locations or designs are so changed from those presented in the notices specified above or at a hearing as to have a substantially different social, economic, or environmental effect.

5. The opportunity for a hearing shall be afforded in each case in which the department is in doubt as to whether a hearing is required.

Section 20. Subsections (1) through (6) and paragraph (a) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, *based upon the prevailing principles provided in s. 334.046(1).* The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(1) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county

commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Spaceport Florida Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) AUTHORITY AND RESPONSIBILITY.—The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, *based upon the prevailing principles provided in s. 334.046(1),* results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3. Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

~~(c) Additionally, each M.P.O. shall consider:~~

~~1. The consistency of transportation planning with applicable federal, state, and local energy conservation programs, goals, and objectives;~~

~~2. The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with all applicable short-term and long-term land use and development plans;~~

~~3. The preservation of rights-of-way for construction of future transportation projects, including the identification of unused rights-of-way that may be needed for future transportation corridors and the identification of corridors for which action is most needed to prevent destruction or loss;~~

~~4. The overall social, economic, energy, and environmental effects of transportation decisions; and~~

~~5. Available methods to expand or enhance transit services and increase the use of such services.~~

~~6. The possible allocation of capital investments to increase security for transit systems.~~

(c)~~(d)~~ In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;

2. Assist the department in mapping transportation planning boundaries required by state or federal law;

3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;

4. Execute all agreements or certifications necessary to comply with applicable state or federal law;

5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

6. Perform all other duties required by state or federal law.

(d)~~(e)~~ Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for *considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.* ~~identifying projects contained in the long-range transportation plan or transportation improvement program which deserve to be classified as a school safety concern. Upon receipt of the recommendation from the technical advisory committee that a project should be so classified, the M.P.O. must vote on whether to classify a particular project as a school safety concern. If the M.P.O. votes that a project should be classified as a school safety concern, the local governmental entity responsible for the project must consider at least two alternatives before making a decision about project location or alignment.~~

(e)~~(f)~~1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f)~~(g)~~ The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g)~~(h)~~ Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineering firms to accomplish its transportation planning and programming duties required by state or federal law.

(h) Any group of M.P.O.'s which has created a chair's coordinating committee as of the effective date of this act and is located within the same Department of Transportation District which is comprised of four adjacent M.P.O.'s must continue such committee as provided for in this section. Such committee must also include one representative from each M.P.O. contiguous to the geographic boundaries of the original committee. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(6) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. *The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility.* The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. *The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility.* The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

Section 21. Section 343.56, Florida Statutes, is amended to read:

343.56 Bonds not debts or pledges of credit of state.—Revenue bonds issued under the provisions of this part are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is not obligated to pay the same or the interest thereon, except from the revenues pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bonds. The issuance of revenue bonds under the provisions of this part does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. No state funds shall be used to pay the principal or interest of any bonds issued to finance or refinance any portion of the Tri-County Rail system, and all such bonds shall contain a statement on their face to this effect. *However, federal funds being passed through the department to the Tri-County Rail system and those state matching funds required by the United States Department of Transportation as a condition of federal funding may be used to pay principal and interest of any bonds issued.*

Section 22. Subsection (2) of section 343.63, Florida Statutes, is amended to read:

343.63 Central Florida Regional Transportation Authority.—

(2) The governing board of the authority shall consist of *11* ~~nine~~ voting members, *and one nonvoting member* as follows:

(a) The county commissions of Seminole, Orange, and Osceola Counties shall each elect a commissioner as that commission's representative on the board. The commissioner must be a member of the county commission when elected and for the full extent of his or her term. The terms of the county commissioners on the governing board of the authority shall be 2 years.

(b) The mayors of the cities of Altamonte Springs, Orlando, and Kissimmee, or a member of each city commission designated by each mayor, shall serve a term of 2 years on the board.

(c) The Governor shall appoint *five* ~~two~~ members to the board ~~who are residents and qualified electors in the area served by the board~~. *Two of the members shall be residents of Orange County, one member shall be a resident of Seminole County, one member shall be a resident of Osceola County, and one member shall be a resident of the City of Orlando. All five members* ~~One of the members initially appointed by the Governor shall serve a term of 2 years, and the other~~ shall serve a term of 4 years. ~~Thereafter, members appointed by the Governor shall serve a term of 4 years.~~

(d) The Secretary of Transportation shall appoint the district secretary, or his or her designee, for the district within which the area served by the authority is located *and this member shall be a nonvoting member.*

Section 23. Subsection (6) is added to section 343.64, Florida Statutes, to read:

343.64 Powers and duties.—

(6) The authority, through a resolution of its governing board, may elect to expand its service area and board partnership with any county which is a contiguous county to the existing Central Florida Regional Transportation Authority service area. The board shall determine the conditions and terms, including the number of representatives of such partnership.

Section 24. *Notwithstanding the provisions of section 343.64, Florida Statutes, to the contrary, the Central Florida Regional Transportation Authority shall not hire a permanent executive director until the appointments to the authority's governing board have been filled as required by modifications in this act to section 343.63, Florida Statutes.*

Section 25. Subsection (9) of section 427.013, Florida Statutes, is amended to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(9) Develop *by rule* standards *for community transportation coordinators and any transportation operator or coordination contractor from whom service is purchased or arranged by the community transportation coordinator* covering coordination, operation, *safety, insurance, eligibility for service,* costs, and utilization of transportation disadvantaged services. These standards *and rules must* ~~shall~~ include, but *are* not ~~be~~ limited to:

(a) Inclusion, by rule, of acceptable ranges of trip costs for the various modes and types of transportation services provided.

(b) Minimum performance standards for the delivery of services. These standards *must* ~~should~~ be included in coordinator *contracts* and *transportation* operator contracts with clear penalties for repeated or continuing violations.

(c) Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged through the community transportation coordinator.

Section 26. Subsection (3) of section 427.0135, Florida Statutes, is amended to read:

427.0135 Member departments; duties and responsibilities.—Each member department, in carrying out the policies and procedures of the commission, shall:

(3) Assist communities in developing coordinated transportation systems designed to serve the transportation disadvantaged. *However, a member department may not serve as the community transportation coordinator in any designated service area.*

Section 27. Subsection (2) of section 427.015, Florida Statutes, is amended to read:

427.015 Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.—

(2) Each metropolitan planning organization or designated official planning agency shall recommend to the commission a single community transportation coordinator. *However, a member department may not serve as the community transportation coordinator in any designated service area.* The coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged but shall be responsible for the provision of those coordinated services. Based on approved commission evaluation criteria, the coordinator shall subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. The performance of the coordinator shall be evaluated based on the commission's approved evaluation criteria by the coordinating board at least annually. A copy of the evaluation shall be submitted to the metropolitan planning organization or the designated official planning agency, and the commission. The recommendation or termination of any community transportation coordinator shall be subject to approval by the commission.

Section 28. Subsection (15) of section 479.01, Florida Statutes, is amended to read:

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

(15) "Premises" means all the land areas under ownership or lease arrangement to the sign owner which are contiguous to the business conducted on the land except for instances where such land is a narrow strip contiguous to the advertised activity or is connected by such narrow strip, the only viable use of such land is to erect or maintain an advertising sign. *When the sign owner is a municipality or county, "premises" shall mean all lands owned or leased by such municipality or county within its jurisdictional boundaries as set forth by law.*

Section 29. Subsection (1) of section 479.16, Florida Statutes, is amended to read:

479.16 Signs for which permits are not required.—The following signs are exempt from the requirement that a permit for a sign be obtained under the provisions of this chapter but are required to comply with the provisions of s. 479.11(4)-(8):

(1) Signs erected on the premises of an establishment, which signs consist primarily of the name of the establishment or which identify the principal or accessory merchandise, services, activities, or entertainment sold, produced, manufactured, or furnished on the premises of the establishment and which comply with the lighting restrictions under department rule adopted pursuant to s. 479.11(5), *or signs owned by a municipality or a county located on the premises of such municipality or such county which display information regarding government services, activities, events, or entertainment. For purposes of this section, the following types of messages shall not be considered information regarding government services, activities, events, or entertainment:*

(a) Messages which specifically reference any commercial enterprise.

(b) Messages which reference a commercial sponsor of any event.

(c) Personal messages.

(d) Political campaign messages.

If a sign located on the premises of an establishment consists principally of brand name or trade name advertising and the merchandise or service is only incidental to the principal activity, or if the owner of the establishment receives rental income from the sign, then the sign is not exempt under this subsection.

Section 30. Section 552.30, Florida Statutes, is created to read:

552.30 Construction materials mining activities.—

(1) Notwithstanding the provisions of s. 552.25, the State Fire Marshal shall have the sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities. Such authority to regulate use shall include, directly or indirectly, the operation, handling, licensure, or permitting of explosives and setting standards or limits, including, but not limited to, ground vibration, frequency, intensity, blast pattern, air blast and time, date, occurrence, and notice restrictions. As used in this section, "construction materials mining activities" means the extraction of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials by any person or company primarily engaged in the commercial mining of any such natural resources.

(2) The State Fire Marshal shall establish statewide ground vibration limits for construction materials mining activities which conform to those limits established in the United States Bureau of Mines, Report of Investigations 8507, Appendix B - Alternative Blasting Level Criteria (Figure B-1). The State Fire Marshal may, at his or her sole discretion, by rule or formal agreement, delegate to the applicable municipality or county, the monitoring and enforcement components of regulations governing the use of explosives, as recognized in this section, by construction materials mining activities. Such delegation may include the assessment and collection of reasonable fees by the municipality or county for the purpose of carrying out the delegated activities.

Section 31. Section 325.205, Florida Statutes, is created to read:

325.205 State Implementation Plan.—Within 90 days after the effective date of this bill, the Department of Environmental Protection shall initiate a revision of the United States Environmental Protection Agency approved State Implementation Plan for the program area to back out the emission credits from the motor vehicle inspection program.

Section 32. *Effective July 1, 2000, sections 325.001, 325.201, 325.202, 325.203, 325.204, 325.206, 325.207, 325.2075, 325.208, 325.209, 325.210, 325.211, 325.212, 325.213, 325.2135, 325.214, 325.215, 325.216, 325.217, 325.218, and 325.219, Florida Statutes, are repealed.*

Section 33. Subsection (7) of section 316.2935, Florida Statutes, is amended to read:

316.2935 Air pollution control equipment; tampering prohibited; penalty.—

(7) The Department of Environmental Protection shall adopt rules that define the specific wording of the required certification and the circumstances under which the certificate is not required. In addition, the department shall adopt rules as necessary to conform to requirements of federal law, to establish procedures to determine compliance with this section, including specifying what tampering activities constitute a violation of this section, and to provide for exceptions and waivers~~, taking into account the provisions of ss. 325.203 and 325.209~~. For those rules applicable pursuant to subsection (1) to licensed motor vehicle dealers for certification by visual observation, the air pollution control devices or systems that shall be included in such certification for motor vehicles dated model year 1981 or later are the catalytic converter, fuel inlet restrictor, unvented fuel cap, exhaust gas recirculation system (EGR), air pump and/or air injector system (AIS), and fuel evaporative emissions system (EVP). The department may by rule remove or add devices or systems to this test if justified by developments in air pollution control technology or changes in federal law.

Section 34. Subsection (4) of section 320.055, Florida Statutes, is amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(4) For a vehicle subject to registration under s. 320.08(13), for vehicles subject to registration under s. 320.08(6)(a) that are short-term rental vehicles, ~~as defined in s. 325.202(15),~~ and for any vehicle for which a registration period is not otherwise specified, the registration period begins June 1 and ends May 31. For a vehicle subject to this registration period, the renewal period is the 30-day period beginning June 1.

Section 35. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:
remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; authorizing the Department of Transportation to adopt rules for the delegation of authority beyond the assistant secretaries; providing for a change in administrative duties; providing additional responsibilities of the Florida Transportation Commission; amending s. 206.8745, F.S.; providing for a refund of tax paid on undyed diesel fuel consumed by the engine of a qualified motor coach during idle time for certain purposes; defining “motor coach”; providing restrictions on refunds; providing for proper documentation; granting the Department of Revenue authority to adopt rules; amending s. 311.07, F.S.; expanding the use of certain seaport funds; providing for a final audit of funds; amending s. 311.09, F.S.; providing overrule authority to certain state agencies; providing voting membership to certain state agencies; providing for expenditure of moneys derived from the Florida Seaport Transportation and Economic Development Program; amending s. 320.20, F.S.; authorizing revenue to be pledged to the payment of certain bonds under certain circumstances; amending s. 334.044, F.S.; authorizing the department to purchase promotional items for use in certain public awareness programs; authorizing the department to adopt rules relating to approval of material sources; amending s. 334.187, F.S.; authorizing the department to adopt rules relating to the use of prepaid escrow accounts; amending s. 335.02, F.S.; providing a maximum lane policy; amending s. 336.025, F.S.; revising language with respect to the local option fuel tax to authorize county and municipal governments to use the funds for certain purposes; amending s. 337.025, F.S.; authorizing highway maintenance projects to be included in the innovative highway program; amending ss. 334.035 and 334.046, F.S.; providing prevailing principles for planning and developing transportation systems; amending s. 337.175, F.S.; providing for retainage flexibility; amending s. 337.18, F.S.; authorizing the department to adopt rules relating to surety bonds; amending s. 338.155, F.S.; authorizing the department to adopt rules with respect to guaranteed toll accounts; amending s. 338.161, F.S.; authorizing the department to incur advertising expenses for the promotion of toll facilities; amending s. 338.165, F.S.; providing that certain high occupancy toll lanes or express lanes may be continued under certain circumstances; amending s. 339.09, F.S.; authorizing the department to adopt rules relating to the expenditure of transportation revenues; amending s. 339.155, F.S.; clarifying the public participation process in transportation planning; conforming provisions to federal requirements; providing prevailing principles; deleting certain planning factors; amending s. 339.175, F.S.; providing duties of the metropolitan planning Technical Advisory Committee; providing for a coordinating committee in certain M.P.O.'s; providing prevailing principles for planning and developing transportation systems for metropolitan planning organizations; deleting certain planning factors; amending s. 343.56, F.S.; authorizing the use of certain federal funds to pay principal and interest on bonds; amending s. 343.63, F.S.; increasing the number of members appointed to the Central Florida Regional Transportation Authority by the Governor and providing that the member selected by the department be a nonvoting member; amending s. 343.64, F.S.; authorizing the board to enter into a partnership with any county which is contiguous to the existing service area; prohibiting the Central Florida Regional Transportation Authority from hiring a permanent executive director until appointments to the authority's governing board have been filled; amending s. 427.013, F.S.; authorizing the Commission for the Transportation Disadvantaged to adopt rules relating to development of operational standards; amending s. 427.0135, F.S.; granting authority for rules adopted by the commission relating to member departments; amending s. 427.015, F.S.; granting authority for rules adopted by the commission to community transportation coordinators; amending s. 479.01, F.S.; revising the definition of the term “premises”; amending s. 479.16, F.S.; revising language with respect to signs for which permits are not required; creating s. 552.30, F.S., relating to construction materials mining activities; providing authority of the State Fire Marshal; providing for the State Fire Marshal to establish certain limits; creating s. 325.205, F.S.; directing the Department of Environmental Protection to submit a revision to Florida's State Implementation Plan to the United States Environmental Protection Agency; repealing ss. 325.001, 325.201, 325.202, 325.203, 325.204, 325.206, 325.207, 325.2075, 325.208, 325.209, 325.210, 325.211, 325.212, 325.213, 325.2135, 325.214, 325.215, 325.216, 325.217, 325.218, and 325.219, F.S., which provide for inspection of motor vehicle exhaust emissions; amending ss. 316.2935 and 320.055, F.S.; correcting cross references to conform to the act; providing effective dates.

Rep. K. Smith moved the adoption of the amendment, which was adopted.

On motion by Rep. K. Smith, the rules were suspended and CS for SB 772, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 597

Yeas—120

The Chair	Andrews	Arnall	Barreiro
Albright	Argenio	Bainter	Bense
Alexander	Argenziano	Ball	Betancourt

Bilirakis	Fasano	Kyle	Roberts
Bitner	Feeney	Lacasa	Rojas
Bloom	Fiorentino	Lawson	Rubio
Boyd	Flanagan	Lee	Russell
Bradley	Frankel	Levine	Ryan
Bronson	Fuller	Littlefield	Sanderson
Brown	Futch	Logan	Sembler
Brummer	Garcia	Lynn	Smith, C.
Bucher	Gay	Maygarden	Smith, K.
Bullard	Goode	Melvin	Sobel
Bush	Goodlette	Merchant	Sorensen
Byrd	Gottlieb	Miller, J.	Spratt
Cantens	Green, C.	Miller, L.	Stafford
Casey	Greene, A.	Minton	Stansel
Chestnut	Greenstein	Morroni	Starks
Constantine	Hafner	Murman	Suarez
Cosgrove	Harrington	Ogles	Sublette
Crady	Hart	Patterson	Trovillion
Crist	Henriquez	Peaden	Tullis
Crow	Heyman	Posey	Turnbull
Detert	Hill	Prieguez	Villalobos
Diaz de la Portilla, R.	Jacobs	Pruitt	Wallace
Dockery	Johnson	Putnam	Wasserman Schultz
Edwards	Jones	Rayson	Waters
Effman	Kelly	Reddick	Wiles
Eggelletion	Kilmer	Ritchie	Wilson
Farkas	Kosmas	Ritter	Wise

Nays—None

Votes after roll call:
Yeas to Nays—Garcia, Villalobos

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 2125, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 2125—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.04, F.S.; providing for program offices to be headed by program directors rather than assistant secretaries; amending s. 20.19, F.S.; revising mission and purpose of the department; providing duties and responsibilities of the secretary, deputy secretary, and program directors; providing for program offices and support offices; providing for local services, service districts, district administrators, and community alliances; providing certain budget transfer authority; providing for operation of a prototype region; providing for contracts with lead agencies; providing for consultation with counties on mandated programs; requiring a report; amending s. 39.3065, F.S.; providing for the sheriff in any county to provide child protective investigative services; requiring individuals providing such services to complete protective investigation training; providing for funding; providing for performance evaluation; requiring annual reports to the department; providing for program performance evaluation; amending s. 397.321, F.S.; providing for a pilot project to serve in a managed care arrangement non-Medicaid eligible persons for substance abuse or mental health services; amending ss. 393.502 and 393.503, F.S.; revising provisions relating to creation, appointment, and operation of family care councils; requiring establishment of a training program for council members; providing for reimbursement for members' per diem and travel expenses; deleting references to health and human services boards; creating s. 402.73, F.S.; providing contracting and performance standards for contracted client services; providing conditions for competitive procurement; providing for procurement and contract for services that involve multiple providers; providing requirements relating to matching contributions; providing for independent contract for assessment and case management services; providing for penalties; requiring certain notice; providing for standards of conduct and disciplinary actions with respect to department employees carrying out contracting responsibilities; providing requirements relating to the developmental services Medicaid waiver service system; requiring a report; providing for cancellation of provider contracts; restricting new contracts with canceled providers; providing for liens against facility properties; providing for performance-based incentives; creating s. 402.731, F.S.; authorizing certification programs for department employees and service providers; providing rulemaking authority; requiring employment programs for staff to facilitate transition to privatized community-based care; requiring contracts for outpatient services; authorizing certain time-limited exempt positions; amending s. 409.1671, F.S., relating to foster care and related services; deleting provisions relating to a statewide privatization plan; deleting requirement that excess earnings be distributed to all entities contributing to the excess; providing for the designation of more than one eligible lead community-based provider within a single county under certain circumstances; providing the establishment of a risk pool to reduce financial risk to community-based providers; excluding certain entities from certain insurance requirements; providing for any excess earnings to be distributed to all entities contributing to the excess; creating s. 409.1675, F.S.; providing conditions and procedures for placing a lead community-based provider in receivership; providing for notice and hearing; providing powers and duties of a receiver; providing for compensation; providing liability; requiring a receiver to post a bond under certain circumstances; providing for termination of receivership; amending ss. 20.43, 39.001, 39.0015, 39.01, 39.201, 39.302, 216.136, 381.0072, 383.14, 393.064, 393.13, 394.462, 394.4674, 394.67, 394.75, 397.311, 397.321, 397.821, 397.901, 400.435, 402.17, 402.3015, 402.40, 402.47, 409.152, 409.1673, 410.0245, 411.01, 411.223, 411.224, 414.028, 414.105, 414.36, 916.107, 985.223, and 985.413, F.S.; providing changes to conform with the provisions of the act; repealing s. 402.185(2), F.S., relating to funding for staff of the Office of Standards and Evaluation of the department; repealing s. 409.152(6), F.S., relating to designation of family preservation programs by the health and human services boards; providing a directive to the statute editors to conform terminology; providing incentive grants for children's services council or juvenile welfare board; providing requirements; authorizing rules; requiring the Correctional Privatization Commission in consultation with the Department of Children and Family Services to issue a request for proposal for the financing, design, construction, acquisition, ownership, leasing, and operation of a specified secure facility to house and rehabilitate certain sexual predators; authorizing the Secretary of Children and Family Services to approve the request for proposal, the successful bidder, and the contract; providing authority for the commission to enter into a contract with a provider; providing authority of the contractor with respect to financing of the project; providing authority of the state to enter into certain agreements; providing for termination of a specified program upon completion of the facility; amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to continue providing foster care services to certain individuals who are enrolled full-time in a degree-granting program in a postsecondary educational institution; specifying circumstances under which such services shall be terminated; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 9, between lines 2 and 3,

insert:

(c) Each fiscal year the secretary shall, in consultation with the relevant employee representatives, develop projections of the number of child abuse and neglect cases and shall include in the department's legislative budget request a specific appropriation for funds and positions for the next fiscal year in order to provide an adequate number of full-time equivalent:

1. Child protection investigation workers so that caseloads do not exceed the Child Welfare League Standards by more than two cases; and

2. Child protection case workers so that caseloads do not exceed the Child Welfare League Standard by more than two cases.

And the title is amended as follows:

On page 1, line 14, after the semicolon

insert: providing for the department to develop projections of the number of child abuse and neglect cases and to propose legislative budget requests based on Child Welfare League Standards;

Senate Amendment 2 (with title amendment)—On page 9, line 3 through page 13, line 21, delete those lines

and insert:

(c) Notwithstanding the provisions of this section, the department may realign the counties among the districts or subdistricts for the purpose of achieving consistency between the boundaries of service districts and the boundaries of judicial circuits as defined by s. 26.021.

(6) COMMUNITY ALLIANCES.—

(a) The department shall, in consultation with local communities, establish a community alliance of the stakeholders, community leaders, client representatives and funders of human services in each county to provide a focal point for community participation and governance of community-based services. An alliance may cover more than one county when such arrangement is determined to provide for more effective representation. The community alliance shall represent the diversity of the community.

(b) The duties of the community alliance shall include, but are necessarily limited to:

1. Joint planning for resource use in the community, including resources appropriated to the department and any funds that local funding sources choose to provide.

2. Needs assessment and establishment of community priorities for service delivery.

3. Determining community outcome goals to supplement state-required outcomes.

4. Serving as a catalyst for community resource development.

5. Providing for community education and advocacy on issues related to delivery of services.

6. Promoting prevention and early intervention services.

(c) The department shall ensure, to the greatest extent possible, that the formation of each community alliance builds on the strengths of the existing community human services infrastructure.

(d) The initial membership of the community alliance in a county shall be composed of the following:

1. The district administrator.

2. A representative from county government.

3. A representative from the school district.

4. A representative from the county United Way.

5. A representative from the county sheriff's office.

6. A representative from the circuit court corresponding to the county.

7. A representative from the county children's board, if one exists.

(e) At any time after the initial meeting of the community alliance, the community alliance shall adopt bylaws and may enlarge the size of the alliance with individuals and organizations who represent funding organizations, are community leaders, have knowledge of community-based service issues, or otherwise represent perspectives that will enable them to accomplish the duties listed above, if, in the judgment of the alliance, such a change is necessary to adequately represent the diversity of the population within such service areas.

(f) Members of the community alliance shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. Payment may also be authorized for preapproved child care expenses or lost wages for members who are consumers of department services and for preapproved child care expenses for other members who demonstrate hardship.

(g) Members of a community alliance are subject to the provisions of part III of chapter 112, the Code of Ethics for Public Officers and Employees.

(h) Actions taken by a community alliance must be consistent with department policy and state and federal laws, rules, and regulations.

(i) Alliance members shall submit annually a disclosure statement of services interests to the department's inspector general. Any member who has an interest in a matter under consideration by the alliance must abstain from voting.

(j) The alliance shall develop bylaws to fill for the unexpired term vacancies created by the death, resignation, or removal of a member.

(k) All alliance meetings are open to the public pursuant to s. 286.011 and the public records provisions of s. 119.07(1).

(7) PROTOTYPE REGION.—

(a) Nothwithstanding the provisions of this section, the department may consolidate the management and administrative structure or function of the geographic area that includes the counties in the sixth, twelfth, and thirteenth judicial circuits as defined in s. 26.021. Any such additional consolidation shall comply with the provisions of subsection (5) unless legislative authorization to the contrary is provided.

(b) Except as provided in this subsection relative to the prototype region, the role and scope of lead agencies are limited to the provisions of s. 409.1671 until the Legislature specifically provides otherwise. Prior to any changes being implemented concerning the scope or duties of the lead agency outside the prototype region, there must be an evaluation of the prototype region that includes the duties of the lead agency as defined in this section. The evaluation must be conducted by an independent evaluator with experience in the evaluation of organizational change and organizational effectiveness. The evaluation must include a review of the following:

1. The duties and responsibilities of the lead agencies;

2. The relationship of the department with the lead agencies;

3. The accountability of the system involving lead agencies and sub-contractors in carrying out the department's statutory obligations;

4. The quality of services provided to clients by the lead agencies and their sub-contractors;

5. Size of the prototype region and its effect on service priorities and service delivery within local communities;

6. The effect on existing service providers who may or may not be lead agencies or sub-contractors; and

7. Any demonstrated improvements in the management and oversight of services or cost savings that have resulted from the lead agency structure or other elements implemented in the prototype region.

The report must be submitted to the Secretary of the department, the President of the Senate and the Speaker of the House of Representatives by February 1, of each year beginning in 2001, and the final report submitted by February 1, 2003. Each report will address the progress and findings of the evaluation and will include recommendations for policy or statutory changes.

(c) Within the prototype region, the budget transfer authority defined in paragraph (5)(b) shall apply to the consolidated geographic area.

(d) The department is authorized to contract for services with a lead agency in each county of the prototype area, except that the lead agency contract may cover more than one county when it is determined that such coverage will provide more effective or efficient services. The duties of the lead agency shall include, but are not necessarily limited to:

1. Directing and coordinating the programs and services within the scope of its contract.

2. Providing or contracting for the provision of core services including intake and eligibility, assessment, service planning, and case management.

3. Creating a service provider network capable of delivering the services contained in client service plans. This includes identifying the necessary services, the necessary volume of services, and possible use patterns. It also includes negotiating rates and expectations with the providers.

4. Managing and monitoring of provider contracts and subcontracts.

5. Developing and implementing an effective bill-payment mechanism to ensure that all providers are timely paid.

6. Providing or arranging for administrative services necessary to support service delivery.

7. Using departmentally approved training and meeting departmentally defined credentials and standards.

8. Providing for performance measurement in accordance with the department's quality assurance program and providing for quality improvement and performance measurement.

9. Developing and maintaining effective interagency collaboration to optimize service delivery.

10. Ensuring that all federal and state reporting requirements are met.

11. Operating a consumer complaint and grievance process.

12. Ensuring that services are coordinated and not duplicated with other major payers such as the local schools and Medicaid.

13. Performing any other duties or responsibilities defined in s. 409.1671 related to community-based care.

(e) Authorization for the prototype region expires on June 30, 2003, unless legislative action is taken before that date.

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon

insert: authorizes certain realignment of counties; requires an independent evaluation; requires a report to the Legislature; provides an expiration date of the prototype region;

Senate Amendment 3 (with title amendment)—On page 14, lines 1 through 5, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 17 and 18, delete the words "requiring a report;"

Senate Amendment 4 (with title amendment)—On page 17, lines 8 and 9, delete those lines

and insert: offices *and reported to the Department of Children and Family Services as specified in the grant agreement.*

And the title is amended as follows:

On page 1, lines 24 and 25, delete those lines

and insert: evaluation; requiring reports to the department as specified in the grant agreement; providing for program performance

Senate Amendment 5 (with title amendment)—On page 18, between lines 9 and 10,

insert:

Section 5. Paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 135 of chapter 98-403, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the *state courts system* ~~Department of Children and Family Services~~ for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels *in a constitutional charter county* as provided for in s. *39.702* ~~39.4531~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the word "evaluation;"

insert: amending s. 318.21, F.S.; providing for disposition of civil penalties to the Grants and Donations Trust Fund in the Office of State Courts Administrator:

Senate Amendment 6 (with title amendment)—On page 28, lines 4 through 19, delete those lines

and insert: *contract document a requirement that any state funds provided for the purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least 5 years from the date of purchase or the completion of the improvements or as further required by law. The contract must include a*

And the title is amended as follows:

On page 2, line 25, delete that line

and insert: that contract documents include a requirement that any state funds provided for purchase of or improvement to real property are contingent upon the granting of a security interest;

Senate Amendment 7—On page 38, line 12, through page 42, line 19, delete those lines and

insert:

(1) The Department of Children and Family Services may petition a court of competent jurisdiction for the appointment of a receiver for a lead community-based provider established pursuant to s. 409.1671 when any of the following conditions exist:

(a) The lead community-based provider is operating without a license as a child-placing agency.

(b) The lead community-based provider has given less than 120 days notice of its intent to cease operations, and arrangements have not been made for another lead community-based provider or for the department to continue the uninterrupted provision of services.

(c) The department determines that conditions exist in the lead community-based provider which present an imminent danger to the health, safety, or welfare of the dependent children under that provider's care or supervision. Whenever possible, the department shall make a reasonable effort to facilitate the continued operation of the program.

(d) The lead community-based provider cannot meet its current financial obligations to its employees, contractors, or foster parents. Issuance of bad checks or the existence of delinquent obligations for payment of salaries, utilities, or invoices for essential services or commodities shall constitute prima facie evidence that the lead community-based provider lacks the financial ability to meet its financial obligations.

(2)(a) The petition for receivership shall take precedence over other court business unless the court determines that some other pending proceeding, having statutory precedence, has priority.

(b) A hearing shall be conducted within 5 days after the filing of the petition, at which time interested parties shall have the opportunity to present evidence as to whether a receiver should be appointed. The department shall give reasonable notice of the hearing on the petition to the lead community-based provider.

(c) The court shall grant the petition upon finding that one or more of the conditions in subsection (1) exists and the continued existence of the condition or conditions jeopardizes the health, safety, or welfare of dependent children. A receiver may be appointed ex parte when the court determines that one or more of the conditions in subsection (1) exists. After such finding, the court may appoint any person, including an employee of the department who is qualified by education, training, or experience to carry out the duties of the receiver pursuant to this section, except that the court shall not appoint any member of the governing board or any officer of the lead community-based provider. The receiver may be selected from a list of persons qualified to act as receivers which is developed by the department and presented to the court with each petition of receivership.

(d) A receiver may be appointed for up to 90 days and the department may petition the court for additional 30-day extensions. Sixty days after appointment of a receiver and every 30 days thereafter until the receivership is terminated, the department shall submit to the court an assessment of the lead community-based provider's ability to ensure the health, safety, and welfare of the dependent children under its supervision.

(3) The receiver shall take such steps as are reasonably necessary to ensure the continued health, safety, and welfare of the dependent children under the supervision of the lead community-based provider and shall exercise those powers and perform those duties set out by the court, including, but not limited to:

(a) Taking such action as is reasonably necessary to protect or conserve the assets or property of the lead community-based provider. The receiver may use the assets and property and any proceeds from any transfer thereof only in the performance of the powers and duties set forth in this section and by order of the court.

(b) Using the assets of the lead community-based provider in the provision of care and services to dependent children.

(c) Entering into contracts and hiring agents and employees to carry out the powers and duties of the receiver under this section.

(d) Having full power to direct, manage, hire, and discharge employees of the lead community-based provider. The receiver shall hire and pay new employees at the rate of compensation, including benefits, approved by the court.

(e) Honoring all leases, mortgages, and contractual obligations of the lead community-based provider, but only to the extent of payments that become due during the period of the receivership.

(4)(a) The receiver shall deposit funds received in a separate account and shall use this account for all disbursements.

(b) A payment to the receiver of any sum owing to the lead community-based provider shall discharge any obligation to the provider to the extent of the payment.

(5) A receiver may petition the court for temporary relief from obligations entered into by the lead community-based provider if the rent, price, or rate of interest required to be paid under the agreement was substantially in excess of a reasonable rent, price, or rate of interest at the time the contract was entered into, or if any material provision of the agreement was unreasonable when compared to contracts negotiated under similar conditions. Any relief in this form provided by the court shall be limited to the life of the receivership, unless otherwise determined by the court.

(6) The court shall set the compensation of the receiver, which shall be considered a necessary expense of a receivership and may grant to the receiver such other authority necessary to ensure the health, safety, and welfare of the children served.

(7) A receiver may be held liable in a personal capacity only for the receiver's own gross negligence, intentional acts, or breaches of fiduciary duty. This section shall not be interpreted to be a waiver of sovereign immunity should the department be appointed receiver.

(8) If the receiver is not the department, the court may require a receiver to post a bond to ensure the faithful performance of these duties.

(9) The court may terminate a receivership when:

(a) The court determines that the receivership is no longer necessary because the conditions that gave rise to the receivership no longer exist; or

(b) The department has entered into a contract with a new lead community-based provider pursuant to s. 409.1671 and that contractor is ready and able to assume the duties of the previous provider.

(10) Within 30 days after the termination, unless this time period is extended by the court, the receiver shall give the court a complete accounting of all property of which the receiver has taken possession, of all funds collected and disbursed, and of the expenses of the receivership.

(11) Nothing in this section shall be construed to relieve any employee of the lead community-based provider placed in receivership of any civil or criminal liability incurred, or any duty imposed by law, by reason of acts or omissions of the employee prior to the appointment of a receiver; nor shall anything contained in this section be construed to suspend during the receivership any obligation of the employee for payment of taxes or other operating or maintenance expenses of the lead community-based provider or for the payment of mortgages or liens. The lead community-based provider shall retain the right to sell or mortgage any facility under receivership, subject to the prior approval of the court that ordered the receivership.

Senate Amendment 8 (with title amendment)—On page 42, between lines 19 and 20,

insert:

Section 11. Paragraph (g) in subsection (6) of section 409.176, Florida Statutes, is created to read:

409.176 Registration of residential child-caring agencies and family foster homes.—

(6) Each child served by a Type II facility shall be covered by a written contract, executed at the time of admission or prior thereto, between the facility and the parent, legal guardian, or person having legal custody of the child. Such person shall be given a copy of the contract at the time of its execution, and the facility shall retain the original contract. Each contract shall:

(a) Enumerate the basic services and accommodations provided by the facility.

(b) State that the facility is a Type II facility.

(c) Contain the address and telephone number of the qualified association.

(d) Specify the charges, if any, to the parent, legal guardian, or person having legal custody of the child.

(e) Contain a clear statement regarding disciplinary procedures.

(f) State that the goal of the facility is to return the child it serves to the parent, legal guardian, or person having legal custody of the child, within 1 year from the time the child enters the facility.

(g) Authorize the facility administrator or his or her designee to consent to routine and emergency medical care on behalf of the parent, legal guardian, or person having legal custody of the child, provided the

facility administrator shall immediately notify the parent, legal guardian, or person having legal custody of the child of medical care being provided on their behalf. Authorization of this power shall be granted only upon the separate consent in the contract of the parent, legal guardian, or person having legal custody of the child.

A copy of the contract signed by the parent, legal guardian, or person having legal custody of the child shall be filed with the qualified association within 10 days after the child enters the facility.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 25, after the semicolon

insert: amending s. 409.176, F.S.; authorizing the facility administrator or designee to consent to routine and emergency medical care within specified conditions;

Senate Amendment 9 (with title amendment)—On page 48, lines 15 through 24, delete those lines

and insert:

Section 14. Subsection (31) of section 39.01, Florida Statutes, is repealed, subsection (25) of that section is amended, present subsections (32) through (41) and (43) through (72) of that section are redesignated as subsections (32) through (40) and (42) through (71), respectively, present subsection (42) of that section is redesignated as subsection (41) and amended, and a new subsection (72) is added to that section, to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(25) "District administrator" means the chief operating officer of each service district of the department as defined in s. 20.19*(5)*~~(7)~~ and, where appropriate, includes any district administrator whose service district falls within the boundaries of a judicial circuit.

(41)~~(42)~~ "Long-term custody" or "long-term custodial relationship" means the relationship that a juvenile court order creates between a child and an adult relative of the child or other legal custodian approved by the court when the child cannot be placed in the custody of a parent and *adoption* ~~termination of parental rights~~ is not deemed to be in the best interest of the child. Long-term custody confers upon the relative or other legal custodian, *other than the department,* the right to physical custody of the child, a right which will not be disturbed by the court except upon request of the legal custodian or upon a showing that the best interest of the child necessitates a change of custody for the child. A relative or other legal custodian who has been designated as a long-term custodian shall have all of the rights and duties of a parent, including, but not limited to, the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the long-term custodial relationship.

(72) "Long-term licensed custody" means the relationship that a juvenile court order creates between a child and a placement licensed by the state to provide residential care for dependent children, if the licensed placement is willing and able to continue to care for the child until the child reaches the age of majority.

Section 15. Present subsection (10) of section 39.013, Florida Statutes, is amended, present subsections (4) through (10) are renumbered as subsections (5) through (11), respectively, and a new subsection (4) is added to that section, to read:

39.013 Procedures and jurisdiction; right to counsel.—

(4) The order of the circuit court hearing dependency matters shall be filed by the clerk of the court in any dissolution or other custody action or proceeding and shall take precedence over other custody and visitation orders entered in those actions.

(11)~~(10)~~ Court-appointed counsel representing indigent parents ~~or legal guardians~~ at shelter hearings shall be paid from state funds appropriated by general law.

Section 16. Subsections (2) and (3), paragraph (a) of subsection (4), and paragraphs (b) and (d) of subsection (6) of section 39.0132, Florida Statutes, are amended to read:

39.0132 Oaths, records, and confidential information.—

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records pertaining to a dependent child until 7 years after the last entry was made, or until the child is 18 years of age, whichever date is first reached, and may then destroy them, except that records of cases where orders were entered permanently depriving a parent of the custody of a juvenile shall be preserved permanently. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this *chapter* ~~part~~ and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which may be filed therein.

(3) The clerk shall keep all court records required by this *chapter* ~~part~~ separate from other records of the circuit court. All court records required by this *chapter* ~~part~~ shall not be open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that, subject to the provisions of s. 63.162, a child and the parents of the child and their attorneys, guardian ad litem, law enforcement agencies, and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions.

(4)(a) All information obtained pursuant to this part in the discharge of official duty by any judge, employee of the court, authorized agent of the department, correctional probation officer, or law enforcement agent is confidential and exempt from s. 119.07(1) and may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, guardian ad litem, and others entitled under this chapter to receive that information, except upon order of the court.

(6) No court record of proceedings under this chapter shall be admissible in evidence in any other civil or criminal proceeding, except that:

(b) Records of proceedings under this *chapter* ~~part~~ forming a part of the record on appeal shall be used in the appellate court in the manner hereinafter provided.

(d) Records of proceedings under this *chapter* ~~part~~ may be used to prove disqualification pursuant to s. 435.06 and for proof regarding such disqualification in a chapter 120 proceeding.

Section 17. Paragraph (e) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (4), shall be granted only to the following persons, officials, and agencies:

(e) Any person alleged in the report as having caused the abuse, abandonment, or neglect of a child. This access shall be made available no later than 30 days after the department receives the initial report of abuse, abandonment, or neglect *and, when the alleged perpetrator is not a parent, shall be limited to information involving the protective investigation only and shall not include any information relating to subsequent dependency proceedings*. However, any information

otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

Section 18. Paragraph (c) of subsection (8) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(8)

(c) At the shelter hearing, the court shall:

1. Appoint a guardian ad litem to represent the *best interest of the* child, unless the court finds that such representation is unnecessary;

2. Inform the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013; and

3. Give the parents or legal custodians an opportunity to be heard and to present evidence.

Section 19. Subsection (18) of section 39.502, Florida Statutes, is amended to read:

39.502 Notice, process, and service.—

(18) In all proceedings under this *part* ~~chapter~~, the court shall provide to the parent or legal custodian of the child, at the conclusion of any hearing, a written notice containing the date of the next scheduled hearing. The court shall also include the date of the next hearing in any order issued by the court.

Section 20. Subsection (5) of section 39.503, Florida Statutes, is amended to read:

39.503 Identity or location of parent unknown; special procedures.—

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct the *petitioner* ~~department~~ to conduct a diligent search for that person before scheduling a disposition hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without notice to the person whose location is unknown.

Section 21. *(1) Present part VII of chapter 39, Florida Statutes, is redesignated as part VIII, and a new part VII, is created, consisting of section 39.521, Florida Statutes, entitled "Disposition; Postdisposition Change of Custody."*

(2) Present parts VIII through XI of chapter 39, Florida Statutes, are redesignated as parts X through XIII, respectively, and a new part IX is created, consisting of sections 39.621, 39.622, 39.623, and 39.624, Florida Statutes, entitled "Permanency."

Section 22. Section 39.508, Florida Statutes, is renumbered as section 39.521, Florida Statutes, and amended to read:

39.521 ~~39.508~~ Disposition hearings; powers of disposition.—

(1) *A* ~~At the~~ disposition hearing *shall be conducted by the court,* if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(a) A written~~, the court shall receive and consider a~~ case plan and a predisposition study *prepared*~~, which must be in writing and presented~~ by an authorized agent of the department *must be filed with the court and served upon the parents of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties, not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan.*

(b) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power by order to:

1. Require the parent and, when appropriate, the legal custodian and the child, to participate in treatment and services identified as necessary.

2. Require, if the court deems necessary, the parties to participate in dependency mediation.

3. Require placement of the child either under the protective supervision of an authorized agent of the department in the home of one or both of the child's parents or in the home of a relative of the child or another adult approved by the court, or in the custody of the department. Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.

(c) At the conclusion of the disposition hearing, the court shall schedule the initial judicial review hearing which must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, whichever occurs earlier, but in no event shall the review hearing be held later than 6 months after the date of the child's removal from the home.

(d) The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child.

2. Special conditions of placement and visitation.

3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.

4. The persons or entities responsible for supervising or monitoring services to the child and parent.

5. Continuation or discharge of the guardian ad litem, as appropriate.

6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:

a. Ninety days after the disposition hearing;

b. Ninety days after the court accepts the case plan;

c. Six months after the date of the last review hearing; or

d. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home.

7. If the child is in an out-of-home placement, child support to be paid by the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61. Placement of the child shall not be contingent upon issuance of a support order.

8.a. If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.

b. If diligent efforts are made to locate an adult relative willing and able to care for the child but, because no suitable relative is found, the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement.

For the purposes of this subparagraph, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.

9. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's educational placement, and to promote family preservation or reunification whenever possible.

(e) If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, well-being, and physical, mental, and emotional health will not be endangered.

(f) If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child has been removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department has made a reasonable effort to reunify the parent and child, if reasonable efforts are required. Reasonable efforts to reunify are not required if the court has found that any of the acts listed in s. 39.806(1)(f)-(i) have occurred. The department has the burden of demonstrating that it has made reasonable efforts under this paragraph.

1. For the purposes of this paragraph, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services ordered by the court or delineated in the case plan.

2. In support of its determination as to whether reasonable efforts have been made, the court shall:

a. Enter written findings as to whether or not prevention or reunification efforts were indicated.

b. If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.

c. Indicate in writing why further efforts could or could not have prevented or shortened the separation of the parent and child.

3. A court may find that the department has made a reasonable effort to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency;

b. The appraisal by the department of the home situation indicates that it presents a substantial and immediate danger to the child's safety or physical, mental, or emotional health which cannot be mitigated by the provision of preventive services;

c. The child cannot safely remain at home, either because there are no preventive services that can ensure the health and safety of the child or, even with appropriate and available services being provided, the health and safety of the child cannot be ensured; or

d. The parent is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights in s. 39.806(1)(f)-(i).

4. A reasonable effort by the department for reunification of the parent and child has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.

5. If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this chapter.

(2) The predisposition study ~~shall cover for any dependent child all factors specified in s. 61.13(3), and~~ must ~~also~~ provide the court with the following documented information:

(a) The capacity and disposition of the parents to provide the child with food, clothing, medical care, or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

(b) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(c) The mental and physical health of the parents.

(d) The home, school, and community record of the child.

(e) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(f) Evidence of domestic violence or child abuse.

(g)~~(a)~~ An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.

(h)~~(b)~~ A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.

(i)~~(c)~~ A description of the benefits of returning the child home.

(j)~~(d)~~ A description of all unresolved issues.

(k)~~(e)~~ *A Florida Abuse Hotline Information System (FAHIS)* ~~An abuse registry~~ history and criminal records check for all caregivers, family members, and individuals residing within the household *from which the child was removed.*

(l)~~(f)~~ The complete report and recommendation of the child protection team of the Department of Health or, if no report exists, a statement reflecting that no report has been made.

(m)~~(g)~~ All opinions or recommendations from other professionals or agencies that provide evaluative, social, reunification, or other services to the parent and child.

(n)~~(h)~~ *A listing* ~~The availability~~ of appropriate *and available* prevention and reunification services for the parent and child to prevent the removal of the child from the home or to reunify the child with the parent after removal, including the availability of family preservation services *and an explanation of the following:*

1. If the services were or were not provided.

2. If the services were provided, the outcome of the services.

3. If the services were not provided, why they were not provided.

4. If the services are currently being provided and if they need to be continued ~~through the Family Builders Program, the Intensive Crisis Counseling Program, or both~~.

(o)~~(i)~~ *A listing* ~~The inappropriateness~~ of other prevention and reunification services that were available *but determined to be inappropriate and why.*

~~(j) The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the parent and child if appropriate services were available, including the application of intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.~~

~~(k) Whether the services were provided to the parent and child.~~

~~(l) If the services were provided, whether they were sufficient to meet the needs of the child and the parent and to enable the child to remain safely at home or to be returned home.~~

~~(m) If the services were not provided, the reasons for such lack of action.~~

~~(n) The need for, or appropriateness of, continuing the services if the child remains in the custody of the parent or if the child is placed outside the home.~~

(p)~~(o)~~ Whether dependency mediation was provided.

(q)~~(p)~~ If the child has been removed from the home and there is a parent ~~or legal custodian~~ who may be considered for custody pursuant to this section, a recommendation as to whether placement of the child with that parent ~~or legal custodian~~ would be detrimental to the child.

(r)~~(q)~~ If the child has been removed from the home and will be remaining with a relative or other adult approved by the court, a home study report concerning the proposed placement shall be included in the predisposition report. *Prior to recommending to the court any out-of-home placement for a child other than placement in a licensed shelter or foster home, the department shall conduct a study of the home of the proposed legal custodians, which must include, at a minimum:*

1. An interview with the proposed legal custodians to assess their ongoing commitment and ability to care for the child.

2. Records checks through the Florida Abuse Hotline Information System (FAHIS), and local and statewide criminal and juvenile records checks through the Department of Law Enforcement, on all household members 12 years of age or older and any other persons made known to the department who are frequent visitors in the home. Out-of-state criminal records checks must be initiated for any individual designated above who has resided in a state other than Florida provided that state's laws allow the release of these records. The out-of-state criminal records must be filed with the court within 5 days after receipt by the department or its agent.

3. An assessment of the physical environment of the home.

4. A determination of the financial security of the proposed legal custodians.

5. A determination of suitable child care arrangements if the proposed legal custodians are employed outside of the home.

6. Documentation of counseling and information provided to the proposed legal custodians regarding the dependency process and possible outcomes.

7. Documentation that information regarding support services available in the community has been provided to the proposed legal custodians.

The department shall not place the child or continue the placement of the child in a home under shelter or postdisposition placement if the results of the home study are unfavorable, unless the court finds that this placement is in the child's best interest.

(s)~~(r)~~ If the child has been removed from the home, a determination of the amount of child support each parent will be required to pay pursuant to s. 61.30.

(t) If placement of the child with anyone other than the child's parent is being considered, the predisposition study shall include the designation of a specific length of time as to when custody by the parent will be reconsidered.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as otherwise specifically provided, nothing in this section prohibits the publication of proceedings in a hearing.

~~(3)(a)1. Notwithstanding s. 435.045(1), the department may place a child in a foster home which otherwise meets licensing requirements if state and local criminal records checks do not disqualify the applicant, and the department has submitted fingerprint information to the Florida Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and is awaiting the results of the federal criminal records check.~~

~~2. Prospective and approved foster parents must disclose to the department any prior or pending local, state, or federal criminal proceedings in which they are or have been involved.~~

~~(b) Prior to recommending to the court any out-of-home placement for a child other than placement in a licensed shelter or foster home, the department shall conduct a study of the home of the proposed legal custodians, which must include, at a minimum:~~

~~1. An interview with the proposed legal custodians to assess their ongoing commitment and ability to care for the child.~~

~~2. Records checks through the department's automated abuse information system, and local and statewide criminal and juvenile records checks through the Department of Law Enforcement, on all household members 12 years of age or older and any other persons made known to the department who are frequent visitors in the home.~~

~~3. An assessment of the physical environment of the home.~~

~~4. A determination of the financial security of the proposed legal custodians.~~

~~5. A determination of suitable child care arrangements if the proposed legal custodians are employed outside of the home.~~

~~6. Documentation of counseling and information provided to the proposed legal custodians regarding the dependency process and possible outcomes.~~

~~7. Documentation that information regarding support services available in the community has been provided to the proposed legal custodians.~~

~~(c) The department shall not place the child or continue the placement of the child in the home of the proposed legal custodians if the results of the home study are unfavorable.~~

~~(4) If placement of the child with anyone other than the child's parent is being considered, the predisposition study shall include the designation of a specific length of time as to when custody by the parent will be reconsidered.~~

~~(5) The predisposition study may not be made before the adjudication of dependency unless the parents of the child consent.~~

~~(6) A case plan and predisposition study must be filed with the court and served upon the parents of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan.~~

~~(7) The initial judicial review must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing~~

~~at which the court approves the case plan, whichever occurs earlier, but in no event shall the review be held later than 6 months after the date of the child's removal from the home.~~

(3)~~(8)~~ When any child is adjudicated by a court to be dependent, ~~and the court finds that removal of the child from the custody of a parent or legal custodian is necessary,~~ the court shall *determine the appropriate placement for the child as follows:*

(a) If the court determines that the child can safely remain in the home with the parent with whom the child was residing at the time the events or conditions arose that brought the child within the jurisdiction of the court and that remaining in this home is in the best interest of the child, then the court shall order conditions under which the child may remain or return to the home and that this placement be under the protective supervision of the department for not less than 6 months.

(b) If ~~first determine whether~~ there is a parent with whom the child was not residing at the time the events or conditions arose that brought the child within the jurisdiction of the court who desires to assume custody of the child ~~and, if such parent requests custody~~, the court shall place the child with *that* ~~the~~ parent *upon completion of a home study,* unless *the court* ~~it~~ finds that such placement would endanger the safety, well-being, or physical, mental, or emotional health of the child. Any party with knowledge of the facts may present to the court evidence regarding whether the placement will endanger the safety, well-being, or physical, mental, or emotional health of the child. If the court places the child with such parent, it may do either of the following:

1.~~(a)~~ Order that the parent assume sole custodial responsibilities for the child. The court may also provide for reasonable visitation by the noncustodial parent. The court may then terminate its jurisdiction over the child. The custody order shall continue unless modified by a subsequent order of the circuit court hearing dependency matters. The order of the circuit court hearing dependency matters shall be filed in any dissolution or other custody action or proceeding between the parents and shall take precedence over other custody and visitation orders entered in those actions.

2.~~(b)~~ Order that the parent assume custody subject to the jurisdiction of the circuit court hearing dependency matters. The court may order that reunification services be provided to the parent from whom the child has been removed, that services be provided solely to the parent who is assuming physical custody in order to allow that parent to retain later custody without court jurisdiction, or that services be provided to both parents, in which case the court shall determine at every review hearing which parent, if either, shall have custody of the child. The standard for changing custody of the child from one parent to another or to a relative or another adult approved by the court shall be the best interest of the child.

(c) If no fit parent is willing or available to assume care and custody of the child, place

~~(9)(a) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power, by order, to:~~

~~1. Require the parent or legal custodian, and the child when appropriate, to participate in treatment and services identified as necessary.~~

~~2. Require the parent or legal custodian, and the child when appropriate, to participate in mediation if the parent or legal custodian refused to participate in mediation.~~

~~3. Place the child under the protective supervision of an authorized agent of the department, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or of another adult approved by the court, or in some other suitable place under such reasonable conditions as the court may direct. Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.~~

~~4. Place~~ the child in the temporary legal custody of an adult relative or other adult approved by the court who is willing to care for the child, *under the protective supervision of the department.* The department must supervise this placement until the child reaches permanency status in this home, and in no case for a period of less than 6 months. Permanency in a relative placement shall be by adoption, long-term custody, or guardianship.

(d) If the child cannot be safely placed in a nonlicensed placement, the court shall commit the child to the temporary legal custody of the department. Such commitment invests in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for court-approved visitation periods, without the approval of the court. The term of such commitment continues until terminated by the court or until the child reaches the age of 18. After the child is committed to the temporary legal custody of the department, all further proceedings under this section are governed by this chapter.

Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.

(4) An agency granted legal custody shall have the right to determine where and with whom the child shall live, but an individual granted legal custody shall exercise all rights and duties personally unless otherwise ordered by the court.

(5) In carrying out the provisions of this chapter, the court may order the parents and legal custodians of a child who is found to be dependent to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the parent or child.

(6) With respect to a child who is the subject in proceedings under this chapter, the court may issue to the department an order to show cause why it should not return the child to the custody of the parents upon expiration of the case plan, or sooner if the parents have substantially complied with the case plan.

(7) The court may enter an order ending its jurisdiction over a child when a child has been returned to the parents, provided the court shall not terminate its jurisdiction or the department's supervision over the child until 6 months after the child's return. The court shall determine whether its jurisdiction should be continued or terminated in such a case based on a report of the department or agency or the child's guardian ad litem, and any other relevant factors; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

~~5.a. When the parents have failed to comply with a case plan and the court determines at a judicial review hearing, or at an adjudication hearing held pursuant to this section, that neither reunification, termination of parental rights, nor adoption is in the best interest of the child, the court may place the child in the long-term custody of an adult~~

~~relative or other adult approved by the court willing to care for the child, if all of the following conditions are met:~~

~~(I) A case plan describing the responsibilities of the relative or other adult, the department, and any other party must have been submitted to the court.~~

~~(II) The case plan for the child does not include reunification with the parents or adoption by the relative or other adult.~~

~~(III) The child and the relative or other adult are determined not to need protective supervision or preventive services to ensure the stability of the long-term custodial relationship, or the department assures the court that protective supervision or preventive services will be provided in order to ensure the stability of the long-term custodial relationship.~~

~~(IV) Each party to the proceeding agrees that a long-term custodial relationship does not preclude the possibility of the child returning to the custody of the parent at a later date, should the parent demonstrate a material change in circumstances and the return of the child to the parent is in the child's best interest.~~

~~(V) The court has considered the reasonable preference of the child if the court has found the child to be of sufficient intelligence, understanding, and experience to express a preference.~~

~~(VI) The court has considered the recommendation of the guardian ad litem if one has been appointed.~~

~~(VII) The relative or other adult has made a commitment to provide for the child until the child reaches the age of majority and to prepare the child for adulthood and independence.~~

~~(VIII) The relative or other adult agrees not to return the child to the physical care and custody of the person from whom the child was removed, including for short visitation periods, without the approval of the court.~~

~~b. The court shall retain jurisdiction over the case, and the child shall remain in the long-term custody of the relative or other adult approved by the court until the order creating the long-term custodial relationship is modified by the court. The court shall discontinue regular judicial review hearings and may relieve the department of the responsibility for supervising the placement of the child whenever the court determines that the placement is stable and that such supervision is no longer needed. The child must be in the placement for a minimum of 6 continuous months before the court may consider termination of the department's supervision. Notwithstanding the retention of jurisdiction, the placement shall be considered a permanency option for the child when the court relieves the department of the responsibility for supervising the placement. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the order terminating supervision of the long-term placement if it finds that the long-term placement is no longer in the best interest of the child.~~

~~6.a. Approve placement of the child in long-term out-of-home care, when the following conditions are met:~~

~~(I) The foster child is 16 years of age or older, unless the court determines that the history or condition of a younger child makes long-term out-of-home care the most appropriate placement.~~

~~(II) The child demonstrates no desire to be placed in an independent living arrangement pursuant to this subsection.~~

~~(III) The department's social services study pursuant to part VIII recommends long-term out-of-home care.~~

~~Long-term out-of-home care under the above conditions shall not be considered a permanency option.~~

~~b. The court may approve placement of the child in long-term out-of-home care, as a permanency option, when all of the following conditions are met:~~

~~(I) The child is 14 years of age or older.~~

~~(II) The child is living in a licensed home and the foster parents desire to provide care for the child on a permanent basis and the foster parents and the child do not desire adoption.~~

~~(III) The foster family has made a commitment to provide for the child until he or she reaches the age of majority and to prepare the child for adulthood and independence.~~

~~(IV) The child has remained in the home for a continuous period of no less than 12 months.~~

~~(V) The foster parents and the child view one another as family and consider living together as the best place for the child to be on a permanent basis.~~

~~(VI) The department's social services study recommends such placement and finds the child's well-being has been promoted through living with the foster parents.~~

~~Notwithstanding the retention of jurisdiction and supervision by the department, long-term out-of-home care placements made pursuant to this section shall be considered a permanency option for the child. For purposes of this subsection, supervision by the department shall be defined as a minimum of semiannual visits. The order placing the child in long-term out-of-home care as a permanency option shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the permanency option of long-term out-of-home care if it finds that the placement is no longer in the best interests of the child.~~

~~c. Approve placement of the child in an independent living arrangement for any child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult approved by the court, continue to be subject to court review provisions.~~

~~7. Commit the child to the temporary legal custody of the department. Such commitment invests in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for court-approved visitation periods, without the approval of the court. The term of such commitment continues until terminated by the court or until the child reaches the age of 18. After the child is committed to the temporary custody of the department, all further proceedings under this section are also governed by this chapter.~~

~~8.a. Change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing, without the necessity of another adjudicatory hearing. A child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a legal custodian, or in some other place may be brought before the court by the department or by any other interested person, upon the filing of a petition alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other legal custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. The standard for changing custody of the child shall be the best interest of the child. If the child is not placed in foster care, then the new placement for the child must meet the home study criteria and court approval pursuant to this chapter.~~

~~b. In cases where the issue before the court is whether a child should be reunited with a parent, the court shall determine whether the parent~~

~~has substantially complied with the terms of the case plan to the extent that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by the return of the child to the home.~~

~~(b) The court shall, in its written order of disposition, include all of the following:~~

~~1. The placement or custody of the child as provided in paragraph (a).~~

~~2. Special conditions of placement and visitation.~~

~~3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.~~

~~4. The persons or entities responsible for supervising or monitoring services to the child and parent.~~

~~5. Continuation or discharge of the guardian ad litem, as appropriate.~~

~~6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:~~

~~a. Ninety days after the disposition hearing;~~

~~b. Ninety days after the court accepts the case plan;~~

~~c. Six months after the date of the last review hearing; or~~

~~d. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home.~~

~~7. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's educational placement, and to promote family preservation or reunification whenever possible.~~

~~(c) If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, well-being, and physical, mental, and emotional health will not be endangered.~~

~~(d) If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child has been removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department has made a reasonable effort to reunify the parent and child, if reasonable efforts are required. Reasonable efforts to reunify are not required if the court has found that any of the acts listed in s. 39.806(1)(f)(i) have occurred. The department has the burden of demonstrating that it has made reasonable efforts under this paragraph.~~

~~1. For the purposes of this paragraph, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services delineated in the case plan.~~

~~2. In support of its determination as to whether reasonable efforts have been made, the court shall:~~

~~a. Enter written findings as to whether or not prevention or reunification efforts were indicated.~~

~~b. If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.~~

~~c. Indicate in writing why further efforts could or could not have prevented or shortened the separation of the parent and child.~~

~~3. A court may find that the department has made a reasonable effort to prevent or eliminate the need for removal if:~~

~~a. The first contact of the department with the family occurs during an emergency;~~

~~b. The appraisal by the department of the home situation indicates that it presents a substantial and immediate danger to the child's safety or physical, mental, or emotional health which cannot be mitigated by the provision of preventive services;~~

~~c. The child cannot safely remain at home, either because there are no preventive services that can ensure the health and safety of the child or, even with appropriate and available services being provided, the health and safety of the child cannot be ensured; or~~

~~d. The parent or legal custodian is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights in s. 39.806(1)(f)(i).~~

~~4. A reasonable effort by the department for reunification of the parent and child has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.~~

~~5. If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this chapter.~~

~~(10)(a) When any child is adjudicated by the court to be dependent and temporary legal custody of the child has been placed with an adult relative, legal custodian, or other adult approved by the court, a licensed child-caring agency, or the department, the court shall, unless a parent has voluntarily executed a written surrender for purposes of adoption, order the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay child support to the legal custodian caring for the child, the licensed child-caring agency, or the department. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61.~~

~~(b) Placement of the child pursuant to subsection (8) shall not be contingent upon issuance of a support order.~~

~~(11)(a) If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.~~

~~(b) If diligent efforts are made to locate an adult relative willing and able to care for the child but, because no suitable relative is found, the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement. For the purposes of this paragraph, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.~~

~~(12) An agency granted legal custody shall have the right to determine where and with whom the child shall live, but an individual granted legal custody shall exercise all rights and duties personally unless otherwise ordered by the court.~~

~~(13) In carrying out the provisions of this chapter, the court may order the parents or legal custodians of a child who is found to be~~

~~dependent to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child.~~

~~(14) With respect to a child who is the subject in proceedings under this chapter, the court shall issue to the department an order to show cause why it should not return the child to the custody of the parents upon expiration of the case plan, or sooner if the parents have substantially complied with the case plan.~~

~~(15) The court may enter an order ending its jurisdiction over a child when a child has been returned to the parents, provided the court shall not terminate its jurisdiction or the department's supervision over the child until 6 months after the child's return. The court shall determine whether its jurisdiction should be continued or terminated in such a case based on a report of the department or agency or the child's guardian ad litem, and any other relevant factors; if its jurisdiction is to be terminated, the court shall enter an order to that effect.~~

Section 23. Paragraph (c) of subsection (1) and paragraph (a) of subsection (2) of section 39.5085, Florida Statutes, are amended to read:

39.5085 Relative Caregiver Program.—

(1) It is the intent of the Legislature in enacting this section to:

(c) *Recognize that permanency in the best interests of the child can be achieved through a variety of permanency options, including long-term relative custody, guardianship, or adoption, by providing* ~~Provide~~ additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.

(2)(a) The Department of Children and Family Services shall establish and operate the Relative Caregiver Program pursuant to eligibility guidelines established in this section as further implemented by rule of the department. The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative pursuant to this chapter. Such placement may be either court-ordered temporary legal custody to the relative *under protective supervision of the department* pursuant to s. *39.521(1)(b)3.* ~~39.508(9)(a)4.~~, or court-ordered placement in the home of a relative *as a permanency option* ~~under protective supervision of the department~~ pursuant to s. *39.622* ~~39.508(9)(a)3~~. The Relative Caregiver Program shall offer financial assistance to caregivers who are relatives and who would be unable to serve in that capacity without the relative caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

Section 24. Section 39.522, Florida Statutes, is created to read:

39.522 Postdisposition change of custody.—The court may change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing, without the necessity of another adjudicatory hearing.

(1) A child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a legal custodian, or in some other place may be brought before the court by the department or by any other interested person, upon the filing of a petition alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other legal custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. The standard for changing custody of the child shall be the best interest of the child. If the child is not placed in foster care, then the new placement for the child must meet the home study criteria and court approval pursuant to this chapter.

(2) In cases where the issue before the court is whether a child should be reunited with a parent, the court shall determine whether the parent has substantially complied with the terms of the case plan to the extent that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by the return of the child to the home.

Section 25. Subsection (2) of section 39.601, Florida Statutes, is amended to read:

39.601 Case plan requirements.—

(2) When the child or parent is receiving services, the case plan *shall be filed with the court, for approval by the court, at least 72 hours prior to the disposition hearing. The case plan must be served on all parties whose whereabouts are known at least 72 hours prior to the disposition hearing and* must include, in addition to the requirements in subsection (1), at a minimum:

(a) A description of the problem being addressed that includes the behavior or act of a parent resulting in risk to the child and the reason for the department's intervention.

(b) A description of the tasks with which the parent must comply and the services to be provided to the parent and child specifically addressing the identified problem, including:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location of the delivery of the services.

4. The accountable department staff or service provider.

(c) A description of the measurable objectives, including timeframes for achieving objectives, addressing the identified problem.

Section 26. Paragraph (a) of subsection (1) of section 39.603, Florida Statutes, is amended to read:

39.603 Court approvals of case planning.—

(1) At the hearing on the plan, which shall occur in conjunction with the disposition hearing unless otherwise directed by the court, the court shall determine:

(a) All parties who were notified and are in attendance at the hearing, either in person or through a legal representative. The court *may* ~~shall~~ appoint a guardian ad litem under Rule 1.210, Florida Rules of Civil Procedure, to represent the interests of any parent, if the location of the parent is known but the parent is not present at the hearing and the development of the plan is based upon the physical, emotional, or mental condition or physical location of the parent.

Section 27. Section 39.621, Florida Statutes, is created to read:

39.621 Permanency determination by the court.—

(1) When the court has determined that reunification with either parent is not appropriate, then the court must make a permanency determination for the child.

(2) Adoption, pursuant to chapter 63, is the primary permanency option available to the court. If the child is placed with a relative or with a relative of the child's half-brother or half-sister as a permanency option, the court shall recognize the permanency of this placement without requiring the relative to adopt the child.

(3) The permanency options listed in the following paragraphs shall only be considered by the court if adoption is determined by the court to not be in the child's best interest, except as otherwise provided in subsection (2):

(a) Guardianship pursuant to chapter 744.

(b) Long-term custody.

(c) Long-term licensed custody.

(d) Independent living.

The permanency placement is intended to continue until the child reaches the age of majority and shall not be disturbed absent a finding by the court that the circumstances of the permanency placement are no longer in the best interest of the child.

Section 28. Section 39.622, Florida Statutes, is created to read:

39.622 Long-term custody.—When the parents have either consented to long-term custody, had their parental rights terminated, or failed to substantially comply with a case plan, and the court determines at a judicial review hearing, or at an adjudication hearing held pursuant to this chapter, that reunification is not in the best interest of the child, the court may place the child in the long-term custody of an adult relative or other adult approved by the court who has had custody of the child for at least the 6 preceding months and is willing to care for the child, if all of the following conditions are met:

(1) A case plan describing the responsibilities of the relative or other adult, the department, and any other party has been submitted to the court.

(2) The case plan for the child does not include reunification with the parents or adoption by the relative or other adult.

(3) The child and the relative or other adult are determined not to need protective supervision or preventive services to ensure the stability of the long-term custodial relationship.

(4) Each party to the proceeding agrees that a long-term custodial relationship does not preclude the possibility of the child returning to the custody of the parent at a later date if the parent demonstrates a material change in circumstances and the return of the child to the parent is in the child's best interest.

(5) The court has considered the reasonable preference of the child if the court has found the child to be of sufficient intelligence, understanding, and experience to express a preference.

(6) The court has considered the recommendation of the guardian ad litem if one has been appointed.

(7) The relative or other adult has made a commitment to provide for the child until the child reaches the age of majority and to prepare the child for adulthood and independence.

(8) The relative or other adult agrees not to return the child to the physical care and custody of the person from whom the child was removed, including for short visitation periods, without the approval of the court.

(9) The court shall retain jurisdiction over the case, and the child shall remain in the long-term custody of the relative or other adult approved by the court, until the order creating the long-term custodial relationship is modified by the court. The court shall discontinue regular judicial-review hearings and may relieve the department of the responsibility for supervising the placement of the child whenever the court determines that the placement is stable and that such supervision is no longer needed. The child must be in the placement for a minimum of 6 continuous months before the court may consider termination of the department's supervision. Notwithstanding the retention of jurisdiction, the placement shall be considered a permanency option for the child when the court relieves the department of the responsibility for supervising the placement. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the order terminating supervision of the long-term placement if it finds that the long-term placement is no longer in the best interest of the child.

(10) A relative or other legal custodian who has been designated as a long-term custodian shall have all of the rights and duties of a parent, including, but not limited to, the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the long-term custodial relationship. The long-term custodian must inform the court in writing of any changes in the residence of the long-term custodian or the child.

Section 29. Section 39.623, Florida Statutes, is created to read:

39.623 Long-term licensed custody.—The court may approve placement of the child in long-term licensed custody, as a permanency option, when all of the following conditions are met:

(1) The child is 14 years of age or older.

(2) The child is living in a licensed home and the foster parents desire to provide care for the child on a permanent basis and the foster parents and the child do not desire adoption.

(3) The foster parents have made a commitment to provide for the child until he or she reaches the age of majority and to prepare the child for adulthood and independence.

(4) The child has remained in the home for a continuous period of no less than 12 months.

(5) The foster parents and the child view one another as family and consider living together as the best place for the child to be on a permanent basis.

(6) The department's social services study recommends such placement and finds the child's well-being has been promoted through living with the foster parents.

Notwithstanding the retention of jurisdiction and supervision by the department, long-term licensed custody placements made pursuant to this section shall be considered a permanency option for the child. For purposes of this section, supervision by the department shall be defined as a minimum of semiannual visits. The order placing the child in long-term licensed custody as a permanency option shall set forth the powers of the foster parents of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the permanency option of long-term licensed custody if it finds that the placement is no longer in the best interest of the child.

Section 30. Section 39.624, Florida Statutes, is created to read:

39.624 Independent living.—The court may approve placement of the child in an independent living arrangement as permanency for any child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult approved by the court, continue to be subject to court review provisions until the child reaches the age of 18.

Section 31. Paragraph (b) of subsection (3) and paragraphs (b) and (c) of subsection (6) of section 39.701, Florida Statutes, are amended to read:

39.701 Judicial review.—

(3)

(b) If the citizen review panel recommends extending *the goal of reunification for* any case plan beyond 12 months *from the date the child was removed from the home or the case plan was adopted, whichever date came first,* the court must schedule a judicial review hearing to be conducted by the court within 30 days after receiving the recommendation from the citizen review panel.

(6)

(b) A copy of the social service agency's written report and the written report of the guardian ad litem must be *served on all parties whose whereabouts are known;* ~~provided to the attorney of record of the parents; to the parents;~~ to the foster parents or legal custodians; *and to the* ~~to each~~ citizen review panel,~~; and to the guardian ad litem for the child, or the representative of the guardian ad litem program if the program has been appointed by the court,~~ at least 72 hours before the judicial review hearing or citizen review panel hearing. The requirement for providing parents with a copy of the written report does not apply to those parents who have voluntarily surrendered their child for adoption or who have had their parental rights to the child terminated.

(c) In a case in which the child has been permanently placed with the social service agency, the agency shall furnish to the court a written report concerning the progress being made to place the child for adoption. If the child cannot be placed for adoption, a report on the progress made by the child towards alternative permanency goals or placements, including, but not limited to, *guardianship, long-term custody,* long-term *licensed custody* ~~foster care~~, *or* independent living~~, custody to a relative or other adult approved by the court on a permanent basis with or without legal guardianship, or custody to a foster parent or legal custodian on a permanent basis with or without legal guardianship~~, must be submitted to the court. The report must be submitted to the court at least 72 hours before each scheduled judicial review.

Section 32. Subsection (5) of section 39.803, Florida Statutes, is amended to read:

39.803 Identity or location of parent unknown after filing of termination of parental rights petition; special procedures.—

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct the *petitioner* ~~department~~ to conduct a diligent search for that person before scheduling an adjudicatory hearing regarding the *petition for termination of parental rights to* ~~dependency of~~ the child unless the court finds that the best interest of the child requires proceeding without actual notice to the person whose location is unknown.

Section 33. Section 39.804, Florida Statutes, is amended to read:

39.804 Penalties for false statements of paternity.—*Any male person or any mother of a dependent child* ~~A person~~ who knowingly and willfully makes a false statement *concerning the* ~~claiming~~ paternity of a child in conjunction with a petition to terminate parental rights under this chapter and causes such false statement of paternity to be filed with the court commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who makes a statement claiming paternity in good faith is immune from criminal liability under this section.

Section 34. Paragraph (b) of subsection (1) of section 39.806, Florida Statutes, is amended to read:

39.806 Grounds for termination of parental rights.—

(1) The department, the guardian ad litem, a licensed child-placing agency, or any person who has knowledge of the facts alleged or who is informed of said facts and believes that they are true, may petition for the termination of parental rights under any of the following circumstances:

(b) *Abandonment as defined in s. 39.01(1) or* when the identity or location of the parent or parents is unknown and cannot be ascertained by diligent search within 60 days.

Section 35. Paragraphs (a) and (b) of subsection (2) of section 39.807, Florida Statutes, are amended to read:

39.807 Right to counsel; guardian ad litem.—

(2)(a) The court shall appoint a guardian ad litem to represent the *best interest of the* child in any termination of parental rights proceedings and shall ascertain at each stage of the proceedings whether a guardian ad litem has been appointed.

(b) The guardian ad litem has the following responsibilities:

1. To investigate the allegations of the petition and any subsequent matters arising in the case and, unless excused by the court, to file a written report. This report must include a statement of the wishes of the child and the recommendations of the guardian ad litem and must be provided to all parties and the court at least 72 hours before the disposition hearing.

2. To be present at all court hearings unless excused by the court.

3. To represent the *best* interests of the child until the jurisdiction of the court over the child terminates or until excused by the court.

Section 36. Subsection (4) of section 39.811, Florida Statutes, is amended to read:

39.811 Powers of disposition; order of disposition.—

(4) If the child is neither in the custody of the department nor in the custody of a parent and the court finds that the grounds for termination of parental rights have been established for either or both parents, the court shall enter an order terminating parental rights for the parent or parents for whom the grounds for termination have been established and placing the child with the department or an appropriate legal custodian. If the parental rights of both parents have been terminated, or if the parental rights of only one parent have been terminated and the court makes specific findings based on evidence presented that placement with the remaining parent is likely to be harmful to the child, the court may order that the child be placed with a legal custodian other than the department after hearing evidence of the suitability of such intended placement. Suitability of the intended placement includes the fitness and capabilities of the proposed legal custodian to function as the primary caregiver for a particular child; and the compatibility of the child with the home in which the child is intended to be placed. If the court orders that a child be placed with a legal custodian under this subsection, the court shall appoint such legal custodian *either* as the guardian for the child as provided in s. 744.3021 *or as the long-term custodian of the child as provided in s. 39.622 so long as the child has been residing with the legal custodian for a minimum of 6 months*. The court may modify the order placing the child in the custody of the legal custodian and revoke the guardianship established under s. 744.3021 *or the long-term custodial relationship* if the court subsequently finds the placement to be no longer in the best interest of the child.

Section 37. Subsections (1) and (2) of section 435.045, Florida Statutes, are amended to read:

435.045 Requirements for prospective foster or adoptive parents.—

(1)*(a)* Unless an election provided for in subsection (2) is made with respect to the state, the department shall conduct criminal records checks equivalent to the level 2 screening required in s. 435.04(1) for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments under s. 471 of the Social Security Act, 42 U.S.C. s. 671, are to be made. Approval shall not be granted:

1.~~(a)~~ In any case in which a record check reveals a felony conviction for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the department finds that a court of competent jurisdiction has determined that the felony was committed at any time; and

2.~~(b)~~ In any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if the department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.

(b) Notwithstanding paragraph (a), the department may place a child in a foster home which otherwise meets licensing requirements if

state and local criminal records checks do not disqualify the applicant and the department has submitted fingerprint information to the Florida Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and is awaiting the results of the federal criminal records check.

(c) Prospective and approved foster parents must disclose to the department any prior or pending local, state, or federal criminal proceedings in which they are or have been involved.

(2) For purposes of this section, and ss. 39.401(3) and *39.521(1)(d)* ~~39.508(9)(b) and (10)(a)~~, the department and its authorized agents or contract providers are hereby designated a criminal justice agency for the purposes of accessing criminal justice information, including National Crime Information Center information, to be used for enforcing Florida's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purposes.

Section 38. Paragraph (b) of subsection (10) of section 409.2554, Florida Statutes, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2598, the term:

(10) "Support" means:

(b) Support for a child who is placed under the custody of someone other than the custodial parent pursuant to *s. 39.521, s. 39.522, s. 39.622, s. 39.623, or s. 39.624* ~~s. 39.508~~.

Section 39. *Subsection (3) of section 402.40, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines

and insert: An act relating to children and families; amending s. 39.01, F.S.; revising the definition of the term "long-term custody"; defining the term "long-term licensed custody"; amending s. 39.013, F.S.; providing for precedence of orders of the circuit court in dependency matters involving dissolution or other custody action; deleting provisions relating to state funding of court-appointed counsel for legal guardians at shelter hearings; amending s. 39.0132, F.S., relating to oaths, records, and confidential information; amending s. 39.202, F.S.; revising provisions relating to access to and disclosure of reports and records in cases of child abuse or neglect; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.502, F.S., relating to notice, process, and services; amending s. 39.503, F.S., relating to procedures when the identity or location of the parent is unknown; creating a new pt. VII of ch. 39, F.S., relating to disposition and postdisposition change of custody; creating a new pt. IX of ch. 39, F.S., relating to permanency; renumbering and amending s. 39.508, F.S.; revising provisions relating to disposition hearings and powers of disposition; amending s. 39.5085, F.S.; providing intent for achieving permanency through a variety of permanency options; conforming a cross-reference; creating s. 39.522, F.S.; providing for postdisposition change of custody; amending s. 39.601, F.S.; providing requirements relating to case plans; amending s. 39.603, F.S., relating to court hearings for approval of case planning; authorizing, rather than requiring, court appointment of a guardian ad litem under certain circumstances; creating s. 39.621, F.S.; providing for permanency determinations by the court; creating s. 39.622, F.S.; providing conditions and requirements for court placement of a child in long-term custody; creating s. 39.623, F.S.; providing conditions and requirements for court approval of placement in long-term licensed custody; creating s. 39.624, F.S.; providing conditions and requirements for court approval of placement in independent living; amending s. 39.701, F.S.; revising provisions relating to judicial review hearings; amending s. 39.803, F.S.; revising procedure relating to diligent search, after filing of a termination of parental rights petition, for a parent whose identity or location is unknown; amending s. 39.804, F.S.; providing a penalty for false statements concerning paternity; amending s. 39.806, F.S.; providing abandonment as a ground for termination of parental rights; amending s. 39.807, F.S.; providing responsibilities of the guardian ad litem; amending s. 39.811, F.S.; providing for court-ordered disposition of the child in long-term custody following termination of parental rights; amending s. 435.045, F.S.; authorizing placement in a foster home pending federal-criminal-records-check results; requiring certain disclosure by prospective and approved foster parents; amending s. 409.2554, F.S.; conforming cross-references; repealing s. 402.40(3), F.S.; abolishing the Child Welfare Standards and Training Council; amending s. 20.04, F.S.;

Senate Amendment 10 (with title amendment)—On page 59, lines 14 through 28, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 26 through 30, delete those lines

and insert: evaluation; mending ss. 393.502 and 393.503;

Senate Amendment 11 (with title amendment)—On page 84, between lines 2 and 3,

insert:

Section 52. Subsection (5) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Criminal Justice Estimating Conference shall*:*

1. Develop such official information relating to the criminal justice system, including forecasts of prison admissions by offense categories specified in Rule 3.701, Florida Rules of Criminal Procedure, as the conference determines is needed for the state planning and budgeting system.

2. Develop such official information relating to the number of eligible discharges and the projected number of civil commitments for determining space needs pursuant to the civil proceedings provided under part V. of chapter 394.

Section 53. *Section 216.1365, Florida Statutes is repealed.*

Section 54. Section 960.07, Florida Statutes, is amended to read:

960.07 Filing of claims for compensation.—

(1) A claim for compensation may be filed by a person eligible for compensation as provided in s. 960.065 or, if such person is a minor, by his or her parent or guardian or, if the person entitled to make a claim is mentally incompetent, by the person's guardian or such other individual authorized to administer his or her estate.

(2) Except as provided in subsection (3), a claim must be filed not later than 1 year after:

(a) The occurrence of the crime upon which the claim is based.

(b) The death of the victim or intervenor.

(c) The death of the victim or intervenor is determined to be the result of a crime, and the crime occurred after June 30, 1994.

However, for good cause the department may extend the time for filing for a period not exceeding 2 years after such occurrence.

(3) Notwithstanding the provisions of subsection (2) and regardless of when the crime occurred, if the victim or intervenor was under the age of 18 at the time the crime upon which the claim is based occurred, a claim may be filed in accordance with this subsection.

(a) The victim's or intervenor's parent or guardian may file a claim on behalf of the victim or intervenor while the victim or intervenor is less than 18 years of age; or

(b) When a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 1 year within which to file a claim.

For good cause, the department may extend the time period allowed for filing a claim under paragraph (b) for an additional period not to exceed 1 year.

(4) The provisions of subsection (2) notwithstanding, and regardless of when the crime occurred, a victim of a sexually violent offense as defined in s. 394.912, may file a claim for compensation for counseling or other mental health services within one year after the filing of a petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense.

(5)~~(4)~~ Claims may be filed in the Tallahassee office of the department in person or by mail. Any employee of the department receiving a claim for compensation shall, immediately upon receipt of such claim, mail the claim to the department at its office in Tallahassee. In no event and under no circumstances shall the rights of a claimant under this chapter be prejudiced or lost by the failure or delay of the employees of the department in mailing claims to the department in Tallahassee.

(6)~~(5)~~ Upon filing of a claim pursuant to this chapter, in which there is an identified offender, the department shall promptly notify the state attorney of the circuit wherein the crime is alleged to have occurred. If within 10 days after such notification such state attorney advises the department that a criminal prosecution or delinquency petition is pending upon the same alleged crime and requests that action by the department be deferred, the department shall defer all proceedings under this chapter until such time as a trial verdict or delinquency adjudication has been rendered, and shall so notify such state attorney and claimant. When a trial verdict or delinquency adjudication has been rendered, such state attorney shall promptly notify the department. Nothing in this subsection shall limit the authority of the department to grant emergency awards pursuant to s. 960.12.

(7)~~(6)~~ The state attorney's office shall aid claimants in the filing and processing of claims, as may be required.

Section 55. Paragraph (e) of subsection (3) of section 394.913, Florida Statutes, is amended to read:

394.913 Notice to state attorney and multidisciplinary team of release of sexually violent predator; establishing multidisciplinary teams; information to be provided to multidisciplinary teams.—

(3)

(e) Within *90* ~~45~~ days after receiving notice, there shall be a written assessment as to whether the person meets the definition of a sexually violent predator and a written recommendation, which shall be provided to the state attorney. The written recommendation shall be provided by the Department of Children and Family Services and shall include the written report of the multidisciplinary team.

The provisions of this section are not jurisdictional, and failure to comply with them in no way prevents the state attorney from proceeding against a person otherwise subject to the provisions of this part.

Section 56. Section 394.930, Florida Statutes, is amended to read:

394.930 Authority to adopt rules.—The Department of Children and Family Services shall adopt rules for:

(1) Procedures that must be followed by members of the multidisciplinary teams when assessing and evaluating persons subject to this part;

(2) Education and training requirements for members of the multidisciplinary teams and professionals who assess and evaluate persons under this part;

(3)~~(2)~~ The criteria that must exist in order for a multidisciplinary team to recommend to a state attorney that a petition should be filed to involuntarily commit a person under this part. The criteria shall include, but are not limited to, whether:

(a) The person has a propensity to engage in future acts of sexual violence;

(b) The person should be placed in a secure, residential facility; and

(c) The person needs long-term treatment and care.

(4)~~(3)~~ The designation of secure facilities for sexually violent predators who are subject to involuntary commitment under this part;

(5)~~(4)~~ The components of the basic treatment plan for all committed persons under this part;

(6)~~(5)~~ The protocol to inform a person that he or she is being examined to determine whether he or she is a sexually violent predator under this part.

Section 57. Section 394.931, Florida Statutes, is amended to read:

394.931 Quarterly reports.—Beginning July 1, 1999, the Department of Corrections shall collect information and compile quarterly reports with statistics profiling inmates released the previous quarter who fit the criteria and were referred to the Department of Children and Family Services pursuant to this act. The quarterly reports must be produced beginning October 1, 1999. At a minimum, the information that must be collected and compiled for inclusion in the reports includes: whether the qualifying offense was the current offense or the prior offense; the most serious sexual offense; the total number of distinct victims of the sexual offense; whether the victim was known to the offender; whether the sexual act was consensual; whether the sexual act involved multiple victims; whether direct violence was involved in the sexual offense; the age of each victim at the time of the offense; the age of the offender at the time of the first sexual offense; whether a weapon was used; length of time since the most recent sexual offense; and the total number of prior and current sexual-offense convictions. *In addition, the Department of Children and Family Services shall implement a long-term study to determine the overall efficacy of the provisions of this part.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 7, after the semicolon,

insert: repealing s. 216.1365, F.S.; requiring the Criminal Justice Estimating Conference to project future bed needs and other program needs for sexually violent predators; amending s. 216.136, F.S.; requiring the Criminal Justice Estimating Conference to project future bed needs and other program needs for sexually violent predators; amending s. 960.07, F.S.; expanding the time within which a victim of an offense committed by a sexually violent predator may apply for compensation from the Crimes Compensation Trust Fund; amending s. 394.913, F.S.; increasing the period of time for the multidisciplinary team to determine if an offender is a sexually violent predator; amending s. 394.930, F.S.; requiring the Department of Children and Family Services to adopt rules for education and training for members of multidisciplinary teams and other professionals who evaluate sexually violent predators; amending s. 394.931, F.S.; requiring the Department of Children and Family Services to implement a long-term study to determine the effectiveness of involuntary civil commitment of sexually violent predators;

Senate Amendment 12 (with title amendment)—On page 84, between lines 2 and 3,

insert:

Section 52. *Social Work Feasibility Study.—*

The Department of Children and Family Services is authorized to study the feasibility of establishing a certification or licensure program

for non-clinical master level and bachelor level social work for the protection of consumers of social work services. This study shall be conducted in consultation with the Florida schools of social work. The Department shall report back to the Speaker of the House of Representatives and the President of the Senate as to the feasibility and desirability of establishing such a program.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 7, after the semicolon

insert: directing the Department of Children and Family Services to study the feasibility of establishing a certification or licensure program for non-clinical social workers; requiring a report to the Legislature;

Senate Amendment 13 (with title amendment)—On page 84, between lines 2 and 3,

insert:

Section 52. Section 784.085, Florida Statutes, is created to read:

784.085 Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.—

(1) It is unlawful for any person to knowingly cause or attempt to cause a child to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, projecting, or expelling such fluid or material.

(2) Any person who violates this section commits battery of a child, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) As used in this section, the term "child" means a person under 18 years of age.

Section 53. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(d) LEVEL 4
316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.075	3rd	Battery on detention or commitment facility staff.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	*3rd*	*Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.*
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 7, after the semicolon,

insert: creating s. 784.085, F.S.; prohibiting battery of a child by throwing, tossing, projecting, or expelling certain fluids; providing a penalty; providing a definition; amending s. 921.0022, F.S., relating to

the criminal Punishment Code; conforming provisions to changes made by the act;

Senate Amendment 14 (with title amendment)—On page 84, between lines 2 and 3,

insert:

Section 52. *Residential Group Care Placements.—*

(1) Subject to a specific appropriation, the Department of Children and Family Services shall contract for residential group care placements:

(a) In Districts 6, 7, 13, and 14 in order to eliminate the placement of more than five children per foster home and,

(b) On a statewide basis when there is no appropriate foster care placement available for a child with special needs. For the purposes of this section, a "child with special needs" means a child with a learning or developmental disability or a chronic physical, medical, or emotional condition.

Standard board and care rates shall be established and uniformly applied by the Department of Children and Family Services.

(2) The Department of Children and Family Services must submit a report to the President of the Senate and the Speaker of the House of Representatives by October 1, 2001, any difficulties with contracting for these placements because of a facility shortage or limited provider capacity. Included in the report, the department shall recommend solutions to any problems contracting for placements and shall recommend expansion to one or more districts beyond the four districts identified in (1), providing the reasons for recommending the selected districts and the associated costs.

(3) The sum of $12,700,000 is appropriated from the General Revenue Fund and $6,300,000 is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services to contract for residential group care placements as provided in (1) and (2). No less than 3 million dollars shall be spent on residential group care placements for children with special needs.

(4) The provisions of this section shall take effect upon becoming law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 7, after the semicolon

insert: providing for the Department of Children and Family Services to contract for residential group care placements in specified districts and statewide for children with special needs; providing for a report to the Legislature; providing for an appropriation;

Senate Amendment 14A—On page 2, line 11, delete that line

and insert:

(3) In fiscal years 2000-2001 and 2001-2002, the sum of $12,700,000 is appropriated from the

Senate Amendment 15 (with title amendment)—On page 84, between lines 2 and 3,

insert:

Section 52. Section 683.23, Florida Statutes, is created to read:

683.23 Florida Missing Children's Day.—The second Monday in September of each year is hereby designated as "Florida Missing Children's Day" in remembrance of Florida's past and present missing children and in recognition of our state's continued efforts to protect the safety of children through prevention, education, and community involvement.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 7, after the semicolon,

and insert: creating s. 683.23, F.S.; designating the second Monday in September of each year as "Florida Missing Children's Day";

Senate Amendment 16 (with title amendment)—On page 84, between lines 2 and 3,

insert:

Section 52. *Pilot program for attorneys ad litem for dependent children.—*

(1) LEGISLATIVE INTENT.—In furtherance of the goals set forth in section 39.4085, Florida Statutes, it is the intent of the Legislature that children who are maintained in out-of-home care by court order under s. 39.402 receive competent legal representation.

(2) RESPONSIBILITIES.—

(a) The Office of the State Courts Administrator shall establish a 3-year pilot Attorney Ad Litem Program in the Ninth Judicial Circuit.

(b) The Office of the State Courts Administrator shall establish the pilot program in the Ninth Judicial Circuit by October 1, 2000. The Ninth Judicial Circuit may contract with a private or public entity in the Ninth Judicial Circuit to establish the pilot program. The private or public entity must have appropriate expertise in representing the rights of children taken into custody by the Department of Children and Family Services. The Office of the State Court Administrator shall identify measurable outcomes, including, but not limited to, the impact of counsel on child safety, improvements in the provision of appropriate services, and any reduction in the length of stay of children in state care. The pilot program shall be established and operate independently of any other state agency responsible for the care of children taken into custody.

(c) The Ninth Judicial Circuit shall designate an attorney within the Ninth Judicial Circuit to conduct the administrative oversight of the pilot program. The program administrator must be a member in good standing of The Florida Bar and must have 5 or more years of experience in the area of child advocacy, child welfare, or juvenile law. The administrative oversight of the pilot program is subject to supervision by the Ninth Judicial Circuit.

(d) The Office of the State Courts Administrator in conjunction with the pilot program shall develop a training program for attorneys ad litem which includes, but need not be limited to, appropriate standards of practice for attorneys who represent children.

(e) Within funds specifically appropriated for this pilot program, the Office of the State Courts Administrator in conjunction with the pilot program shall design an appropriate attorney ad litem program and may establish the number of attorneys needed to serve as attorneys ad litem and may employ attorneys and other personnel. An attorney ad litem must be a member in good standing of The Florida Bar and may not serve as an attorney ad litem until he or she has completed the training program.

(f) The court shall appoint the entity responsible for representation of children in the Ninth Judicial Circuit under the pilot program who are continued in out-of-home care at the shelter hearing conducted under section 39.402, Florida Statutes, if the court deems attorney ad litem representation necessary. At any time following the shelter hearing, the court may appoint an attorney ad litem upon the motion of any party, or upon the court's own motion if an attorney ad litem has not yet been appointed and the court deems such representation necessary. The attorney ad litem's representation shall be limited to proceedings initiated under chapter 39, only. The court must appoint a guardian ad litem pursuant to s. 39.822 for all children who have been appointed an attorney ad litem. Upon this action by the court, the department shall provide to the administrator, at a minimum, the name of the child, the location and placement of the child, the name of the department's authorized agent and contact information, copies of all notices sent to the parent or legal custodian of the child, and other information or records concerning the child.

(g) Upon the court's direction, the pilot program administrator shall assign an attorney ad litem to represent the child. Once assigned, the attorney ad litem shall represent the child's wishes for purposes of proceedings under chapter 39, Florida Statutes, as long as the child's wishes are consistent with the safety and well being of the child. The child's attorney must in all circumstances fulfill the same duties of advocacy, loyalty, confidentiality, and competent representation which are due an adult client. The court must approve any action by the attorney ad litem restricting access to the child by the guardian ad litem or by any other party. The attorney ad litem shall represent the child until the program is discharged by order of the court because permanency has been achieved or the court believes that the attorney ad litem is no longer necessary.

(h) The Office of the State Courts Administrator shall conduct research and gather statistical information to evaluate the establishment, operation, and impact of the pilot program in meeting the legal needs of dependent children. In assessing the effects of the pilot program, including achievement of outcomes identified under paragraph (2)(b), the evaluation must include a comparison of children within the Ninth Judicial Circuit who are appointed an attorney ad litem with those who are not. The office shall submit a report to the Legislature and the Governor by October 1, 2001 and by October 1, 2002, regarding its findings. The office shall submit a final report by October 1, 2003, which must include an evaluation of the pilot program; findings on the feasibility of a statewide program; and recommendations, if any, for locating, establishing, and operating a statewide program.

(3) STANDARDS.—The Supreme Court is requested, by October 1, 2000, to adopt rules of juvenile procedure which include the duties, responsibilities, and conduct of an attorney ad litem. The Office of the State Courts Administrator, in consultation with the Dependency Court Improvement Committee of the Supreme Court, shall develop implementation guidelines for the attorney ad litem pilot program.

(4) FUNDING.—The sums of $1,040,111 in recurring funds and $48,674 in nonrecurring funds are appropriated from the General Revenue Fund and two full-time-equivalent positions are authorized for Court Operations - Circuit Courts in the State Court System to operate the attorney ad litem pilot program in the Ninth Judicial Circuit and provide adequate guardian ad litem representation that is in the best interests of all children involved in the pilot program. The sum of $696,798 in recurring funds is appropriated from the General Revenue Fund, and 14 full-time equivalent positions are authorized, for the circuit court budget to ensure best interests representation by the Guardian Ad Litem Program as part of the pilot program. The sum of $75,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Supreme Court for the Office of the State Courts Administrator for the purpose of evaluating the pilot program.

(5) The provisions in this section of the act shall take effect October 1, 2000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 7, following the semicolon

insert: providing legislative intent with respect to providing competent legal representation for children in state custody; requiring that the Office of the State Courts Administrator create a pilot Attorney Ad Litem Program in the Ninth Judicial Circuit; authorizing the office to contract with a private or public entity to operate the pilot program; providing for the pilot program to operate independently of other state agencies responsible for the care of children in state custody; providing for administration of the program; requiring that the Office of the State Courts Administrator develop a training program for attorneys ad litem; requiring that the court direct the pilot program to assign an attorney ad litem; requiring that the Department of Children and Family Services provide information to the pilot-program administrator; providing for assigning an attorney ad litem to represent the child's wishes; requiring the Office of the State Courts Administrator to make annual reports to the Legislature; requiring that the Office of the States Courts Administrator evaluate the pilot program; requesting that the Supreme Court adopt rules of juvenile procedure; providing appropriations for the pilot program;

Senate Amendment 17—On page 84, line 3, delete the word "This"

and insert: Except as otherwise provided, this

On motion by Rep. Murman, the House refused to concur in Senate Amendments 2, 10, 14, and 14A and requested the Senate to recede therefrom.

Representative(s) L. Miller, Wasserman Schultz, and Heyman offered the following:

(Amendment Bar Code: 243541)

House Amendment 1 to Senate Amendment 13—On page 1, lines 21 and 25, after the word *person*

insert: *, except a child as defined in this section,*

Rep. L. Miller moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Murman, the House concurred in Senate Amendment 13, as amended.

On further motion by Rep. Murman, the House concurred in Senate Amendments 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 15, 16, and 17.

The question recurred on the passage of HB 2125. The vote was:

Session Vote Sequence: 598

Yeas—119

The Chair	Crist	Jacobs	Ritchie
Albright	Crow	Johnson	Ritter
Alexander	Detert	Jones	Roberts
Andrews	Diaz de la Portilla, R.	Kelly	Rojas
Argenio	Dockery	Kilmer	Rubio
Argenziano	Edwards	Kosmas	Russell
Arnall	Effman	Kyle	Ryan
Bainter	Eggelletion	Lacasa	Sanderson
Ball	Farkas	Lawson	Sembler
Barreiro	Fasano	Lee	Smith, C.
Bense	Feeney	Levine	Smith, K.
Betancourt	Fiorentino	Littlefield	Sobel
Bilirakis	Flanagan	Lynn	Sorensen
Bitner	Frankel	Maygarden	Spratt
Bloom	Fuller	Melvin	Stafford
Boyd	Futch	Merchant	Stansel
Bradley	Garcia	Miller, J.	Starks
Bronson	Gay	Miller, L.	Suarez
Brown	Goode	Minton	Sublette
Brummer	Goodlette	Morroni	Trovillion
Bucher	Gottlieb	Murman	Tullis
Bullard	Green, C.	Ogles	Turnbull
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Wasserman Schultz
Casey	Harrington	Prieguez	Waters
Chestnut	Hart	Pruitt	Wiles
Constantine	Henriquez	Putnam	Wilson
Cosgrove	Heyman	Rayson	Wise
Crady	Hill	Reddick	

Nays—None

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 770 & SB 286 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Regulated Industries, Fiscal Resource and Senators Latvala, Geller and others—

CS for CS for SB 770 & SB 286—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.501, F.S.; reducing the surcharges on liquor, wine, cider, and beer sold for consumption on the premises; providing an exemption from the surcharge to certain nonprofit organizations; amending s. 561.121, F.S.; increasing the portion of the surcharge which is transferred to the Children and Adolescents Substance Abuse Trust Fund; providing an effective date.

—was read the first time by title. On motion by Rep. Bitner, the rules were suspended and the bill was read the second time by title.

Representative(s) Albright offered the following:

(Amendment Bar Code: 263483)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

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

(a) Proceeds from the convention development taxes authorized under s. 212.0305 shall be reallocated to the Convention Development Tax Clearing Trust Fund.

(b) Proceeds from discretionary sales surtaxes imposed pursuant to ss. 212.054 and 212.055 shall be reallocated to the Discretionary Sales Surtax Clearing Trust Fund.

(c) Proceeds from the tax imposed pursuant to s. 212.06(5)(a)2. shall be reallocated to the Mail Order Sales Tax Clearing Trust Fund.

(d) Proceeds from the fee imposed pursuant to s. 212.18(5) shall be deposited in the Solid Waste Management Clearing Trust Fund, which is hereby created to be used by the department, and shall be subsequently transferred to the State Treasurer to be deposited into the Solid Waste Management Trust Fund.

(e) Proceeds from the fees imposed under ss. 212.05(1)(i)3. and 212.18(3) shall remain with the General Revenue Fund.

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

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

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

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

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

5. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5 and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, a special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this sub-subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

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

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

d.~~c.~~ Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

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

Section 2. *Subsection (8) of section 550.01215, Florida Statutes, is repealed.*

Section 3. Section 550.135, Florida Statutes, is amended to read:

550.135 Division of moneys derived under this law.—All moneys that are deposited with the Treasurer to the credit of the Pari-mutuel Wagering Trust Fund shall be distributed *as follows* ~~in the following proportions, in the manner and at the times specified in this section~~:

~~(1) In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county; any excess of such moneys after the distributions to the counties shall be paid into the General Revenue Fund. If the sum available for distribution is less than $29,915,500, the deficiency shall be paid into the Pari-mutuel Wagering Trust Fund from the General Revenue Fund up to the amount of the deficiency if the deficiency does not exceed the deposits of pari-mutuel tax collections to the General Revenue Fund for that fiscal year.~~

~~(2) The distribution among the several counties provided for in subsection (1) shall begin each fiscal year on or before January 5 and~~

~~shall continue monthly for a total of 4 months. If during the fiscal year the sums available for distribution to the counties is not sufficient to make the scheduled distributions, the division shall immediately transfer to the Pari-mutuel Wagering Trust Fund from deposits made by the division to the General Revenue Fund during that fiscal year, the sums required to make the distributions. If on April 5 the sums distributed to the counties do not equal the maximum sum to be distributed, the division shall immediately transfer to the Pari-mutuel Wagering Trust Fund, from deposits made by the division to the General Revenue Fund during that fiscal year, the sums required to pay each county the sum entitled and shall make such payments on or before the end of that fiscal year. The Comptroller is appointed as the agent of the division to make the distribution to the counties and to make transfers as may be required by this section.~~

(1)~~(3)~~ The daily license fee revenues collected pursuant to s. 550.0951(1) shall be used to fund the operating cost of the division and to provide a proportionate share of the operation of the office of the secretary and the Division of Administration of the Department of Business and Professional Regulation; however, other collections in the Pari-mutuel Wagering Trust Fund~~, after the payments required by subsections (1) and (2),~~ may also be used to fund the operation of the division in accordance with authorized appropriations.

(2)~~(4) After payments to the counties have been completed as provided in subsections (1) and (2),~~ All unappropriated funds *in excess of $3.5 million* in the Pari-mutuel Wagering Trust Fund shall be deposited to the Treasurer to the credit of the General Revenue Fund ~~as provided in subsection (1)~~.

~~(5) If a local or special law requires that any moneys accruing to a county under this chapter, the same being division funds, be paid to the Treasurer of the state, as ex officio treasurer of the teachers' salary fund, to the credit of a district school board, those moneys shall be paid directly to the district school board.~~

Section 4. Subsections (1), (3), and (5) and paragraph (b) of subsection (6) of section 550.0951, Florida Statutes, are amended to read:

550.0951 Payment of daily license fee and taxes.—

(1)(a) DAILY LICENSE FEE.—Each person engaged in the business of conducting race meetings or jai alai games under this chapter, hereinafter referred to as the "permitholder," "licensee," or "permittee," shall pay to the division, for the use of the division, a daily license fee on each live or simulcast pari-mutuel event of $100 for each horserace and $80 for each dograce and $40 for each jai alai game conducted at a racetrack or fronton licensed under this chapter. ~~Effective October 1, 1996,~~ In addition to the tax exemption specified in s. 550.09514(1) of $360,000 or $500,000 per greyhound permitholder per state fiscal year, each greyhound permitholder shall receive in the current state fiscal year a tax credit equal to the number of live greyhound races conducted in the previous state fiscal year times the daily license fee specified for each dograce in this subsection applicable for the previous state fiscal year. This tax credit and the exemption in s. 550.09514(1) shall be applicable to *any* ~~the~~ tax *imposed by this chapter or the daily license fees imposed by this chapter* ~~on live handle under subsection (3)~~ except during any charity or scholarship performances conducted pursuant to s. 550.0351. ~~Effective October 1, 1996,~~ Each permitholder shall pay daily license fees not to exceed $500 per day on any simulcast races or games on which such permitholder accepts wagers regardless of the number of out-of-state events taken or the number of out-of-state locations from which such events are taken. This license fee shall be deposited with the Treasurer to the credit of the Pari-mutuel Wagering Trust Fund.

(b) Each permitholder *that* ~~authorized a maximum tax savings of $500,000 per state fiscal year pursuant to s. 550.09514(1) or the greyhound permitholder that had the lowest live handle during the preceding state fiscal year, which~~ cannot utilize the full amount of *the exemption of $360,000 or $500,000 provided in s. 550.09514(1) or* the daily license fee credit *provided in this section*~~,~~ may, after notifying the division in writing, elect once per state fiscal year on a form provided by the division to transfer such *exemption or* credit or any portion thereof to any greyhound permitholder which acts as a host track to such permitholder for the purpose of intertrack wagering. Once an election to transfer such *exemption or* credit is filed with the division it shall not be rescinded. The division shall disapprove the ~~credit~~ transfer when the amount of *the exemption or* credit or portion thereof is unavailable to the transferring permitholder or when the permitholder~~,~~ who is entitled to transfer the *exemption or* credit or who is entitled to receive the *exemption or* credit~~,~~ owes taxes to the state pursuant to a deficiency letter or administrative complaint issued by the division. Upon approval of the transfer by the division, the transferred tax *exemption or* credit shall be effective for the first performance of the next biweekly pay period as specified in subsection (5). The *exemption or* ~~daily license fee~~ credit transferred to such host track may be applied by such host track against *any* ~~its~~ taxes *imposed by this chapter or daily license fees imposed by this chapter* ~~on live racing as provided in this subsection~~. The greyhound permitholder host track to which such *exemption or* ~~daily license fee~~ credit is transferred shall reimburse such permitholder the exact monetary value of such transferred *exemption or* credit as actually applied against the taxes *and daily license fees* of the host track. The division shall ensure that all transfers of *exemption or* credit are made in accordance with this subsection and shall have the authority to adopt rules to ensure the implementation of this section.

(3) TAX ON HANDLE.—Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on races or games conducted by the permitholder. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily performance. If a permitholder conducts more than one performance daily, the tax is imposed on each performance separately.

(a) The tax on handle for ~~thoroughbred horse racing, harness horse racing, and~~ quarter horse racing is *1.0* ~~3.3~~ percent of the handle.

(b)*1.* The tax on handle for dogracing is *5.1* ~~7.6~~ percent of the handle*, except that for live charity performances held pursuant to s. 550.0351, and for intertrack wagering on such charity performances at a guest greyhound track within the market area of the host, the tax is 7.6 percent of the handle.* ~~and~~

2. The tax on handle for jai alai is 7.1 percent of the handle.

(c)1. The tax on handle for intertrack wagering is *2.7* ~~3.3~~ percent of the handle if the host track is a horse track*, 3.3 percent if the host track is a harness track, 5.1* ~~7.6~~ percent if the host track is a dog track, and 7.1 percent if the host track is a jai alai fronton. *The tax on handle for intertrack wagering is 0.5 percent if the host track and the guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder currently conducting a live race meet.* The tax on handle for intertrack wagering on rebroadcasts of simulcast horseraces is 2.4 percent of the handle. The tax shall be deposited into the *Pari-mutuel Wagering Trust* ~~General Revenue~~ Fund.

2. ~~Effective October 1, 1996,~~ The tax on handle for intertrack wagers accepted by any dog track located in an area of the state in which there are only three permitholders, all of which are greyhound permitholders, located in three contiguous counties, from any greyhound permitholder also located within such area or any dog track or jai alai fronton located as specified in s. 550.615(6) or *(9)* ~~(8)~~, on races or games received from the same class of permitholder located within the same market area is *3.5* ~~6~~ percent if the host facility is a greyhound permitholder and, if the host facility is a jai alai permitholder, the rate shall be 6.1 percent except that it shall be 2.3 percent on handle at such time as the total tax on intertrack handle paid to the division by the permitholder during the current state fiscal year exceeds the total tax on intertrack handle paid to the division by the permitholder during the 1992-1993 state fiscal year.

~~3. Any guest track that imposes a surcharge on each winning ticket cashed pursuant to s. 550.6335 shall pay an additional tax equal to 5 percent of the surcharge so imposed. Any taxes so imposed shall be deposited into the General Revenue Fund.~~

(5) PAYMENT AND DISPOSITION OF FEES AND TAXES.— Payment for the admission tax, tax on handle, and the breaks tax imposed by this section shall be paid to the division. The division shall deposit these sums with the Treasurer, *to the credit of* ~~one-half being credited to~~ the Pari-mutuel Wagering Trust Fund, hereby established~~, and one-half being credited to the General Revenue Fund~~. The permitholder shall remit to the division payment for the daily license fee, the admission tax, the tax on handle, and the breaks tax. Such payments shall be remitted by ~~3 p.m. Friday of each week for taxes and fees imposed and collected for the preceding Sunday, Monday, and Tuesday, and by~~ 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding *week ending on Sunday* ~~Wednesday, Thursday, Friday, and Saturday~~. Permitholders shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing the total of all admissions, the pari-mutuel wagering activities for the preceding calendar month, and such other information as may be prescribed by the division.

(6) PENALTIES.—

(b) In addition to the civil penalty prescribed in paragraph (a), any willful or wanton failure by any permitholder to make payments of the daily license fee, admission tax, tax on handle, *or* breaks tax~~, or surtax~~ constitutes sufficient grounds for the division to suspend or revoke the license of the permitholder, to cancel the permit of the permitholder, or to deny issuance of any further license or permit to the permitholder.

Section 5. *Any double-sum tax liability that accrued under section 550.09515(2)(a)2., Florida Statutes, between January 1, 2000, and July 1, 2000, is forgiven, and the Department of Business and Professional Regulation may not maintain an action to collect such taxes.*

Section 6. Section 550.09514, Florida Statutes, is amended to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(1) ~~Notwithstanding the provisions of s. 550.0951(3)(b),~~ Wagering on greyhound racing is subject to a tax on handle for live greyhound racing *as specified in s. 550.0951(3)* ~~at the rate of 7.6 percent of handle~~. *However,* each permitholder shall pay *no* ~~the~~ tax on ~~live~~ handle ~~in excess of $100,000 per performance~~ until such time as this subsection has resulted in a tax savings per state fiscal year of $360,000. Thereafter, each permitholder shall pay the tax *as specified in s. 550.0951(3)* ~~provided in this subsection~~ on all handle for the remainder of the permitholder's current race meet, and the tax must be calculated and commence beginning the day after the biweekly period in which the permitholder reaches the maximum tax savings per state fiscal year provided in this section. For the three permitholders *that* ~~which~~ conducted a full schedule of live racing in 1995, and are closest to another state *that* ~~which~~ authorizes greyhound pari-mutuel wagering, the maximum tax savings per state fiscal year shall be $500,000. The provisions of this subsection relating to tax exemptions shall not apply to any charity or scholarship performances conducted pursuant to s. 550.0351.

(2)(a) The division shall determine for each greyhound permitholder the annual purse percentage rate of live handle for the state fiscal year 1993-1994 by dividing total purses paid on live handle by the permitholder, exclusive of payments made from outside sources, during the 1993-1994 state fiscal year by the permitholder's live handle for the 1993-1994 state fiscal year. Each permitholder shall pay as purses for live races conducted during its current race meet a percentage of its live handle not less than the percentage determined under this paragraph, exclusive of payments made by outside sources, for its 1993-1994 state fiscal year.

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

2. Except as otherwise set forth herein, in addition to the minimum purse percentage required by paragraph (a), ~~beginning July 1, 1997,~~ each permitholder shall pay as purses an annual amount equal to 75 percent of the daily license fees paid by each permitholder for the 1994-1995 fiscal year. This purse supplement shall be disbursed weekly during the permitholder's race meet in an amount determined by dividing the annual purse supplement by the number of performances approved for the permitholder pursuant to its annual license and multiplying that amount by the number of performances conducted each week. For the greyhound permitholders in the county where there are two greyhound permitholders located as specified in s. 550.615(6), such permitholders shall pay in the aggregate an amount equal to 75 percent of the daily license fees paid by such permitholders for the 1994-1995 fiscal year. These permitholders shall be jointly and severally liable for such purse payments.

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

(c)1. Each greyhound permitholder when conducting at least three live performances during any week shall pay purses in that week on wagers it accepts as a guest track on intertrack and simulcast greyhound races at the same rate as it pays on live races. Each greyhound permitholder when conducting at least three live performances during any week shall pay purses in that week, at the same rate as it pays on live races, on wagers accepted on greyhound races at a guest track which is not conducting live racing and is located within the same market area as the greyhound permitholder conducting at least three live performances during any week.

2. Each host greyhound permitholder shall pay purses on its simulcast and intertrack broadcasts of greyhound races to guest facilities that are located outside its market area in an amount equal to one quarter of an amount determined by subtracting the transmission costs of sending the simulcast or intertrack broadcasts from an amount determined by adding the fees received for greyhound simulcast races plus 3 percent of the greyhound intertrack handle at guest facilities that are located outside the market area of the host and that paid contractual fees to the host for such broadcasts of greyhound races.

(d) The division shall require sufficient documentation from each greyhound permitholder regarding purses paid on live racing to assure that the annual purse percentage rates paid by each permitholder on the live races are not reduced below those paid during the 1993-1994 state fiscal year. The division shall require sufficient documentation from each greyhound permitholder to assure that the purses paid by each permitholder on the greyhound intertrack and simulcast broadcasts are in compliance with the requirements of paragraph (c).

(e) In addition to the purse requirements of paragraphs (a)-(c), each greyhound permitholder shall pay as purses an amount equal to one-third of the amount of the tax reduction on live and simulcast handle applicable to such permitholder as a result of the reductions in tax rates provided by this act through the amendments to s. 550.0951(3). With respect to intertrack wagering when the host and guest tracks are greyhound permitholders not within the same market area, an amount equal to the tax reduction applicable to the guest track handle as a result of the reduction in tax rate provided by this act through the amendment to s. 550.0951(3) shall be distributed to the guest track, one-third of which amount shall be paid as purses at the guest track. However, if the guest track is a greyhound permitholder within the market area of the host or if the guest track is not a greyhound permitholder, an amount equal to such tax reduction applicable to the guest track handle shall be retained by the host track, one-third of which amount shall be paid as purses at the host track. These purse funds shall be disbursed in the week received if the permitholder conducts at least one live performance during that week. If the permitholder does not conduct at least one live performance during the week in which the purse funds are received, the purse funds shall be disbursed weekly during the permitholder's next race meet in an amount determined by dividing the purse amount by the number of performances approved for the permitholder pursuant to its annual license, and multiplying that amount by the number of performances conducted each week. The division shall conduct audits necessary to ensure compliance with this paragraph.

(f)~~(e)~~ Each greyhound permitholder shall, during the permitholder's race meet, supply kennel operators and the Division of Pari-Mutuel Wagering with a weekly report showing purses paid on live greyhound races and all greyhound intertrack and simulcast broadcasts, including both as a guest and a host together with the handle or commission calculations on which such purses were paid and the transmission costs of sending the simulcast or intertrack broadcasts, so that the kennel operators may determine statutory and contractual compliance.

(g)~~(f)~~ Each greyhound permitholder shall make direct payment of purses to the greyhound owners who have filed with such permitholder appropriate federal taxpayer identification information based on the percentage amount agreed upon between the kennel operator and the greyhound owner.

(h)~~(g)~~ At the request of a majority of kennel operators under contract with a greyhound permitholder, the permitholder shall make deductions from purses paid to each kennel operator electing such deduction and shall make a direct payment of such deductions to the local association of greyhound kennel operators formed by a majority of kennel operators under contract with the permitholder. The amount of the deduction shall be at least 1 percent of purses, as determined by the local association of greyhound kennel operators. No deductions may be taken pursuant to this paragraph without a kennel operator's specific approval before or after the effective date of this act.

(3) For the purpose of this section, the term "live handle" means the handle from wagers placed at the permitholder's establishment on the live greyhound races conducted at the permitholder's establishment.

Section 7. Subsections (2), (5), and (6) of section 550.09515, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(2)

(a) Notwithstanding the provisions of s. 550.0951(3)(a), the tax on handle for live thoroughbred *horserace* ~~horse~~ performances shall be subject to the following:

1. The tax on handle per performance for live thoroughbred performances is *1* ~~2.0~~ percent of handle for performances conducted during the period beginning on January 3 and ending March 16; *0.2* ~~.20~~ percent of handle for performances conducted during the period beginning March 17 and ending May 22; and *0.75* ~~1.25~~ percent of handle for performances conducted during the period beginning May 23 and ending January 2.

2. If any thoroughbred permitholder conducts performances during more than one time period ~~or if performances are conducted during more than one period at any facility~~, the tax on handle per performance is double the sum of the tax percentages for the periods in which performances are being conducted, except:

a. Pursuant to s. 550.01215, two permitholders, by mutual written agreement, may agree to the operation by one of them in the other permitholder's tax period for up to 3 days, if the 3 days are either the first 3 days or the last 3 days of the racing period in which the permitholders intend to operate.

b. If, on March 31 of any year, there is no permitholder holding a license for operating any one of the three race periods set forth in this section or if the permitholder who is licensed to operate in any period fails to operate for 10 consecutive days, a permitholder already licensed to operate in another period may apply for and be issued a license to operate the period in question, in addition to the period already licensed.

c. Two permitholders who operated in different periods in the preceding fiscal year may, by mutual written agreement, switch periods for the current racing season, even if it results in either permitholder or the facility of a permitholder being operated in two different periods.

However, any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is authorized to conduct live performances at any time of the year and shall pay 0.5 percent on live handle per performance.

~~3. For the period beginning on April 1 and ending May 23 during the state fiscal year 1992-1993, any permitholder which has operated less than 51 racing days in the last 18 months may operate said period and pay 1.25 percent tax on live handle per performance. In the event this provision takes effect after April 1, 1993, it shall be construed to apply retroactively from April 1, 1993, through May 23, 1993.~~

~~4. In the event any licenses have been issued to any thoroughbred permitholders for racing dates prior to April 26, 1993, then, notwithstanding the provisions of s. 550.525(2), amendments may be filed to the racing dates up to May 1, 1993.~~

(b) For purposes of this section, the term "handle" shall have the same meaning as in s. 550.0951, and shall not include handle from intertrack wagering.

(5) Notwithstanding the provisions of s. 550.0951(3)(c), the tax on handle for intertrack wagering on rebroadcasts of simulcast horseraces is 2.4 percent of the handle; provided however, that if the guest track is a throughbred track located more than 35 miles from the host track, the host track shall pay a tax of .5 percent of the handle, and additionally the host track shall pay to the guest track 1.9 percent of the handle to be used by the guest track solely for purses. The tax shall be deposited into the *Pari-mutuel Wagering Trust* ~~General Revenue~~ Fund.

(6) Notwithstanding the provisions of s. 550.0951(3)(c), the tax on handle is 0.2 percent for intertrack wagering and for intertrack wagering on rebroadcasts of simulcast horseraces for a thoroughbred permitholder that conducts performances during the period beginning March 17 and ending May 22. This subsection applies only to thoroughbred permitholders located in any area of the state where there are three or more thoroughbred permitholders within 25 miles of each other. The tax shall be deposited into the *Pari-mutuel Wagering Trust* ~~General Revenue~~ Fund. Effective July 1, 2001, this subsection is repealed.

(7) A credit equal to the amount of contributions made by a thoroughbred permitholder during the taxable year directly to the Jockeys Guild or its Health and Welfare Fund to be used to provide health and welfare benefits for active, disabled, and retired Florida jockeys and their dependents pursuant to reasonable rules of eligibility established by the Jockeys Guild is allowed against taxes on live handle due for a taxable year under this section. A thoroughbred permitholder may not receive a credit greater than the amount equal to 1 percent of its paid taxes for the previous taxable year.

Section 8. Effective July 1, 2001, paragraph (a) of subsection (2) of section 550.09515, Florida Statutes, as amended by section 4 of chapter 98-190, Laws of Florida, is amended to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(2)(a) ~~Notwithstanding the provisions of s. 550.0951(3)(a),~~ The tax on handle for live thoroughbred *horserace* ~~horse~~ performances shall be *0.5 percent.* ~~subject to the following:~~

~~1. The tax on handle per performance for live thoroughbred performances is 2.25 percent of handle for performances conducted during the period beginning on January 3 and ending March 16; .70 percent of handle for performances conducted during the period beginning March 17 and ending May 22; and 1.5 percent of handle for performances conducted during the period beginning May 23 and ending January 2.~~

~~2. However, any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is authorized to conduct live performances at any time of the year and shall pay 0.5 percent on live handle per performance.~~

Section 9. Section 550.1645, Florida Statutes, is amended to read:

550.1645 Escheat to state of abandoned interest in or contribution to pari-mutuel pools.—

(1) It is the public policy of the state, while protecting the interest of the owners, to possess all unclaimed and abandoned interest in or contribution to *certain* ~~any~~ pari-mutuel *pools* ~~pool~~ conducted in this state under this chapter, for the benefit of all the people of the state; and this law shall be liberally construed to accomplish such purpose.

(2) *Except as otherwise provided in this chapter,* all money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any licensee authorized to conduct pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within the aforesaid period of time, is hereby declared to have escheated to or to escheat to, and to have become the property of, the state.

(3) All money or other property that has escheated to and become the property of the state as provided herein, and which is held by such licensee authorized to conduct pari-mutuel pools in this state, shall be paid by such licensee to the Treasurer annually within 60 days after the close of the race meeting of the licensee. Such moneys so paid by the licensee to the Treasurer shall be deposited in the State School Fund to be used for the support and maintenance of public free schools as required by s. 6, Art. IX of the State Constitution.

Section 10. Section 550.1647, Florida Statutes, is created to read:

550.1647 Greyhound permitholders; unclaimed tickets.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any permitholder authorized to conduct greyhound racing pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that period of time, shall, with respect to live races conducted by the permitholder be remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state fiscal year in an amount equivalent to the actual amount remitted in the prior state fiscal year that may be applied against any taxes imposed pursuant to this chapter. In addition, each permitholder shall pay, from any source, including the proceeds from performances conducted pursuant to s. 550.0351, an amount not less than 10 percent of the amount of the credit provided by this section to any bonafide organization that promotes or encourages the adoption of greyhounds.

Section 11. Section 550.615, Florida Statutes, is amended to read:

550.615 Intertrack wagering.—

(1) Any horserace permitholder licensed under this chapter which has conducted a full schedule of live racing may, at any time, receive broadcasts of horseraces and accept wagers on horseraces conducted by horserace permitholders licensed under this chapter at its facility.

(2) Any track or fronton licensed under this chapter which in the preceding year conducted a full schedule of live racing is qualified to, at any time, receive broadcasts of any class of pari-mutuel race or game and accept wagers on such races or games conducted by any class of permitholders licensed under this chapter.

(3) If a permitholder elects to broadcast its signal to any permitholder in this state, any permitholder that is eligible to conduct intertrack wagering under the provisions of ss. 550.615-550.6345 is entitled to receive the broadcast and conduct intertrack wagering under this section; provided, however, that the host track may require a guest track within 25 miles of another permitholder to receive in any week at least 60 percent of the live races that the host track is making available on the days that the guest track is otherwise operating live races or games. A host track may require a guest track not operating live races or games and within 25 miles of another permitholder to accept within any week at least 60 percent of the live races that the host track is making available. A person may not restrain or attempt to restrain any permitholder that is otherwise authorized to conduct intertrack wagering from receiving the signal of any other permitholder or sending its signal to any permitholder.

(4) In no event shall any intertrack wager be accepted on the same class of live races or games of any permitholder without the written consent of such operating permitholders conducting the same class of live races or games if the guest track is within the market area of such operating permitholder.

(5) No permitholder within the market area of the host track shall take an intertrack wager on the host track without the consent of the host track.

(6) Notwithstanding the provisions of subsection (3), in any area of the state where there are three or more horserace permitholders within 25 miles of each other, intertrack wagering between permitholders in said area of the state shall only be authorized under the following conditions: Any permitholder, other than a thoroughbred permitholder, may accept intertrack wagers on races or games conducted live by a permitholder of the same class or any harness permitholder located within such area and any harness permitholder may accept wagers on games conducted live by any jai alai permitholder located within its market area and from a jai alai permitholder located within the area specified in this subsection when no jai alai permitholder located within its market area is conducting live jai alai performances; any greyhound or jai alai permitholder may receive broadcasts of and accept wagers on any permitholder of the other class provided that a permitholder, other than the host track, of such other class is not operating a contemporaneous live performance within the market area.

(7) In any county of the state where there are only two permits, one for dogracing and one for jai alai, no intertrack wager may be taken during the period of time when a permitholder is not licensed to conduct live races or games without the written consent of the other permitholder that is conducting live races or games. However, if neither permitholder is conducting live races or games, either permitholder may accept intertrack wagers on horseraces or on the same class of races or games, or on both horseraces and the same class of races or games as is authorized by its permit.

(8) In any three contiguous counties of the state where there are only three permitholders, all of which are greyhound permitholders, if any permitholder leases the facility of another permitholder for all or any portion of the conduct of its live race meet pursuant to s. 550.475, such lessee may conduct intertrack wagering at its pre-lease permitted facility throughout the entire year, including while its live meet is being conducted at the leased facility, if such permitholder has conducted a full schedule of live racing during the preceding fiscal year at its pre-lease permitted facility or at a leased facility, or combination thereof.

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

(10)~~(9)~~(a) Upon application to the division on or before January 31 of each year, any quarter horse permitholder that has conducted at least 15 days of thoroughbred horse sales at a permanent sales facility for at least 3 consecutive years, and conducted at least one day of nonwagering thoroughbred racing, with a purse structure of at least $250,000 per year for 2 consecutive years prior to such application, shall be issued a license to conduct intertrack wagering for thoroughbred racing for up to 21 days in connection with thoroughbred sales, to conduct intertrack wagering at such permanent sales facility between November 1 and May 8 of the following year, to conduct intertrack wagering at such permanent sales facility between May 9 and October 31 at such times and on such days as any jai alai permitholder in the same county is not conducting live performances, and to conduct intertrack wagering under the provisions of this subsection during the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet that is conducted before November 1 and after May 8, subject to conditions set forth in this subsection, provided that no more than one such license may be issued.

(b) If more than one permitholder applies, the division shall determine which permitholder shall be granted the license. In making its determination, the division shall consider the length of time the permitholder has been conducting thoroughbred horse sales in this state, the length of time the applicant has had a permanent location in this state, and the volume of sales of thoroughbred horses in this state, giving the greater weight to the applicant that meets these criteria.

(c) The applicant must comply with the provisions of ss. 550.125 and 550.1815.

(d) Intertrack wagering under this subsection may not be conducted within 50 miles of any greyhound racetrack that conducted a full schedule of live racing prior to June 1, 1990.

(e) For each year such quarter horse permitholder must obtain the license set forth in paragraph (a), any provisions relating to suspension or revocation of a quarter horse permit for failure to conduct live quarter horse racing do not apply.

(f) Intertrack wagering under this subsection may only be conducted on thoroughbred horse racing, and intertrack wagering under this subsection may not be conducted on evening performances.

(11)~~(10)~~ All costs of receiving the transmission of the broadcasts shall be borne by the guest track; and all costs of sending the broadcasts shall be borne by the host track.

(12)~~(11)~~ Notwithstanding any other provision of this section, any thoroughbred permitholder that conducts performances during the period beginning May 23 and ending January 2 must make available any live pari-mutuel event conducted and any simulcast pari-mutuel event received by such permitholder to any thoroughbred permitholder that conducts performances during the period beginning March 17 and ending May 22, and such guest permitholder is authorized to accept wagers on such signals. Notwithstanding s. 550.0951(3)(c), the tax on wagers accepted by the guest permitholder on such events shall be 2 percent, but such amount shall be retained by the host track as compensation for lost revenues and purses. At least 50 percent of the amount retained shall be paid as purses at the host track. This subsection applies only to thoroughbred permitholders located in any area of the state where there are three or more thoroughbred permitholders within 25 miles of each other.

Section 12. Subsection (2) of section 550.0555, Florida Statutes, is amended to read:

550.0555 Greyhound dogracing *and jai alai* permits; relocation within a county; conditions.—

(2) Any holder of a valid outstanding permit for greyhound dogracing in a county in which there is only one dogracing permit issued, *as well as any holder of a valid outstanding permit for jai alai in a county where only one jai alai permit is issued,* is authorized, without the necessity of an additional county referendum required under s. 550.0651, to move the location for which the permit has been issued to another location within a 30-mile radius of the location fixed in the permit issued in that county, provided the move does not cross the county boundary, that such relocation is approved under the zoning regulations of the county or municipality in which the permit is to be located *as a planned development use, consistent with the comprehensive plan,* and that such move is approved by the department after it is determined at a proceeding pursuant to chapter 120 in the county affected that the move is necessary to ensure the revenue-producing capability of the permittee without deteriorating the revenue-producing capability of any other pari-mutuel permittee within 50 miles; the distance shall be measured on a straight line from the nearest property line of one racing plant *or jai alai fronton* to the nearest property line of the other.

Section 13. Paragraph (a) of subsection (2) of section 550.09512, Florida Statutes, is amended to read:

550.09512 Harness horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(2)(a) ~~Notwithstanding the provisions of s. 550.0951(3)(a), the~~ *The* tax on handle for live harness horse performances is *0.5* ~~1~~ percent of handle per performance.

Section 14. Section 550.475, Florida Statutes, is amended to read:

550.475 Lease of pari-mutuel facilities by pari-mutuel permitholders.—Holders of valid pari-mutuel permits for the conduct of any *jai alai games,* dogracing, or thoroughbred and standardbred horse racing in this state *are* ~~shall be~~ entitled to lease any and all of their facilities to any other holder of a same class valid pari-mutuel permit for *jai alai games,* dogracing, or thoroughbred or standardbred horse racing, when located within a 35-mile radius of each other; and such lessee *is* ~~shall be~~ entitled to a permit and license to operate its race meet *or jai-alai games* at the leased premises.

Section 15. Subsection (1) of section 550.625, Florida Statutes, is amended to read:

550.625 Intertrack wagering; purses; breeders' awards.—If a host track is a horse track:

(1) A host track racing under either a thoroughbred or quarter horse permit shall pay an amount equal to *6.555* ~~6.125~~ percent of all wagers placed pursuant to the provisions of s. 550.615, as purses during its current race meet. However, up to 0.50 percent of all wagers placed pursuant to s. 550.615 may, at the option of the host track, be deducted from the amount retained by the host track for purses to supplement the awards program for owners of Florida-bred horses as set forth in s. 550.2625(6). A host track racing under a harness permit shall pay an amount equal to 7 percent of all wagers placed pursuant to the provisions of s. 550.615, as purses during its current race meet. If a host track underpays or overpays purses required by this section and s. 550.2625, the provisions of s. 550.2625 apply to the overpayment or underpayment.

Section 16. Subsection (2) of section 550.155, Florida Statutes, is amended to read:

550.155 Pari-mutuel pool within track enclosure; takeouts; breaks; penalty for purchasing part of a pari-mutuel pool for or through another in specified circumstances.—

(2) The permitholder's share of the takeout is that portion of the takeout that remains after the pari-mutuel tax imposed upon the contributions to the pari-mutuel pool is deducted from the takeout and paid by the permitholder. The takeout is deducted from all pari-mutuel pools but may be different depending on the type of pari-mutuel pool. The permitholder shall inform the patrons, either through the official program or via the posting of signs at conspicuous locations, as to the takeout currently being applied to handle at the facility. A capital improvement proposed by a permitholder licensed under this chapter to a pari-mutuel facility existing on June 23, 1981, which capital improvement requires, pursuant to any municipal *or county* ordinance, resolution, or regulation, the qualification or approval of the municipality *or county* wherein the permitholder conducts its business operations, shall receive approval unless the municipality *or county* is able to show that the proposed improvement presents a justifiable and immediate hazard to the health and safety of municipal *or county* residents, provided the permitholder pays to the municipality or county the cost of a building permit and provided the capital improvement meets the following criteria:

(a) The improvement does not qualify as a development of regional impact as defined in s. 380.06; and

(b) The improvement is contiguous to or within the existing pari-mutuel facility site. To be contiguous, the site of the improvement must share a sufficient common boundary with the present pari-mutuel facility to allow full and free access without crossing a public roadway, public waterway, or similar barrier.

Section 17. Subsections (3), (5), (6), (8), and (10) of section 550.26352, Florida Statutes, are amended to read:

550.26352 Breeders' Cup Meet; pools authorized; conflicts; taxes; credits; transmission of races; rules; application.—

(3) If the permitholder conducting the Breeders' Cup Meet is located within 35 miles of one or more permitholders scheduled to conduct a thoroughbred race meet on any of the 3 days of the Breeders' Cup Meet, then operation on any of those 3 days by the other permitholders is prohibited. As compensation for the loss of racing days caused thereby, such operating permitholders shall receive a credit against the taxes otherwise due and payable to the state under ss. 550.0951 and 550.09515. This credit shall be in an amount equal to the operating loss determined to have been suffered by the operating permitholders as a result of not operating on the prohibited racing days, but shall not exceed a total of *$950,000* ~~$500,000~~. The determination of the amount to be credited shall be made by the division upon application by the operating permitholder. The tax credits provided in this subsection shall not be available unless an operating permitholder is required to close a bona fide meet consisting in part of no fewer than 10 scheduled performances in the 15 days immediately preceding or 10 scheduled performances in the 15 days immediately following the Breeders' Cup Meet. Such tax credit shall be in lieu of any other compensation or consideration for the loss of racing days. There shall be no replacement or makeup of any lost racing days.

(5) The permitholder conducting the Breeders' Cup Meet shall receive a credit against the taxes otherwise due and payable to the state under ss. 550.0951 and 550.09515 generated during said permitholder's next ensuing regular thoroughbred race meet. This credit shall be in an amount not to exceed *$950,000* ~~$800,000~~ and shall be utilized by the permitholder to pay the purses offered by the permitholder during the Breeders' Cup Meet in excess of the purses which the permitholder is otherwise required by law to pay. The amount to be credited shall be determined by the division upon application of the permitholder which is subject to audit by the division.

(6) The permitholder conducting the Breeders' Cup Meet shall receive a credit against the taxes otherwise due and payable to the state under ss. 550.0951 and 550.09515 generated during said permitholder's next ensuing regular thoroughbred race meet. This credit shall be in an amount not to exceed *$950,000* ~~$800,000~~ and shall be utilized by the permitholder for such capital improvements and extraordinary expenses as may be necessary for operation of the Breeders' Cup Meet. The amount to be credited shall be determined by the division upon application of the permitholder which is subject to audit by the division.

(8)(a) Pursuant to s. 550.3551(2), the permitholder conducting the Breeders' Cup Meet is authorized to transmit broadcasts of the races conducted during the Breeders' Cup Meet to locations outside of this state for wagering purposes. The division may approve broadcasts to pari-mutuel permitholders and other betting systems authorized under the laws of any other state or country. Wagers accepted by any out-of-state pari-mutuel permitholder or betting system on any races broadcast under this section may be, but are not required to be, commingled with the pari-mutuel pools of the permitholder conducting the Breeders' Cup Meet. The calculation of any payoff on national pari-mutuel pools with commingled wagers may be performed by the permitholder's totalisator contractor at a location outside of this state. Pool amounts from wagers placed at pari-mutuel facilities or other betting systems in foreign countries before being commingled with the pari-mutuel pool of the Florida permitholder conducting the Breeders' Cup Meet shall be calculated by the totalisator contractor and transferred to the commingled pool in United States currency in cycles customarily used by the permitholder. Pool amounts from wagers placed at any foreign pari-mutuel facility or other betting system shall not be commingled with a Florida pool until a determination is made by the division that the technology utilized by the totalisator contractor is adequate to assure commingled pools will result in the calculation of accurate payoffs to Florida bettors. Any totalisator contractor at a location outside of this state shall comply with the provisions of s. 550.495 relating to totalisator licensing.

(b) The permitholder conducting the Breeders' Cup Meet is authorized to transmit broadcasts of the races conducted during the Breeders' Cup Meet to other pari-mutuel facilities located in this state for wagering purposes; however, the permitholder conducting the Breeders' Cup Meet shall not be required to transmit broadcasts to any pari-mutuel facility located within 25 miles of the facility at which the Breeders' Cup Meet is conducted ~~and, further, shall not transmit broadcasts to any pari-mutuel facility located within 25 miles of the facility at which the Breeders' Cup Meet is conducted without the consent of all operating permitholders in the market area. Wagers accepted by all pari-mutuel facilities located in the state on any races broadcast under this section shall be included in the pari-mutuel pools of the permitholder conducting the Breeders' Cup Meet~~.

(10) The division is authorized to adopt such rules as are necessary to facilitate the conduct of the Breeders' Cup Meet as authorized in this section. Included within this grant of authority shall be the adoption *or waiver* of rules regarding the overall conduct of racing during the Breeders' Cup Meet so as to ensure the integrity of the races, licensing for all participants, special stabling and training requirements for foreign horses, commingling of pari-mutuel pools, and audit requirements for tax credits and other benefits.

Section 18. Paragraph (a) of subsection (9) of section 550.6305, Florida Statutes, is amended to read:

550.6305 Intertrack wagering; guest track payments; accounting rules.—

(9) A host track that has contracted with an out-of-state horse track to broadcast live races conducted at such out-of-state horse track pursuant to s. 550.3551(5) may broadcast such out-of-state races to any guest track and accept wagers thereon in the same manner as is provided in s. 550.3551.

(a) For purposes of this section, "net proceeds" means the amount of takeout remaining after the payment of state taxes, purses required pursuant to s. 550.0951(3)(c)1., the cost to the permitholder required to be paid to the out-of-state horse track, breeders' awards paid to the Florida Thoroughbred Breeders' Association and the Florida Standardbred Breeders and Owners Association, to be used as set forth in s. 550.625(2)(a) and (b), and the deduction of any amount retained pursuant to s. 550.615*(12)*~~(11)~~.

Section 19. Subsection (31) of section 550.002, Florida Statutes, is amended to read:

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

(31) "Same class of *races, games,* ~~race~~ or permit" means, with respect to a jai alai permitholder, jai alai games or other jai alai permitholders; with respect to a greyhound permitholder, greyhound races or other greyhound permitholders; with respect to a thoroughbred permitholder, thoroughbred races or other thoroughbred permitholders; with respect to a harness permitholder, harness races or other harness permitholders; with respect to a quarter horse permitholder, quarter horse races or other quarter horse permitholders.

Section 20. Subsections (8) and (9) of section 550.0351, Florida Statutes, are amended to read:

550.0351 Charity racing days.—

(8) In addition to the eligible charities that meet the criteria set forth in this section, a jai alai permitholder is authorized to conduct *two* ~~one~~ additional charity *performances* ~~performance~~ each fiscal year for a fund to benefit retired jai alai players. This performance shall be known as the "Retired Jai Alai Players Charity Day." The administration of this fund shall be determined by rule by the division.

~~(9) Notwithstanding the limitations set forth in subsection (8), any jai alai permitholder who has not conducted one "Retired Jai Alai Players Charity Day" performance per year since the 1992-1993 fiscal year is authorized to conduct up to two performances per fiscal year until the time when the total number of such performances is equivalent to the total number of fiscal years. This subsection shall be repealed on July 1, 2000.~~

Section 21. Section 550.105, Florida Statutes, is amended to read:

550.105 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines.—

(1) Each person connected with a racetrack or jai alai fronton, *as specified in paragraph (2)(a),* shall purchase from the division an annual occupational license, which license is valid from May 1 until June 30 of the following year. All moneys collected pursuant to this section each fiscal year shall be deposited into the Pari-mutuel Wagering Trust Fund. ~~If the division determines that it is in the best interest of the division and persons connected with racetracks, the division may issue a license valid for one season at one racetrack but may not make that determination apply to any person who objects to such determination. In any event, the season license fee must be equal to the annual occupational license fee.~~ Any person may, at her or his option and pursuant to the rules adopted by the division, purchase an occupational license valid for a period of 3 years if the purchaser of the license pays the full occupational license fee for each of the years for which the license is purchased at the time the 3-year license is requested. The occupational license shall be valid during its specified term at any pari-mutuel facility.

(2)(a) *The following* ~~Unrestricted~~ licenses shall be issued to persons *or entities* with access to the backside, racing animals, jai alai players' room, jockeys' room, drivers' room, totalisator room, the mutuels, or money room, or to persons who, by virtue of the position they hold, might be granted access to these areas *or to any other person or entity in one of the following categories and with scheduled annual fees as follows:*~~.~~

1. Business licenses: any business such as a vendor, contractual concessionaire, contract kennel, business owning racing animals, trust or estate, totalisator company, stable name, or other fictitious name: $50.

2. Professional occupational licenses: professional persons with access to the backside of a racetrack or players' quarters in jai alai such as trainers, officials, veterinarians, doctors, nurses, EMT's, jockeys and apprentices, drivers, jai alai players, owners, trustees, or any management or officer or director or shareholder or any other professional-level person who might have access to the jockeys' room, the drivers' room, the backside, racing animals, kennel compound, or managers or supervisors requiring access to mutuels machines, the money room, or totalisator equipment: $40.

3. General occupational licenses: general employees with access to the jockeys' room, the drivers' room, racing animals, the backside of a racetrack or players' quarters in jai alai, such as grooms, kennel helpers, leadouts, pelota makers, cesta makers, or ball boys, or a practitioner of any other occupation who would have access to the animals, the backside, or the kennel compound, or who would provide the security or maintenance of these areas, or mutuel employees, totalisator employees, money-room employees, or any employee with access to mutuels machines, the money room, or totalisator equipment or who would provide the security or maintenance of these areas: $10.

The individuals and entities that are licensed under this paragraph ~~Persons issued an unrestricted license~~ require *heightened* ~~the most~~ state scrutiny, including the submission *by the individual licensees or persons associated with the entities described in this chapter* of fingerprints for a Federal Bureau of Investigation criminal records check.

~~(b) Restricted licenses shall be issued to persons without access to the backside, racing animals, jai alai players' room, jockeys' room, drivers' room, totalisator room, the mutuels, or money room. Persons issued a restricted license require the less state scrutiny and will not require routine criminal records check. The division may require persons issued the restricted license to submit fingerprints for a criminal records check as needed for investigations.~~

(b)~~(c)~~ The division shall *adopt* ~~promulgate~~ rules *pertaining to pari-mutuel* ~~regarding unrestricted and restricted~~ occupational licenses.

~~(d) Pari-mutuel occupational licenses shall be issued in the categories and with scheduled annual fees as follows:~~

~~1. Business licenses: any business such as vendors, contractual concessionaires, contract kennels, businesses owning racing animals, trusts or estates, totalisator companies, stable names, or other fictitious names: $50.~~

~~2. Unrestricted licenses: professional persons with access to the backside of a racetrack or players' quarters in jai alai such as trainers, officials, veterinarians, doctors, nurses, EMT's, jockeys and apprentices, drivers, jai alai players, owners, trustees, or any management or officer or director or shareholder or any other professional level person who might have access to the jockeys' room, drivers' room, the backside, racing animals, or kennel compound: $40.~~

~~3. Unrestricted licenses: general employees with access to the jockeys' room, drivers' room, racing animals, the backside of a racetrack or players' quarters in jai alai such as grooms, kennel helpers, leadouts, pelota makers, cesta makers, ball boys, vendor representatives, or any other occupation who would have access to the animals, the backside, or the kennel compound, or the security or maintenance of these areas: $10.~~

~~4. Unrestricted licenses: managers or supervisors requiring access to mutuels machines, the money room, or totalisator equipment but not requiring access to the backside: $40.~~

~~5. Unrestricted licenses: mutuel employees, totalisator employees, money room employees, and any employee with access to mutuels machines, the money room, or totalisator equipment or the security or maintenance of these areas: $10.~~

~~6. Restricted licenses: managers, supervisors, and other professionals who do not require access to the jockeys' room, drivers' room, racing animals, the backside, the kennel compound, mutuels areas, or money room or totalisator equipment: $40.~~

~~7. Restricted licenses: general employees or occupations which do not require access to the jockeys' room, drivers' room, racing animals, the backside, kennel compound, mutuels areas, money room, or totalisator equipment: $10.~~

(3) Certified public accountants and attorneys licensed to practice in this state shall not be required to hold an occupational license under this section while providing accounting or legal services to a permitholder if the certified public accountant's or attorney's primary place of employment is not on the permitholder premises.

(4)~~(3)~~ It is unlawful ~~for any person~~ to take part in or officiate in any way ~~or to serve in any capacity~~ at any pari-mutuel facility without first having secured a license and paid the occupational license fee.

(5)~~(4)~~(a) The division may:

1. Deny a license to or revoke, suspend, or place conditions upon or restrictions on a license of any person who has been refused a license by any other state racing commission or racing authority;

2. Deny, suspend, or place conditions on a license of any person who is under suspension or has unpaid fines in another jurisdiction;

if the state racing commission or racing authority of such other state or jurisdiction extends to the division reciprocal courtesy to maintain the disciplinary control.

(b) The division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with racetracks and frontons. In addition, the division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state which would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or a crime involving a lack of good moral character, or has had a pari-mutuel license revoked by this state or any other jurisdiction for an offense related to pari-mutuel wagering.

(c) The division may deny, declare ineligible, or revoke any occupational license if the applicant for such license has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States, if such felony or misdemeanor is related to gambling or bookmaking, as contemplated in s. 849.25, or involves cruelty to animals. If the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the director of the division.

(d) If an occupational license will expire by division rule during the period of a suspension the division intends to impose, or if a license would have expired but for pending administrative charges and the occupational licensee is found to be in violation of any of the charges, the license may be revoked and a time period of license ineligibility may be declared. The division may bring administrative charges against any person not holding a current license for violations of statutes or rules which occurred while such person held an occupational license, and the division may declare such person ineligible to hold a license for a period of time. The division may impose a civil fine of up to $1,000 for each violation of the rules of the division in addition to or in lieu of any other penalty provided for in this section. In addition to any other penalty provided by law, the division may exclude from all pari-mutuel facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligibility, any person whose occupational license application has been denied by the division, who has been declared ineligible to hold an occupational license, or whose occupational license has been suspended or revoked by the division.

(e) The division may cancel any occupational license that has been voluntarily relinquished by the licensee.

(6)~~(5)~~ In order to promote the orderly presentation of pari-mutuel meets authorized in this chapter, the division may issue a temporary occupational license. The division shall adopt rules to implement this subsection. However, no temporary occupational license shall be valid for more than 30 days, and no more than one temporary license may be issued for any person in any year.

(7)~~(6)~~ The division may deny, revoke, or suspend any occupational license if the applicant therefor or holder thereof accumulates unpaid obligations or defaults in obligations, or issues drafts or checks that are dishonored or for which payment is refused without reasonable cause, if such unpaid obligations, defaults, or dishonored or refused drafts or checks directly relate to the sport of jai alai or racing being conducted at a pari-mutuel facility within this state.

(8)~~(7)~~ The division may fine, or suspend or revoke, or place conditions upon, the license of any licensee who under oath knowingly provides false information regarding an investigation by the division.

(9)~~(8)~~ The tax imposed by this section is in lieu of all license, excise, or occupational taxes to the state or any county, municipality, or other political subdivision, except that, if a race meeting or game is held or conducted in a municipality, the municipality may assess and collect an additional tax against any person conducting live racing or games within its corporate limits, which tax may not exceed $150 per day for horseracing or $50 per day for dogracing or jai alai. Except as provided in this chapter, a municipality may not assess or collect any additional excise or revenue tax against any person conducting race meetings within the corporate limits of the municipality or against any patron of any such person.

(10)~~(9)~~ Upon application for an occupational license, the division may require the applicant's full legal name; any nickname, alias, or maiden name for the applicant; name of the applicant's spouse; the applicant's date of birth, residence address, mailing address, residence address and business phone number, and social security number; disclosure of any felony or any conviction involving bookmaking, illegal gambling, or cruelty to animals; disclosure of any past or present enforcement or actions by any racing or gaming agency against the applicant; and any information the division determines is necessary to establish the identity of the applicant or to establish that the applicant is of good moral character. Fingerprints shall be taken in a manner approved by the division and then shall be submitted to the Federal Bureau of Investigation, or to the association of state officials regulating pari-mutuel wagering pursuant to the Federal Pari-mutuel Licensing Simplification Act of 1988. The cost of processing fingerprints shall be borne by the applicant and paid to the association of state officials regulating pari-mutuel wagering from the trust fund to which the processing fees are deposited. The division shall require each applicant for an occupational license to have the applicant's signature witnessed and notarized or signed in the presence of a division official. The division, by rule, may require additional information from licensees which is reasonably necessary to regulate the industry. The division may, by rule, exempt certain occupations or groups of persons from the fingerprinting requirements.

Section 22. Subsection (2) of section 550.24055, Florida Statutes, is amended to read:

550.24055 Use of controlled substances or alcohol prohibited; testing of certain occupational licensees; penalty; evidence of test or action taken and admissibility for criminal prosecution limited.—

(2) The occupational licensees, by applying for and holding such licenses, are deemed to have given their consents to submit to an approved chemical test of their breath for the purpose of determining the alcoholic content of their blood and to a urine or blood test for the purpose of detecting the presence of controlled substances. Such tests shall only be conducted upon reasonable cause that a violation has occurred as shall be determined solely by the stewards at a horseracing meeting or the judges or board of judges at a dogtrack or jai alai meet. The failure to submit to such test may result in a suspension of the person's occupational license for a period of 10 days or until this section has been complied with, whichever is longer.

(a) If there was at the time of the test 0.05 percent or less by weight of alcohol in the person's blood, the person is presumed not to have been under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired, and no action of any sort may be taken by the stewards, judges, or board of judges or the division.

(b) If there was at the time of the test an excess of 0.05 percent but less than *0.08* ~~0.10~~ percent by weight of alcohol in the person's blood, that fact does not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that the person's faculties were impaired, but the stewards, judges, or board of judges may consider that fact in determining whether or not the person will be allowed to officiate or participate in any given race or jai alai game.

(c) If there was at the time of the test *0.08* ~~0.10~~ percent or more by weight of alcohol in the person's blood, that fact is prima facie evidence that the person was under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired, and the stewards or judges may take action as set forth in this section, but the person may not officiate at or participate in any race or jai alai game on the day of such test.

All tests relating to alcohol must be performed in a manner substantially similar, or identical, to the provisions of s. 316.1934 and rules adopted pursuant to that section. Following a test of the urine or blood to determine the presence of a controlled substance as defined in chapter 893, if a controlled substance is found to exist, the stewards, judges, or board of judges may take such action as is permitted in this section.

Section 23. Subsection (1) of section 550.26165, Florida Statutes, is amended to read:

550.26165 Breeders' awards.—

(1) The purpose of this section is to encourage the agricultural activity of breeding *and training* racehorses in this state. Moneys *dedicated in this chapter for use as breeders' awards and stallion awards* ~~from breaks and uncashed tickets from pari-mutuel wagering and horseraces~~ are to be used for awards ~~of up to 20 percent of the~~

~~announced gross purse at any race~~ to breeders of registered Florida-bred horses winning horseraces and for similar awards to the owners of stallions who sired Florida-bred horses winning stakes races, if the stallions are registered as Florida stallions standing in this state. *Such awards shall be given at a uniform rate to all winners of the awards, shall not be greater than 20 percent of the announced gross purse, and shall not be less than 15 percent of the announced gross purse if funds are available. In addition, no less than 11 percent nor more than 35 percent, as determined by the Florida Thoroughbred Breeders' Association, of the moneys dedicated in this chapter for use as breeders' awards and stallion awards for thoroughbreds shall be returned prorata to the permitholders that generated the moneys for awards to be distributed by the permitholders to owners of registered Florida-bred thoroughbred horses winning in thoroughbred races and winning or placing in thoroughbred stakes races, all in accordance with a plan established annually no later than 120 days before the first day of the permitholders' racing meet and agreed upon by the permitholder, the Florida Thoroughbred Breeders' Association, and the Florida Horsemen's Benevolent and Protective Association, Inc., except that the plan for the distribution by any permitholder located in the area described in s. 550.615(9) shall be agreed upon by that permitholder, the Florida Thoroughbred Breeders' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location.* Awards for thoroughbred races are to be paid through the Florida Thoroughbred Breeders' Association, and awards for standardbred races are to be paid through the Florida Standardbred Breeders and Owners Association. *Among other sources specified in this chapter,* ~~The~~ moneys for thoroughbred breeders' awards will come from the *0.885* ~~0.75~~ percent of handle for thoroughbred races conducted, received, broadcast, or simulcast under this chapter as provided in s. 550.2625(3). The moneys for quarter horse and harness breeders' awards will come from the breaks and uncashed tickets on live quarter horse and harness racing performances and 1 percent of handle on intertrack wagering. The *funds for these* breeders' awards shall be paid to the respective breeders' associations by the permitholders conducting the races. ~~The awards are to be given at a uniform rate to all winners of the awards and may not be less than 15 percent of the announced gross purse if funds are available.~~

Section 24. Subsections (2) and (3) of section 550.2625, Florida Statutes, are amended to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(2) Each permitholder conducting a horserace meet is required to pay from the takeout withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.

(a) A permitholder conducting a thoroughbred horse race meet under this chapter must pay from the takeout withheld a sum not less than *7.65* ~~7.5~~ percent of all contributions to pari-mutuel pools conducted during the race meet as purses. In addition to the *7.65* ~~7.5~~ percent minimum purse payment, permitholders conducting live thoroughbred performances shall be required to pay as additional purses .625 percent of live handle for performances conducted during the period beginning on January 3 and ending March 16; .225 percent for performances conducted during the period beginning March 17 and ending May 22; and .85 percent for performances conducted during the period beginning May 23 and ending January 2. Except that any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is not subject to this additional purse payment. A permitholder authorized to conduct thoroughbred racing may withhold from the handle an additional amount equal to 1 percent on exotic wagering for use as owners' awards, and may withhold from the handle an amount equal to 2 percent on exotic wagering for use as overnight purses. No permitholder may withhold in excess of 20 percent from the handle without withholding the amounts set forth in this subsection.

(b)1. A permitholder conducting a harness horse race meet under this chapter must pay to the purse pool from the takeout withheld a purse requirement that totals an amount not less than *8.25* ~~8~~ percent of all contributions to pari-mutuel pools conducted during the race meet. An amount not less than *7.75* ~~7.5~~ percent of the total handle shall be paid from this purse pool as purses.

2. An amount not to exceed 0.5 percent of the total handle on all harness horse races that are subject to the purse requirement of subparagraph 1., must be available for use to provide medical, dental, surgical, life, funeral, or disability insurance benefits for occupational licensees who work at tracks in this state at which harness horse races are conducted. Such insurance benefits must be paid from the purse pool specified in subparagraph 1. An annual plan for payment of insurance benefits from the purse pool, including qualifications for eligibility, must be submitted by the Florida Standardbred Breeders and Owners Association for approval to the division. An annual report of the implemented plan shall be submitted to the division. All records of the Florida Standardbred Breeders and Owners Association concerning the administration of the plan must be available for audit at the discretion of the division to determine that the plan has been implemented and administered as authorized. If the division finds that the Florida Standardbred Breeders and Owners Association has not complied with the provisions of this section, the division may order the association to cease and desist from administering the plan and shall appoint the division as temporary administrator of the plan until the division reestablishes administration of the plan with the association.

(c) A permitholder conducting a quarter horse race meet under this chapter shall pay from the takeout withheld a sum not less than 6 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(d) The division shall adopt reasonable rules to ensure the timely and accurate payment of all amounts withheld by horserace permitholders regarding the distribution of purses, owners' awards, and other amounts collected for payment to owners and breeders. Each permitholder that fails to pay out all moneys collected for payment to owners and breeders shall, within 10 days after the end of the meet during which the permitholder underpaid purses, deposit an amount equal to the underpayment into a separate interest-bearing account to be distributed to owners and breeders in accordance with division rules.

(e) An amount equal to 8.5 percent of the purse account generated through intertrack wagering and interstate simulcasting will be used for Florida Owners' Awards as set forth in subsection (3). Any thoroughbred permitholder with an average blended takeout which does not exceed 20 percent and with an average daily purse distribution excluding sponsorship, entry fees, and nominations exceeding $225,000 is exempt from the provisions of this paragraph.

(3) Each horseracing permitholder conducting any thoroughbred race under this chapter, including any intertrack race taken pursuant to ss. 550.615-550.6305 or any interstate simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal to *0.885* ~~0.75~~ percent on all pari-mutuel pools conducted during any such race for the payment of breeders' and stallion awards as authorized in this section. This subsection also applies to all Breeder's Cup races conducted outside this state taken pursuant to s. 550.3551(3). On any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 550.3551(2), the host track is required to pay *3.41* ~~3.3~~ percent of the gross revenue derived from such out-of-state broadcasts as breeders' and stallion awards. The Florida Thoroughbred Breeders' Association is authorized to receive these payments from the permitholders and make payments of awards earned. The Florida Thoroughbred Breeders' Association has the right to withhold up to 10 percent of the permitholder's payments under this section as a fee for administering the payments of awards and for general promotion of the industry. The permitholder shall remit these payments to the Florida Thoroughbred Breeders' Association by the 5th day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the division as prescribed by the division. With the exception of the 10-percent fee, the moneys paid by the permitholders shall be maintained in a separate, interest-bearing account, and such payments together with any interest earned shall be used exclusively for the payment of breeders' awards and stallion awards in accordance with the following provisions:

(a) The breeder of each Florida-bred thoroughbred horse winning a thoroughbred horse race is entitled to an award of up to, but not exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

(b) The owner or owners of the sire of a Florida-bred thoroughbred horse that wins a stakes race is entitled to a stallion award of up to, but not exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

(c) The owners of registered Florida-bred thoroughbred horses winning or placing in thoroughbred stakes races may receive an award in accordance with a plan established in s. 550.26165(1).

(d)~~(c)~~ In order for a breeder of a Florida-bred thoroughbred horse to be eligible to receive a breeder's award, *or for the owners of a registered Florida-bred thoroughbred horse to be eligible to receive an award under paragraph (c),* the horse ~~winning the race~~ must have been registered as a Florida-bred horse with the Florida Thoroughbred Breeders' Association, and the Jockey Club certificate for the ~~winning~~ horse must show that *it* ~~the winner~~ has been duly registered as a Florida-bred horse as evidenced by the seal and proper serial number of the Florida Thoroughbred Breeders' Association registry. The Florida Thoroughbred Breeders' Association shall be permitted to charge the registrant a reasonable fee for this verification and registration.

(e)~~(d)~~ In order for an owner of the sire of a thoroughbred horse winning a stakes race to be eligible to receive a stallion award, the stallion must have been registered with the Florida Thoroughbred Breeders' Association, and the breeding of the registered Florida-bred horse must have occurred in this state. The stallion must be standing permanently in this state during the period of time between February 1 and June 15 of each year or, if the stallion is dead, must have stood permanently in this state for a period of not less than 1 year immediately prior to its death. The removal of a stallion from this state during the period of time between February 1 and June 15 of any year for any reason, other than exclusively for prescribed medical treatment, as approved by the Florida Thoroughbred Breeders' Association, renders the owner or owners of the stallion ineligible to receive a stallion award under any circumstances for offspring sired prior to removal; however, if a removed stallion is returned to this state, all offspring sired subsequent to the return make the owner or owners of the stallion eligible for the stallion award but only for those offspring sired subsequent to such return to this state. The Florida Thoroughbred Breeders' Association shall maintain complete records showing the date the stallion arrived in this state for the first time, whether or not the stallion remained in the state permanently, the location of the stallion, and whether the stallion is still standing in this state and complete records showing awards earned, received, and distributed. The association may charge the owner, owners, or breeder a reasonable fee for this service.

(f)~~(e)~~ A permitholder conducting a thoroughbred horse race under the provisions of this chapter shall, within 30 days after the end of the race meet during which the race is conducted, certify to the Florida Thoroughbred Breeders' Association such information relating to the thoroughbred horses winning a stakes or other horserace at the meet as may be required to determine the eligibility for payment of breeders' awards and stallion awards.

(g)~~(f)~~ The Florida Thoroughbred Breeders' Association shall maintain complete records showing the starters and winners in all races conducted at thoroughbred tracks in this state; shall maintain complete records showing awards earned, received, and distributed; and may charge the owner, owners, or breeder a reasonable fee for this service.

(h)~~(g)~~ The Florida Thoroughbred Breeders' Association shall annually establish a uniform rate and procedure for the payment of breeders' and stallion awards and shall make breeders' and stallion award payments in strict compliance with the established uniform rate and procedure plan. The plan may set a cap on winnings and may limit, exclude, or defer payments to certain classes of races, such as the Florida stallion stakes races, in order to assure that there are adequate revenues to meet the proposed uniform rate. Such plan must include proposals for the general promotion of the industry. Priority shall be placed upon imposing such restrictions in lieu of allowing the uniform rate to be less than 15 percent of the total purse payment. The uniform rate and procedure plan must be approved by the division before implementation. In the absence of an approved plan and procedure, the authorized rate for breeders' and stallion awards is 15 percent of the announced gross purse for each race. Such purse must include nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race. If the funds in the account for payment of breeders' and stallion awards are not sufficient to meet all earned breeders' and stallion awards, those breeders and stallion owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

(i)~~(h)~~ The Florida Thoroughbred Breeders' Association shall keep accurate records showing receipts and disbursements of such payments and shall annually file a full and complete report to the division showing such receipts and disbursements and the sums withheld for administration. The division may audit the records and accounts of the Florida Thoroughbred Breeders' Association to determine that payments have been made to eligible breeders and stallion owners in accordance with this section.

(j)~~(i)~~ If the division finds that the Florida Thoroughbred Breeders' Association has not complied with any provision of this section, the division may order the association to cease and desist from receiving funds and administering funds received under this section. If the division enters such an order, the permitholder shall make the payments authorized in this section to the division for deposit into the Pari-mutuel Wagering Trust Fund; and any funds in the Florida Thoroughbred Breeders' Association account shall be immediately paid to the Division of Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering Trust Fund. The division shall authorize payment from these funds to any breeder or stallion owner entitled to an award that has not been previously paid by the Florida Thoroughbred Breeders' Association in accordance with the applicable rate.

Section 25. Paragraph (a) of subsection (6) of section 550.3551, Florida Statutes, is amended to read:

550.3551 Transmission of racing and jai alai information; commingling of pari-mutuel pools.—

(6)(a) A maximum of 20 percent of the total number of races on which wagers are accepted by a greyhound permitholder not located as specified in s. 550.615(6) may be received from locations outside this state. A permitholder may not conduct fewer than eight live races or games on any authorized race day except as provided in this subsection. A thoroughbred permitholder may not conduct fewer than eight live races on any race day without the written approval of the Florida Thoroughbred Breeders' Association and the *Florida Horsemen's Benevolent and Protective Association, Inc., unless it is determined by the department that another entity represents a majority of the thoroughbred racehorse owners and trainers in the state.* ~~horsemen's group representing the majority of thoroughbred racehorse owners and trainers in this state.~~ A harness permitholder may conduct fewer than eight live races on any authorized race day, except that such permitholder must conduct a full schedule of live racing during its race meet consisting of at least eight live races per authorized race day for at least 100 days. Any harness horse permitholder that during the preceding racing season conducted a full schedule of live racing may, at any time during its current race meet, receive full-card broadcasts of harness horse races conducted at harness racetracks outside this state at the harness track of the permitholder and accept wagers on such harness races. With specific authorization from the division for special racing events, a permitholder may conduct fewer than eight live races or games when the permitholder also broadcasts out-of-state races or games. The division may not grant more than two such exceptions a year for a permitholder in any 12-month period, and those two exceptions may not be consecutive.

Section 26. Subsections (1) and (4) of section 550.6308, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

550.6308 Limited intertrack wagering license.—In recognition of the economic importance of the thoroughbred breeding industry to this state, its positive impact on tourism, and of the importance of a permanent thoroughbred sales facility as a key focal point for the activities of the industry, a limited license to conduct intertrack wagering is established to ensure the continued viability and public interest in thoroughbred breeding in Florida.

(1) Upon application to the division on or before January 31 of each year, any person that is licensed to conduct public sales of thoroughbred horses pursuant to s. 535.01, that has conducted at least 15 days of thoroughbred horse sales at a permanent sales facility in this state for at least 3 consecutive years, and that has conducted at least 1 day of nonwagering thoroughbred racing in this state, with a purse structure of at least $250,000 per year for 2 consecutive years before such application, shall be issued a license, *subject to the conditions set forth in this section,* to conduct intertrack wagering *at such a permanent sales facility during the following periods:* ~~for thoroughbred racing for~~

(a) Up to 21 days in connection with thoroughbred sales;~~, to conduct intertrack wagering at such permanent sales facility~~

(b) Between November 1 and May 8;~~, to conduct intertrack wagering at such permanent sales facility~~

(c) Between May 9 and October 31 at such times and on such days as any thoroughbred, jai alai, or a greyhound permitholder in the same county is not conducting live performances*; provided that any such permitholder may waive this requirement, in whole or in part, and allow the licensee under this section to conduct intertrack wagering during one or more of the permitholder's live performances; and*~~, and to conduct intertrack wagering under the provisions of this subsection~~

(d) During the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet that is conducted before November 1 and after May 8.~~, subject to conditions set forth in this section but~~

No more than one such license may be issued, and no such license may be issued for a facility located within 50 miles of any thoroughbred permitholder's track.

(4) Intertrack wagering under this section may be conducted only on thoroughbred horse racing*, except that intertrack wagering may be conducted on any class of pari-mutuel race or game conducted by any class of permitholders licensed under this chapter if all thoroughbred, jai alai, and greyhound permitholders in the same county as the licensee under this section give their consent.*

(5) The licensee shall be considered a guest track under this chapter. The licensee shall pay 2.5 percent of the total contributions to the daily pari-mutuel pool on wagers accepted at the licensee's facility on greyhound races or jai alai games to the thoroughbred permitholder that is conducting live races for purses to be paid during its current racing meet. If more than one thoroughbred permitholder is conducting live races on a day during which the licensee is conducting intertrack wagering on greyhound races or jai alai games, the licensee shall allocate these funds between the operating thoroughbred permitholders on a prorata basis based on the total live handle at the operating permitholders' facilities.

Section 27. Subsection (7) of section 773.01, Florida Statutes, is amended to read:

773.01 Definitions.—As used in ss. 773.01-773.05:

(7) "Participant" means any person, whether amateur or professional, who engages in *or any equine that participates in* an equine activity, whether or not a fee is paid to participate in the equine activity.

Section 28. Subsection (1) of section 773.03, Florida Statutes, is amended to read:

773.03 Limitation on liability for equine activity; exceptions.—

(1) This section *applies* ~~shall not apply~~ to the horseracing industry as defined in chapter 550.

Section 29. *Interstate Compact on Licensure of Participants in Pari-mutuel Wagering.—There is created the Interstate Compact on Licensure of Participants in Pari-mutuel Wagering.*

Section 30. *Purposes.—The purposes of this compact are to:*

(1) Establish uniform requirements among the party states for the licensing of participants with pari-mutuel wagering, and ensure that all licensed participants meet a uniform minimum standard of honesty and integrity.

(2) Facilitate the growth of the pari-mutuel wagering industry in each party state and nationwide by simplifying the process for licensing participants in pari-mutuel wagering, and reduce the duplicative and costly process of separate licensing by the regulatory agency in each state that conducts pari-mutuel wagering.

(3) Authorize the Department of Business and Professional Regulation to participate in this compact.

(4) Provide for participation in this compact by officials of the party states, and permit those officials, through the compact committee established by this compact, to enter into contracts with governmental agencies and nongovernmental persons to carry out the purposes of this compact.

(5) Establish the compact committee created by this compact as an interstate governmental entity duly authorized to request and receive criminal-history record information from the Federal Bureau of Investigation and other state and local law enforcement agencies.

Section 31. *Definitions.—As used in this compact, the term:*

(1) "Compact committee" means the organization of officials from the party states which is authorized and empowered to carry out the purposes of this compact.

(2) "Official" means the appointed, elected, designated, or otherwise duly selected member of a racing commission, or the equivalent thereof, in a party state who represents that party state as a member of the compact committee.

(3) "Participants in pari-mutuel wagering" means participants in horseracing, greyhound racing, and jai alai games with pari-mutuel wagering in the party states.

(4) "Party state" means each state that has enacted this compact.

(5) "State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory or possession of the United States.

Section 32. *Entry into force.—This compact shall come into force when enacted by any four states. Thereafter, this compact shall become effective in any other state upon that state's enactment of this compact and upon the affirmative vote of a majority of the officials on the compact committee as provided in section 43.*

Section 33. *States eligible to join compact.—Any state that has adopted or authorized pari-mutuel wagering shall be eligible to become a party to this compact.*

Section 34. *Withdrawal from compact; impact on force and effect.—*

(1) Any party state may withdraw from this compact by enacting a statute repealing this compact, but such a withdrawal becomes effective only when the head of the executive branch of the withdrawing party state has given written notice of the withdrawal to the heads of the executive branch of all other party states.

(2) If, as a result of withdrawals, participation in this compact decreases to fewer than three party states, this compact shall no longer be in force and effect until participation in this compact increases to three or more party states.

Section 35. *Compact committee.—*

(1) There is created an interstate governmental entity to be known as the "compact committee," which shall be composed of one official from the racing commission, or the equivalent thereof, in each party state who shall be appointed, serve, and be subject to removal in accordance with the laws of the party state that she or he represents. The official from Florida shall be appointed by the Secretary of Business and Professional Regulation. Pursuant to the laws of her or his party state, each official shall have the assistance of her or his state's racing commission, or the equivalent thereof, in considering issues related to licensing of participants in pari-mutuel wagering and in fulfilling her or his responsibilities as the representative from her or his state to the compact committee.

(2) If an official is unable to perform any of her or his duties as a member of the compact committee, the racing commission, or the equivalent thereof, from her or his state shall designate another of its members as an alternate who shall serve in her or his place and represent the party state as its official on the compact committee, until that racing commission, or the equivalent thereof, determines that the original representative official is once again able to perform her or his duties as that party state's representative official on the compact committee. The designation of an alternate shall be communicated by the affected state's racing commission, or the equivalent thereof, to the compact committee as the committee's bylaws provide.

Section 36. *Powers and duties of compact committee.—In order to carry out the purposes of this compact, the compact committee has the power and duty to:*

(1)(a) Determine which categories of participants in pari-mutuel wagering, including, but not limited to, owners, trainers, jockeys, jai alai players, drivers, grooms, mutuel clerks, racing officials, veterinarians, and farriers, should be licensed by the committee, and to establish the requirements for the initial licensure of applicants in each category, the term of the license for each category, and the requirements for renewal of licenses in each category.

(b) With regard to requests for criminal-history record information on each applicant for a license, and with regard to the effect of a criminal record on the issuance or renewal of a license, determine for each category of participants in pari-mutuel wagering which licensure requirements for that category are, in its judgment, the most-restrictive licensure requirements of any party state for that category and to adopt licensure requirements for that category which are, in its judgment, comparable to those most-restrictive requirements.

(2) Investigate applicants for licensure by the compact committee and, as permitted by federal and state law, gather information on such applicants, including criminal-history record information from the Federal Bureau of Investigation and relevant state and local law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted Police and law enforcement agencies of other countries, which is necessary to determine whether a license should be issued under the licensure requirements established by the committee under subsection (1). The fingerprints of each applicant for licensure by the compact committee shall be taken by the compact committee, its employees, or its designee, and, pursuant to Pub. L. No. 92-544 or Pub. L. No. 100-413, shall be forwarded to a state identification bureau or to the Association of Racing Commissioners International, Inc., for submission to the Federal Bureau of Investigation for a criminal-history record check. Such fingerprints may be submitted on a fingerprint card or by electronic or other means authorized by the Federal Bureau of Investigation or other receiving law enforcement agency.

(3) Issue licenses to, and renew the licenses of, participants in pari-mutuel wagering who are found by the committee to have met the licensure and renewal requirements established by the committee under subsection (1). The compact committee shall not have the power or authority to deny a license. If the compact committee determines that an applicant is not eligible for the issuance or renewal of a compact committee license, the compact committee shall notify the applicant that her or his application will not be processed further. Such notification does not constitute and shall not be considered to be the denial of a license. Any such applicant shall have the right to present additional evidence to, and be heard by, the compact committee, but the final decision on issuance or renewal of the license shall be made by the compact committee using the requirements established under subsection (1).

(4) Enter into contracts or agreements with governmental agencies and nongovernmental persons to provide personal services for its activities and such other services as are necessary to effectuate the purposes of this compact.

(5) Create, appoint, and abolish those offices, employments, and positions, including that of executive director, that it considers necessary for the purposes of this compact; prescribe the powers, duties, and qualifications of, and hire persons to fill, such offices, employments, and positions; and provide for the removal, term, tenure, compensation, fringe benefits, retirement benefits, and other conditions of employment of persons filling such offices, employments, and positions.

(6) Borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association, corporation, or other entity.

(7) Acquire, hold, and dispose of real and personal property by gift, purchase, lease, or license, or in other similar manner, in furtherance of the purposes of this compact.

(8) Charge a fee to each applicant for an initial license or renewal of a license.

(9) Receive other funds through gifts, grants, and appropriations.

Section 37. *Voting requirements.—*

(1) Each member of the compact committee is entitled to one vote.

(2) All action taken by the compact committee with regard to the addition of party states, the licensure of participants in pari-mutuel wagering, and the receipt and disbursement of funds requires a majority vote of the members of the compact committee or their alternates. All other action by the compact committee requires a majority vote of the members present or their alternates.

(3) The compact committee may not take any action unless a quorum is present. A majority of the members of the compact committee or their alternates constitutes a quorum.

Section 38. *Administration and management.—*

(1) The compact committee shall elect annually from among its members a chairperson, a vice chairperson, and a secretary/treasurer.

(2) The compact committee shall adopt bylaws for the conduct of its business by a two-thirds vote of the members of the committee or their alternates and may, by the same vote, amend and rescind these bylaws. The compact committee shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendments thereto with the Secretary of State or equivalent agency of each of the party states.

(3) The compact committee may delegate the day-to-day management and administration of its duties and responsibilities to an executive director and her or his support staff.

(4) Employees of the compact committee shall be considered governmental employees.

Section 39. *Immunity from liability for performance of official responsibilities and duties.—A member or employee of the compact committee may not be held personally liable for any good-faith act or omission that occurs during the performance and within the scope of her or his responsibilities and duties under this compact.*

Section 40. *Rights and responsibilities of each party state.—*

(1) By enacting this compact, each party state:

(a) Agrees to:

1. Accept the decisions of the compact committee regarding the issuance of compact committee licenses to participants in pari-mutuel wagering pursuant to the committee's licensure requirements.

2. Reimburse or otherwise pay the expenses of its official representative on the compact committee or her or his alternate.

(b) Agrees not to treat a notification to an applicant by the compact committee described in subsection (3) of section 42 as the denial of a license, or to penalize such an applicant in any other way based solely on such a decision by the compact committee.

(c) Reserves the right to:

1. Apply its own standards in determining whether, on the facts of a particular case, a compact committee license should be suspended or revoked. Any party state that suspends or revokes a compact committee license shall, through its racing commission or the equivalent thereof, or otherwise, promptly notify the compact committee of that suspension or revocation.

2. Apply its own standards in determining licensure eligibility, under the laws of that party state, for categories of participants in pari-mutuel wagering which the compact committee decides not to license and for individual participants in pari-mutuel wagering who do not meet the licensure requirements of the compact committee.

3. Establish its own licensure standards for those who are not covered by the compact committee license.

(2) A party state may not be held liable for the debts or other financial obligations incurred by the compact committee.

Section 41. *Construction and severability.—*

(1) This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of the United States or of any party state, or if the applicability of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby.

(2) If all or some portion of this compact is held to be contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Section 42. *Subsection (9) of section 550.615, Florida Statutes, is repealed.*

Section 43. Effective September 1, 2000, subsection (1) of section 561.501, Florida Statutes, is amended to read:

561.501 Surcharge on sale of alcoholic beverages for consumption on the premises; penalty.—

(1) Notwithstanding s. 561.50 or any other provision of the Beverage Law, a surcharge of *5* ~~6.67~~ cents is imposed upon each ounce of liquor and each 4 ounces of wine, a surcharge of *3* ~~4~~ cents is imposed on each 12 ounces of cider, and a surcharge of *3* ~~2.67~~ cents is imposed on each 12 ounces of beer sold at retail for consumption on premises licensed by the division as an alcoholic beverage vendor.

Section 44. Effective September 1, 2000, subsection (4) of section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.—

(4) State funds collected pursuant to s. 561.501 shall be paid into the State Treasury and credited to the following accounts:

(a) *Twenty and four-tenths* ~~Thirteen and six-tenths~~ percent of the surcharge on the sale of alcoholic beverages for consumption on premises shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Children and Family Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

(b) The remainder of collections shall be credited to the General Revenue Fund.

Section 45. Paragraph (b) 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.—

(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 *$15,000* ~~$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 department 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 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 "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. 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.

7. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must 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.

Section 46. Except as otherwise provided herein, this act shall take effect July 1, 2000.

And the title is amended as follows:
Remove from the title of the bill: the entire title

and insert in lieu thereof: An act relating to taxation; amending s. 212.20, F.S.; authorizing a distribution of sales and use tax revenues to county governments; repealing s. 550.01215(8), F.S., relating to the use of permitted pari-mutuel facilities; amending s. 550.135, F.S.; eliminating the annual distribution of pari-mutuel tax revenues to county governments; amending s. 550.0951, F.S.; providing that the daily license fee tax credit provided by said section and the $360,000 or $500,000 tax exemption provided by s. 550.09514(1), F.S., may be applied to any tax and daily license fees imposed under ch. 550, F.S.; removing restrictions on the transfer of the daily license fee tax credit by greyhound permitholders; authorizing transfer of the $360,000 or $500,000 tax exemption by a greyhound permitholder to a greyhound permitholder that acts as host track to such permitholder for intertrack wagering; providing for repayment; providing for rules; reducing the taxes on handle for greyhound dogracing, for intertrack wagering when the host track is a dog track, for intertrack wagers accepted by certain dog tracks, for intertrack wagers when both the host and guest are thoroughbred tracks or other guest tracks within the market area; providing exceptions; removing the additional tax on the surcharge on winning tickets; redirecting deposits from the General Revenue Fund to the Pari-mutuel Wagering Trust Fund; revising the time period for remittance of certain fees and taxes; forgiving certain taxes; amending s. 550.09514, F.S.; revising application and administration of the $360,000 or $500,000 tax exemption provided by said section; providing for payment of additional purses by greyhound permitholders in an amount equal to a percentage of the tax reduction resulting from the reduction of the taxes on handle; providing requirements with respect thereto; providing for audits; amending s. 550.09515, F.S.; modifying the tax on handle for thoroughbred performances; redirecting deposits from the General Revenue Fund to the Pari-mutuel Wagering Trust Fund; providing a credit against taxes on live handle equal to 1 percent of the tax paid in prior year; providing for contributions for the health and welfare of jockeys; amending s. 550.1645, F.S., to conform; creating s. 550.1647, F.S.; providing for payments and credits concerning unclaimed pari-mutuel tickets by greyhound permitholders; amending s. 550.615, F.S., relating to intertrack wagering and leased greyhound facilities; authorizing certain permitholders to conduct intertrack wagering at certain additional facilities; amending s. 550.0555, F.S.; providing legislative intent; providing for the relocation of jai alai permittees within a county in the same manner as is currently provided for the relocation of greyhound dogracing permittees within a county; providing that relocation of permittees be consistent with the local government comprehensive plan; amending s. 550.09512, F.S.; reducing the tax on handle for live harness performances; amending s. 550.475, F.S.; providing for leasing of jai alai facilities; amending s. 550.625, F.S.; increasing the percentage of purses for throughbred and quarter horse racing; amending s. 550.155, F.S.; requiring counties to approve certain capital improvements by permitholders in certain situations; amending s. 550.26352, F.S., relating to the Breeders' Cup Meet; increasing the amount of certain tax credits allowed to permitholders; deleting certain limitations on broadcasts to pari-mutuel facilities; authorizing the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to waive certain rules; amending s. 550.6305, F.S.; conforming cross-references; amending s. 550.002, F.S.; substituting the term "same class of races, games, or permit" for the term "same class of race or permit"; amending s. 550.0351, F.S.; increasing the number of charity performances per fiscal year which a jai alai permitholder may conduct; amending s. 550.105, F.S.; revising provisions relating to licenses for persons or entities with access to certain areas of racetracks and frontons; amending s. 550.24055, F.S.; amending standards used in testing certain licensees to determine whether they have abused alcoholic beverages; amending s. 550.26165, F.S.; providing for breeders' awards and stallion awards; providing for certain moneys to be returned to the permitholders that generated the money, in accordance with a plan to be established annually by specified entities; amending s. 550.2625, F.S.; amending minimum purse requirements for throughbred and harness racing permitholders; amending criteria for the payment of breeders' awards and stallion awards; amending s. 550.3551, F.S.; requiring the written approval of

the Florida Horsemen's Benevolent and Protective Association, Inc., before a thoroughbred permitholder may conduct fewer than eight live races on any race day; providing for department determination of majority representation; amending s. 550.6308, F.S.; amending provisions relating to limited intertrack wagering licenses; expanding the types of pari-mutuel races or games on which intertrack wagering may be conducted, subject to certain conditions; requiring a licensee to pay a specified amount to the daily pari-mutuel pool on certain wagers to thoroughbred permitholders conducting live races; amending s. 773.01, F.S.; amending the definition of the term "participant" as used in ss. 773.01-773.05, F.S.; amending ss. 773.03, F.S., relating to limitation on liability for equine activity; providing that the section does apply to the horseracing industry as defined in ch. 550, F.S.; creating the Interstate Compact on Licensure of Participants in Pari-mutuel Wagering; providing purposes of the compact; providing definitions; providing for the effective date of the compact; providing criteria for eligibility to join the compact; providing procedures for withdrawing from the compact; creating an interstate governmental entity to be known as the compact committee; providing the powers and duties of the compact committee; providing voting requirements for the committee; providing for the administration and management of the committee; providing that committee employees are governmental employees; providing immunity from liability for performance of official responsibilities and duties of the compact committee; providing rights and responsibilities of each state that is a party to the compact; providing for construction and severability of provisions of the compact; repealing s. 550.615(9), F.S., relating to limited intertrack wagering license; amending s. 561.501, F.S.; reducing the alcoholic beverage surcharges on liquor, wine, cider, and beer sold for consumption on the premises; amending s. 561.121, F.S.; increasing the portion of the surcharge which is transferred to the Children and Adolescents Substance Abuse Trust Fund; amending s. 212.08, F.S.; revising the amount of the exemption from the tax on sales, use, and other transactions for industrial machinery and equipment used in an expanding business; providing effective dates.

Rep. Bitner moved the adoption of the amendment, which was adopted.

On motion by Rep. Bitner, the rules were suspended and CS for CS for SB 770 & SB 286, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 599

Yeas—107

The Chair	Constantine	Henriquez	Posey
Albright	Cosgrove	Heyman	Prieguez
Alexander	Crady	Hill	Pruitt
Andrews	Crist	Jacobs	Putnam
Argenio	Crow	Johnson	Rayson
Argenziano	Diaz de la Portilla, R.	Jones	Reddick
Arnall	Dockery	Kosmas	Ritchie
Bainter	Edwards	Kyle	Ritter
Ball	Effman	Lacasa	Rojas
Barreiro	Eggelletion	Lawson	Rubio
Bense	Fasano	Lee	Russell
Betancourt	Feeney	Levine	Ryan
Bilirakis	Fiorentino	Littlefield	Sanderson
Bitner	Flanagan	Logan	Sembler
Bloom	Fuller	Lynn	Smith, C.
Boyd	Futch	Maygarden	Smith, K.
Bronson	Garcia	Melvin	Sobel
Brown	Gay	Merchant	Sorensen
Brummer	Goode	Miller, L.	Spratt
Bucher	Gottlieb	Minton	Stafford
Bullard	Green, C.	Morroni	Stansel
Bush	Greene, A.	Murman	Suarez
Byrd	Greenstein	Ogles	Sublette
Casey	Hafner	Patterson	Trovillion
Chestnut	Hart	Peaden	Turnbull
Villalobos	Wasserman Schultz	Wiles	Wise
Wallace	Waters	Wilson	

Nays—4

Frankel	Goodlette	Kilmer	Miller, J.

Votes after roll call:
Yeas—Bradley, Roberts
Yeas to Nays—Argenziano, Bense, Peaden

So the bill passed, as amended, and was immediately certified to the Senate.

Conference Committee Report on CS/HB 1721

On motion by Rep. Lacasa, the House took up the following Report of the Conference Committee on CS/HB 1721:

The Honorable Toni Jennings May 5, 2000
President of the Senate

The Honorable John Thrasher
Speaker, House of Representatives

Dear President Jennings and Speaker Thrasher:

Your Conference Committee on the disagreeing votes of the two houses on preserving the tobacco settlement, same being:

An Act relating to tobacco

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

1. That the Senate and House of Representatives pass CS/HB 1721 as amended by said Conference Committee Amendment.

Locke Burt	*Greg Gay*
Jim Horne	*Kenneth Gottlieb*
Tom Rossin	*Carlos A. Lacasa*
Managers on the part of the Senate	Managers on the part of the House of Representatives

(Amendment Bar Code: 364111)

Conference Committee Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 215.56005, Florida Statutes, is created to read:

215.56005 Tobacco Settlement Financing Corporation.—

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

(a) "Bond" means any bond, debenture, note, certificate, or other obligation of financial indebtedness issued by the corporation under this section.

(b) "Corporation" means the Tobacco Settlement Financing Corporation created by this section.

(c) "Department" means the Department of Banking and Finance or its successor.

(d) "Purchase agreement" means a contract between the corporation and the State of Florida, acting by and through the department, in which the State of Florida sells to the corporation any or all of the state's right, title, and interest in and to the tobacco settlement agreement, including, but not limited to, the moneys to be received thereunder.

(e) "State" means the State of Florida.

(f) "Tobacco settlement agreement" means the settlement agreement, as amended, entered into by the state and participating cigarette manufacturers in settlement of State of Florida v. American Tobacco Co., No. 95-1466AH (Fla. 15th Cir. Ct. 1996).

(2)(a) CORPORATION CREATION AND AUTHORITY.—The Tobacco Settlement Financing Corporation is hereby created as a special purpose, not-for-profit, public benefits corporation, for the purpose of purchasing any or all of the state's right, title, and interest in and to the tobacco settlement agreement and issuing bonds to pay the purchase price therefor which shall be used to provide funding for the Lawton Chiles Endowment Fund. The corporation is authorized to purchase any or all of the state's right, title, and interest in and to the tobacco settlement agreement and to issue bonds to pay the purchase price therefor. The proceeds derived by the state from the sale of any or all of the state's right, title, and interest in and to the tobacco settlement agreement shall be used to fund the Lawton Chiles Endowment Fund. The fulfillment of the purposes of the corporation promotes the health, safety, and general welfare of the people of this state and serves essential governmental functions and a paramount public purpose.

(b) The corporation shall be governed by a board of directors consisting of the Governor, the Treasurer, the Comptroller, the Attorney General, two directors appointed from the membership of the Senate by the President of the Senate, and two directors appointed from the membership of the House of Representatives by the Speaker of the House of Representatives. On January 7, 2003, the board shall include the Chief Financial Officer or the Chief Financial Officer's designee, in place of the Treasurer and the Comptroller or their designees. The executive director of the State Board of Administration shall be the chief executive officer of the corporation and shall direct and supervise the administrative affairs and operation of the corporation. The corporation shall also have such other officers as may be determined by the board of directors.

(c) The corporation shall have all the powers of a corporate body under the laws of this state, including, but not limited to, the powers of corporations under chapter 617, to the extent not inconsistent with or restricted by the provisions of this section, including, but not limited to, the power to:

1. Adopt, amend, and repeal bylaws not inconsistent with this section.

2. Sue and be sued.

3. Adopt and use a common seal.

4. Acquire, purchase, hold, lease, and convey real and personal property, contract rights, general intangibles, revenues, moneys, and accounts as may be proper or expedient to carry out the purposes of the corporation and this section, and to assign, convey, sell, transfer, lease, or otherwise dispose of such property.

5. Elect or appoint and employ such officers, agents, and employees as the corporation deems advisable to operate and manage the affairs of the corporation, which officers, agents, and employees may be employees of this state or of the state officers and agencies represented on the board of directors of the corporation.

6. Make and execute any and all contracts, trust agreements, trust indentures, and other instruments and agreements necessary or convenient to accomplish the purposes of the corporation and this section, including but not limited to investment contracts, swap agreements, or liquidity facilities.

7. Select, retain, and employ professionals, contractors, or agents, which may include the Division of Bond Finance of the State Board of Administration, as necessary or convenient to enable or assist the corporation in carrying out the purposes of the corporation.

8. Do any act or thing necessary or convenient to carry out the purposes of the corporation subject to approval of the Legislature where required in this section.

(d) The corporation is authorized to enter into one or more purchase agreements with the department pursuant to which the corporation purchases any or all of the state's right, title, and interest in and to the tobacco settlement agreement and to execute and deliver any other documents necessary or desirable to effectuate such purchase. Sale of all or part of the state's right, title, and interest in and to the tobacco settlement agreement is subject to approval by the Legislature in a regular, extended, or special session. The tobacco settlement agreement moneys received pursuant to the purchase agreements may be used for the costs and expenses of administration of the corporation.

(e)1. The corporation may issue bonds payable from and secured by amounts payable to the corporation pursuant to the tobacco settlement agreement. Issuance of bonds by the corporation is subject to approval by the Legislature in a regular, extended, or special session. In addition, the corporation is authorized to issue bonds to refund previously issued bonds and to deposit the proceeds of such bonds as provided in the documents authorizing the issuance of such bonds. The corporation is authorized to do all things necessary or desirable in connection with the issuance of the bonds, including, but not limited to, establishing debt service reserves or other additional security for the bonds, providing for capitalized interest, and executing and delivering any and all documents and agreements. The total principal amount of bonds issued by the corporation shall not exceed $3.0 billion. The principal amount of bonds issued in any single fiscal year shall not exceed $1.5 billion, beginning with the 2000-2001 fiscal year. The limitation on the principal amount of bonds issued by the corporation shall not apply to bonds issued to refund previously issued bonds. No series of bonds issued shall have a true interest cost rate of more than 4 percent over the yield on U.S. Treasury obligations which have a maturity approximately equal to the average life of such series of bonds. Satisfaction of the foregoing interest rate limitation shall be determined on the date such bonds are sold or a definitive agreement to sell such bonds at specified prices or yields is executed and delivered. The corporation may sell bonds through competitive bidding or negotiated contracts, whichever method of sale is determined by the corporation to be in the best interest of the corporation.

2. The corporation does not have the power to pledge the credit, the general revenues, or the taxing power of the state or of any political subdivision of the state. The obligations of the department and the corporation under the purchase agreement and under any bonds shall not constitute a general obligation of the state or a pledge of the faith and credit or taxing power of the state. The bonds shall be payable from and secured by payments received under the tobacco settlement agreement and neither the state nor any of its agencies shall have any liability on such bonds. Such bonds shall not be construed in any manner as an obligation of the state or any agency of the state, the department, the State Board of Administration or entities for which the State Board of Administration invests funds, or board members or their respective agencies. The corporation shall not be authorized to expend moneys for payment of debt service on bonds from any source other than revenues received under the tobacco settlement agreement or reserves, funds, or accounts established pursuant to documents authorizing the issuance of such bonds.

3. The corporation may validate any bonds issued pursuant to this paragraph and the security for payment for such bonds, as provided in chapter 75. The validation complaint shall be filed only in the circuit court for Leon County. The notice required under s. 75.06 shall be published in Leon County and the complaint and order of the circuit court shall be served only on the State Attorney for the Second Judicial Circuit. The provisions of ss. 75.04(2) and 75.06(2) shall not apply to a validation complaint filed as authorized in this paragraph. The validation of the first bonds issued pursuant to this paragraph may be appealed to the Supreme Court and such appeal shall be handled on an expedited basis.

4. The state hereby covenants with the holders of bonds of the corporation that the state will not limit or alter the authority or the rights under this section vested in the corporation to fulfill the terms of any agreement, including the terms of any purchase agreement, or in any way impair the rights and remedies of such bondholders until at least one year and one day after which no such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing such bonds.

5. The corporation shall not take any action which will materially and adversely affect the rights of holders of any bonds issued under this paragraph as long as such bonds are outstanding.

6. Until at least one year and one day after which no bonds of the corporation remain outstanding, the corporation shall not have the authority to file a voluntary petition under chapter 9 of the federal Bankruptcy Code or such corresponding chapter or sections as may be in effect, from time to time, and neither any public officer nor any organization, entity, or other person shall authorize the corporation to be or become a debtor under chapter 9 of the federal Bankruptcy Code or such corresponding chapter or sections as may be in effect, from time to time, during any such period. The state hereby covenants with the holders of bonds of the corporation that the state will not limit or alter the denial of authority to file bankruptcy under this paragraph until at least one year and one day after which no bonds of the corporation remain outstanding.

7. The corporation may contract with the State Board of Administration to serve as trustee with respect to bonds issued by the corporation as provided by this paragraph and to hold, administer, and invest proceeds of such bonds and other funds of the corporation and to perform other services required by the corporation. The State Board of Administration may perform such services and may contract with others to provide all or a part of such services and to recover the costs and expenses of providing such services.

(f) Notwithstanding any other provision of law, any pledge of or other security interest in revenues, moneys, accounts, contract rights, general intangibles, or other personal property made or created by the corporation or department resulting from the authority of this section shall be valid, binding, and perfected from the time such pledge is made or other security interest attaches without any physical delivery of the collateral or further act, and the lien of any such pledge or other security interest shall be valid, binding, and perfected against all parties having claims of any kind in tort, contract, or otherwise against the corporation irrespective of whether such parties have notice of such claims. No instrument by which such a pledge or security interest is created or any financing statement need be recorded or filed.

(g) The corporation shall not be deemed to be a special district for purposes of chapter 189 or a unit of local government for purposes of part III of chapter 218. The provisions of chapter 120, part I of chapter 287, and ss. 215.57-215.83 shall not apply to this section, the corporation created in this section, the purchase agreements entered into pursuant to this section, or bonds issued by the corporation as provided in this section, except that underwriters, financial advisors, and legal counsel shall be selected in a manner consistent with the rules adopted pursuant to the State Bond Act for the selection of service providers and underwriters.

(h) In no event shall any of the benefits or earnings of the corporation inure to the benefit of any private person.

(i) Unless such officer, employee, or agent acted outside the course and scope of his or her employment or acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, there shall be no liability on the part of, and no cause of action shall arise against, any board member of the corporation or any employee of the corporation or the state for any actions taken by such board member or employee in the performance of his or her duties under this section.

(j) The corporation is exempt from taxation and assessments of any nature whatsoever upon the income of the corporation and any property, assets, or revenues acquired, received, or used in the furtherance of the purposes provided in this section.

(k) The corporation and its corporate existence shall continue until terminated by law; however, no such law shall take effect until at least one year and one day after which no bonds of the corporation remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds. Upon termination of the existence of the corporation, all rights and properties of the corporation in excess of obligations of the corporation shall pass to and be vested in the Lawton Chiles Endowment Fund.

(l) The Auditor General may conduct financial audits of the accounts and records of the corporation.

(m) If any provision of this section or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and under such circumstances the provisions of this section are declared severable.

(3) POWERS OF THE DEPARTMENT.—

(a) The department is authorized, on behalf of the state, to do all things necessary or desirable to assist the corporation in the execution of the corporation's responsibilities, including, but not limited to, processing budget amendments against the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund, subject to the requirements of s. 216.177, for the costs and expenses of administration of the corporation in an amount not to exceed $500,000; entering into one or more purchase agreements to sell to the corporation any or all of the state's right, title, and interest in and to the tobacco settlement agreement; executing any administrative agreements with the corporation to fund the administration, operation, and expenses of the corporation from moneys appropriated for such purpose; and executing and delivering any and all other documents and agreements necessary or desirable in connection with the sale of any or all of the state's right, title, and interest in and to the tobacco settlement agreement to the corporation or the issuance of the bonds by the corporation. The department's authority to sell any or all of the state's right, title, and interest in and to the tobacco settlement agreement is subject to approval by the Legislature in a regular, extended, or special session.

(b) The state hereby covenants with the holders of bonds of the corporation that the state will not limit or alter the authority or the rights under this section vested in the department to fulfill the terms of any agreement, including the terms of any purchase agreement, or in any way impair the rights and remedies of such bondholders until at least one year and one day after which no such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing such bonds.

(c) The department is authorized, on behalf of the state, to make any covenant, representation, or warranty necessary or desirable in connection with the sale of any or all of the state's right, title, and interest in and to the tobacco settlement agreement to the corporation or the issuance of the bonds by the corporation. Such covenants may specifically include a covenant to take whatever actions are necessary on behalf of the corporation or holders of the bonds issued by the corporation to enforce the provisions of the tobacco settlement agreement, and any rights and remedies thereunder.

Section 2. Section 17.41, Florida Statutes, is amended to read:

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

(1) The Department of Banking and Finance Tobacco Settlement Clearing Trust Fund is created within that department.

(2) Funds to be credited to the *Tobacco Settlement Clearing* Trust Fund shall consist of ~~all annual~~ payments received by the state from settlement of State of Florida v. American Tobacco Co., No. 95-1466AH (Fla. 15th Cir. Ct. 1996). ~~All~~ Moneys received from the settlement *and* ~~shall be~~ deposited into the trust fund ~~and~~ are exempt from the service charges imposed under s. 215.20.

(3)(a) Subject to approval of the Legislature, all or any portion of the state's right, title, and interest in and to the tobacco settlement agreement may be sold to the Tobacco Settlement Financing Corporation, created pursuant to s. 215.56005. Any such sale shall be a true sale and not a borrowing.

(b) Any moneys received by the state pursuant to any residual interest retained in the tobacco settlement agreement or the payments to be made under the tobacco settlement agreement shall be deposited into the Tobacco Settlement Clearing Trust Fund.

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

~~(3) The State Board of Administration shall invest and reinvest the moneys in the trust fund in accordance with ss. 215.44-215.53. Costs and fees of the State Board of Administration for providing such investment services shall be deducted from the earnings accruing to the trust fund.~~

(5)~~(4)~~ The department shall disburse funds, by nonoperating transfer, from the *Tobacco Settlement* Clearing Trust Fund to the tobacco settlement trust funds of the various agencies in amounts equal to the annual appropriations made from those *agencies'* trust funds in the General Appropriations Act.

(6)~~(5)~~ Pursuant to the provisions of s. 19(f)(3), Art. III of the State Constitution, the *Tobacco Settlement Clearing* Trust Fund is exempt from the termination provisions of s. 19(f)(2), Art. III of the State Constitution.

Section 3. Paragraphs (a), (b), and (f) of subsection (4), paragraphs (d) and (e) of subsection (5), and subsection (7) of section 215.5601, Florida Statutes, are amended to read:

215.5601 Lawton Chiles Endowment Fund.—

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

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

(b) Funds from the endowment shall be *transferred* ~~distributed~~ by the board to *the Tobacco Settlement Clearing Trust Fund, created in s. 17.41,* ~~trust funds of the state agencies~~ in the amounts indicated by reference to the legislative appropriations for the state agencies, except as otherwise provided in this section.

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

(5) ADMINISTRATION OF THE ENDOWMENT.—

(d) No later than *August 15 and* February 15 *of each year*~~, 2000~~, the board shall report on the financial status of the endowment to the Governor, the Speaker of the House of Representatives, the President of the Senate, the chairs of the respective appropriations and appropriate substantive committees of each chamber, and the Revenue Estimating Conference. ~~Thereafter, the board shall make a status report to such persons no later than August 15 and February 15 of each year.~~

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

(7) ENDOWMENT PRINCIPAL~~; APPROPRIATION OF EARNINGS.~~ The *endowment shall receive moneys from the sale of the state's right, title, and interest in and to the tobacco settlement agreement and from* ~~following~~ amounts ~~are appropriated~~ *transferred* from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund. *Amounts to be transferred from the clearing trust fund shall be in the following amounts for the following fiscal years* ~~to the Lawton Chiles Endowment Fund for Health and Human Services~~:

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

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

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

(d) For fiscal year 2002-2003, $200 million.

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

Section 4. Section 768.733, Florida Statutes, is created to read:

768.733 Bonds in class actions; limitations.—

(1) In any civil action that is brought as a certified class action, the trial court, upon the posting of a bond or equivalent surety as provided in this section, shall stay the execution of any judgment, or portion thereof, entered on account of punitive damages pending completion of any appellate review of the judgment.

(2) The required bond or equivalent surety acceptable to the court for imposition of the stay shall be the lower of:

(a) The amount of the punitive-damages judgment, plus twice the statutory rate of interest; or

(b) Ten percent of the net worth of the defendant as determined by applying generally accepted accounting principles to the defendant's financial status as of December 31 of the year prior to the judgment for punitive damages;

provided that in no case shall the amount of the required bond or equivalent surety exceed $100 million, regardless of the amount of punitive damages.

(3) If, at any time after notice and hearing, the court finds that a defendant who has posted a bond or equivalent surety pursuant to subsection (2) is purposefully moving assets with the intent to avoid the punitive-damages judgment, the court shall increase the bond or equivalent surety to the amount determined pursuant to paragraph (2)(a). If the defendant does not post the additional bond required by the court, the stay shall be revoked.

Section 5. *(1) The Task Force on Tobacco-Settlement-Revenue Protection is created to determine the need for and evaluate methods for protecting the state's tobacco settlement revenue from significant loss. The task force shall, at a minimum, study and make a determination of:*

(a) The degree of risk posed to the amount of tobacco-settlement revenue as a consequence of a decline in domestic tobacco sales and increased sale of foreign or nonsettling manufacturers' products.

(b) The degree of risk posed to the tobacco-settlement revenue by potential dissolution or restructure of the tobacco companies that were defendants in the state's suit.

(c) The necessity and advisability of taking action to protect the asset value of the tobacco settlement.

(d) The options available for protecting the noneconomic and economic benefits and asset value of tobacco-settlement revenues, including, but not limited to, securitization, insurance, self-insurance,

model statute, licensing of manufacturers, or a combination of these or other options.

(e) The impact on tobacco use of changes in the noneconomic benefits of the tobacco-settlement agreements, adoption of the model statute, or agreement.

(2) The task force shall submit an initial report to the President of the Senate and the Speaker of the House of Representatives by November 1, 2000. The report shall include findings and results of the task force's studies and determinations and any specific recommendations, including recommendations for legislative revisions to address the issues and meet the needs identified under paragraphs (1)(a)-(e). The task force shall then submit a final report to the President of the Senate and the Speaker of the House of Representatives which shall address the final recommendations of the task force and include specific language for recommended legislative changes. The task force shall continue to serve for the purpose of providing assistance to the Legislature as needed to review legislative efforts to implement any of the task force's recommendations.

(3) The task force is to be composed of:

(a) The Governor, who shall serve as chair of the task force;

(b) The Comptroller;

(c) The Insurance Commissioner;

(d) Three members of the Senate, who shall be appointed by the President of the Senate; and

(e) Three members of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives.

(4) The task force may conduct research, hold public hearings, receive testimony, employ consultants, and undertake other activities determined by its members to be necessary.

(5) Each task force member may designate a designee as an ex-officio nonvoting member.

(6) All official actions by the task force shall be by a majority vote of the membership designated in subsection (3).

(7) Staff support for the task force shall be provided by the State Board of Administration.

(8) The term of the task force shall expire on July 1, 2001.

Section 6. *For the 2000-2001 fiscal year, the nonrecurring sum of $100,000 from the General Revenue Fund is appropriated to the State Board of Administration to support operation of the Task Force on Tobacco-Settlement-Revenue Protection.*

Section 7. *(1) In order to assist Florida tobacco farmers in reducing encumbered debt on stranded investment in equipment, the nonrecurring sum of $2.5 million is appropriated from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund to the Department of Agriculture and Consumer Services for the purchase at fair market value of equipment associated with agricultural production of tobacco from persons or entities that were using such equipment for production of tobacco between April 1 and October 1, 2000, on land within this state and sign a letter of intent to cease tobacco production upon the development and implementation of an alternative crop that would provide the same net revenue and proportional costs as tobacco. The department may adopt rules that, at a minimum, define and describe the equipment to be purchased under this section, prescribe criteria for identifying persons and entities who are eligible to have such equipment purchased by the department, and prescribe procedures to be followed for equipment purchases. From the funds appropriated by this section, the department is authorized to expend such sums as are reasonable and necessary to administer the program.*

(2) Equipment purchased by the Department of Agriculture and Consumer Services under this section may be resold by the Department of Management Services. However, no such equipment may be sold, leased, or conveyed to or for use by a person or entity who produces tobacco in this state or holds a quota for production of tobacco in this state. The Department of Management Services shall deposit proceeds of such sale, less reasonable administrative costs, in the General Inspections Trust Fund of the Department of Agriculture and Consumer Services.

(3) The Department of Agriculture and Consumer Services may use proceeds from the resale of equipment purchased under this section to continue purchasing equipment and to assist tobacco producers to seek out, experiment with, and develop diverse profitable enterprises and retain ownership of their land so that their farms can remain productive agricultural entities and provide ancillary environmental benefits.

Section 8. *The nonrecurring sum of $2.5 million is appropriated from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund to the Institute of Food and Agricultural Sciences of the University of Florida to provide on-farm direct assistance to growers in the tobacco-producing counties affected by the state's tobacco litigation.*

Section 9. This act shall take effect upon becoming a law.

And the title is amended as follows:
remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to tobacco; creating s. 215.56005, F.S.; providing definitions; creating the Tobacco Settlement Financing Corporation; providing purposes; providing for a governing board of directors; providing for membership; providing powers of the corporation; authorizing the corporation to enter into certain purchase agreements with the Department of Banking and Finance for certain purposes; authorizing the corporation to issue bonds for certain purposes; providing requirements, limitations, and procedures for issuing such bonds; providing application; providing limitations; limiting liability of the corporation; exempting the corporation from taxation; providing for continued existence of the corporation; authorizing the Auditor General to conduct financial audits of the corporation; providing severability; specifying powers of the Department of Banking and Finance; amending s. 17.41, F.S.; revising provisions relating to deposit into and disbursement of moneys from the Tobacco Settlement Clearing Trust Fund; authorizing sale of the state's right, title, and interest in the tobacco settlement agreement to the corporation; providing for payment of certain moneys into the Tobacco Settlement Clearing Trust Fund; providing for deposit of net proceeds of the sale of the tobacco settlement agreement into the Lawton Chiles Endowment Fund; amending s. 215.5601, F.S.; providing for additional funding of the Lawton Chiles Endowment Fund; revising provisions relating to transfer of endowment moneys; clarifying administration of the endowment; providing for receipt by the endowment of minimum amounts in certain fiscal years; creating s. 768.733, F.S.; prescribing the amount of bond or equivalent surety required to stay the execution of punitive-damages judgments in class-action suits, pending appellate review; providing for application of the act to certain pending cases; providing for a Task Force on Tobacco-Settlement-Revenue Protection; providing for membership and duties, including reports to the Legislature; providing for staff; providing for expiration of the task force; providing funds to purchase stranded tobacco farming equipment; providing for resale of purchased equipment with restrictions; providing for use of proceeds from resale of equipment; providing appropriations; providing an effective date.

On motion by Rep. Lacasa, the Report of the Conference Committee on CS/HB 1721 was accepted in its entirety.

The question recurred on the passage of CS/HB 1721. The vote was:

Session Vote Sequence: 600

Yeas—115

The Chair	Argenio	Barreiro	Bitner
Albright	Argenziano	Bense	Bloom
Alexander	Bainter	Betancourt	Boyd
Andrews	Ball	Bilirakis	Bronson

Brown	Fuller	Levine	Rubio
Brummer	Futch	Littlefield	Russell
Bucher	Garcia	Logan	Ryan
Bullard	Gay	Lynn	Sanderson
Bush	Goode	Maygarden	Sembler
Byrd	Goodlette	Melvin	Smith, C.
Cantens	Gottlieb	Merchant	Smith, K.
Casey	Green, C.	Miller, J.	Sobel
Chestnut	Greene, A.	Miller, L.	Sorensen
Constantine	Greenstein	Minton	Spratt
Cosgrove	Hafner	Morroni	Stafford
Crist	Harrington	Murman	Stansel
Crow	Hart	Ogles	Suarez
Detert	Henriquez	Patterson	Sublette
Diaz de la Portilla, R.	Heyman	Peaden	Trovillion
Dockery	Hill	Posey	Tullis
Edwards	Jacobs	Prieguez	Turnbull
Effman	Johnson	Pruitt	Villalobos
Eggelletion	Jones	Putnam	Wallace
Farkas	Kilmer	Rayson	Wasserman Schultz
Fasano	Kosmas	Reddick	Waters
Feeney	Kyle	Ritchie	Wiles
Fiorentino	Lacasa	Ritter	Wilson
Flanagan	Lawson	Roberts	Wise
Frankel	Lee	Rojas	

Nays—None

Votes after roll call:
Yeas—Arnall, Crady

So the bill passed, as amended by the Conference Committee Report. The action, together with CS/HB 1721 and the Conference Committee Report thereon, was immediately certified to the Senate.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 2377, with an amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 2377—A bill to be entitled An act relating to the state budgetary process; revising procedures used in submitting and reviewing requests for state funds; amending s. 216.011, F.S.; revising, deleting, and adding definitions; creating s. 216.013, F.S.; requiring agencies to develop long-range program plans and providing requirements with respect thereto, including submission, review, and revision requirements; amending s. 216.015, F.S.; revising legislative findings and duties of the Executive Office of the Governor relating to the capital facilities planning and budgeting process; amending s. 216.0152, F.S.; changing the date for submitting to the Governor the annual updated report on the state facilities inventory; amending s. 216.0158, F.S.; revising reporting times and procedures relating to assessment of facility needs; amending s. 216.016, F.S.; requiring additional information in the Governor's recommended budget; amending s. 216.0166, F.S.; conforming terminology; providing for identification and submission of proposed programs and associated performance measures of the judicial branch; providing for approval and revision of such programs and performance measures; amending s. 216.0172, F.S.; revising a date for submission of performance-based budget requests by new agencies; excluding the judicial branch from such submission requirements; providing a schedule for submission of a performance-based program budget request by the judicial branch; amending s. 216.023, F.S.; revising the date and requirements for submission of final legislative budget requests to the Legislature; deleting obsolete provisions relating to agencies subject to agency evaluation and justification review; amending s. 216.0235, F.S.; conforming the submission date for legislative program budget requests; conforming references, terminology, and dates; amending s. 216.031, F.S., to create s. 216.0312, F.S., therefrom; separating target budget request provisions from provisions relating to legislative budget requests; amending s. 216.044, F.S.; revising procedures relating to budget evaluation by the Department of Management Services; amending s. 216.0446, F.S.; placing the Technology Review Workgroup within the Legislature and revising procedures relating to review of information resources management needs; conforming terminology; amending s. 216.052, F.S.; conforming terminology; amending s. 216.081, F.S.; revising the schedule for submission of estimates of financial needs of the judicial and legislative branches for the ensuing fiscal year; amending s. 216.131, F.S.; revising requirements and procedures relating to public hearings on legislative budgets; amending s. 216.133, F.S.; revising, deleting, and adding definitions relating to consensus estimating conferences; amending s. 216.134, F.S.; revising procedures to be used by estimating conferences; amending s. 216.136, F.S.; revising duties of the Economic Estimating Conference; revising principals of the Education Estimating Conference and the Occupational Forecasting Conference; abolishing the Transportation Estimating Conference; creating the Self-Insurance Estimating Conference and the Florida Retirement System Actuarial Assumption Conference; amending s. 216.141, F.S.; revising provisions relating to the planning and budgeting system; amending s. 216.162, F.S.; revising procedures relating to furnishing legislators with copies of the Governor's recommended budget; amending s. 216.163, F.S.; revising provisions relating to form and content of the Governor's recommended budget; amending s. 216.177, F.S.; revising provisions relating to appropriations acts to delete the requirement of a statement of intent and modify provisions relating to required notices of budgetary action; amending s. 216.178, F.S.; requiring additional notice before the vote on an appropriations act; deleting duty of the Governor to submit the statement of costs of new state debts and obligations; amending s. 216.179, F.S.; prohibiting reinstatement by a state agency of vetoed appropriations administratively; amending s. 216.181, F.S.; revising procedures relating to approved budgets for operations and fixed capital outlay; revising restrictions on increases on salary rate; prescribing procedures with respect to nonoperating budgets; deleting obsolete provisions; amending s. 216.183, F.S.; revising provisions relating to development and amendment of charts of accounts; amending s. 216.192, F.S.; revising procedures relating to release of appropriations; amending s. 216.195, F.S.; defining the term "impoundment" for purposes of impoundment of funds; amending s. 216.212, F.S.; revising duties of the Executive Office of the Governor and the Office of the Comptroller with respect to budgets for federal funds; creating s. 216.216, F.S.; prescribing procedures to be used with respect to funds subject to a court settlement negotiated by the state; amending s. 216.221, F.S.; revising procedures to be used in the event of budget deficits; amending s. 216.251, F.S.; revising procedures relating to salary appropriations for certain employees; amending s. 216.262, F.S.; revising provisions relating to increases in authorized positions; defining the term "perquisites" for purposes of limiting the furnishing thereof; amending s. 216.271, F.S.; defining the term "revolving fund"; amending s. 216.292, F.S.; revising provisions relating to limits on and procedures for transfers of appropriations; creating s. 216.348, F.S.; providing conditions for receipt of certain grants and aids appropriations by certain nonprofit entities; providing definitions; providing for an affidavit of nonprofit status; providing for an agreement between the administering agency and the nonprofit entity; providing minimum requirements for the agreement; providing that the nonprofit entity continue operation of the property for the purposes set forth in the grant; providing for repayment of grant moneys received under certain conditions; providing for the adoption of an accounting system and providing for audit; providing for liability insurance and exempting the administering agency from liability; providing permissive conditions of the agreement; providing for a satisfaction of the agreement; amending s. 120.65, F.S.; removing certain automatic approval of requests for action by the director of the Division of Administrative Hearings with respect to actions of the Executive Office of the Governor that affect amendments to the division's approved operating budget or personnel actions; amending s. 121.031, F.S.; deleting provisions relating to the Florida Retirement System Actuarial Assumption Conference; amending s. 186.021, F.S.; replacing state agency strategic plans with long-range program plans and providing requirements for development of the latter; repealing s. 186.003(7), F.S., relating to the definition of

"state agency strategic plan," to conform; amending ss. 186.002, 186.006, 186.007, and 186.502, F.S.; revising terminology, to conform; amending s. 186.022, F.S.; requiring information resource strategic plans of certain boards and councils and providing requirements with respect thereto; amending s. 186.901, F.S.; revising provisions relating to production of population estimates; amending s. 215.22, F.S.; exempting the various agency Tobacco Settlement Trust Funds from the general revenue service charge; amending s. 252.37, F.S.; providing for the processing of budget amendments to cover transfers of moneys for declared states of emergency; amending ss. 11.45, 14.27, 20.19, 20.316, 23.22, 27.345, 27.3451, 110.1239, 121.021, 121.051, 145.021, 187.201, 215.196, 215.3206, 215.3208, 215.44, 215.95, 215.96, 229.053, 239.305, 240.209, 240.2601, 240.324, 240.383, 282.404, 286.30, 288.7091, 339.135, 339.155, 339.175, 365.173, 376.15, 381.90, 413.011, 413.405, 420.0003, 420.511, 420.6075, 494.0017, 624.307, 943.08, and 946.002, F.S., to conform terminology, dates, and references to changes made by the act; amending s. 27.38, F.S., relating to state attorneys budget transfer authority; amending s. 27.60, F.S., relating to public defenders budget transfer authority; renumbering s. 216.331, F.S., relating to disbursement of state moneys; renumbering s. 216.3505, F.S., relating to refinancing of bonds; repealing s. 216.001, F.S., relating to definitions; repealing s. 216.0154, F.S., relating to assessment of trends and conditions affecting the need for capital facilities; repealing s. 216.0162, F.S., relating to monitoring and evaluation of capital facilities planning and budgeting; repealing s. 216.0315, F.S., relating to budgets of state agencies that have international programs; repealing s. 216.091, F.S., relating to statements by the Comptroller; repealing s. 216.111, F.S., relating to financial statements and schedules and other reports; repealing ss. 216.235-216.238, F.S., relating to the Innovation Investment Program; repealing s. 216.281, F.S., relating to construction of terms; repealing s. 216.286, F.S., relating to release of funds under the Florida Employment Opportunity Act; repealing s. 240.20941, F.S., relating to vacant faculty positions; providing applicability; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(a) "Annual salary rate" means the *monetary compensation authorized* ~~salary estimated~~ to be paid ~~or actually paid~~ a position ~~or positions~~ on an annualized basis. *The term does not include moneys authorized for benefits associated with the position.* In calculating salary rate, a vacant position shall be calculated at the minimum of the pay grade for that position.

(b) "Appropriation" means a legal authorization to make expenditures for specific purposes within the amounts authorized in the appropriations act.

(c) "Appropriations act" means the authorization of the Legislature, based upon legislative budgets or based upon legislative findings of the necessity for an authorization when no legislative budget is filed, for the expenditure of amounts of money by an agency, the judicial branch, *or* ~~and~~ the legislative branch for stated purposes in the performance of the functions it is authorized by law to perform. *The categories contained in the appropriations act include, but are not limited to:*

1. Data processing services.

2. Expenses.

3. Fixed capital outlay.

4. Food products.

5. Grants and aids.

6. Grants and aids to local governments and nonstate entities-fixed capital outlay.

7. Lump-sum appropriations.

8. Operating capital outlay.

9. Other personal services.

10. Salaries and benefits.

11. Special categories.

(d) "Authorized position" means a position included in an approved budget. In counting the number of authorized positions, part-time positions shall be converted to full-time equivalents.

(e)~~(qq)~~ "Baseline data" means indicators of a state agency's current performance level, pursuant to guidelines established by the Executive Office of the Governor, in consultation with legislative appropriations and appropriate substantive committees.

(f)~~(e)~~ "Budget entity" means a unit or function at the lowest level to which funds are specifically appropriated in the appropriations act. *"Budget entity" and "service" have the same meaning.*

(g) "Chairs of the legislative appropriations committees" means the chairs of the committees of the Senate and the House of Representatives responsible for producing the General Appropriations Act.

(h)~~(f)~~ "Consultation" means to deliberate and seek advice in an open and forthright manner with the full committee, a subcommittee thereof, the chair, or the staff as deemed appropriate by the chair of the respective appropriations committee.

(i)~~(g)~~ "Continuing appropriation" means an appropriation automatically renewed without further legislative action, period after period, until altered or revoked by the Legislature.

(j)~~(h)~~ "Data processing services" means *the appropriation category used to fund* electronic data processing services provided by ~~or to~~ state agencies or the judicial branch, which services include, but are not limited to, systems design, software development, or time-sharing by other governmental units or budget entities.

(k)~~(i)~~ "Disbursement" means the payment of an expenditure.

(l)~~(j)~~ "Disincentive" means a sanction as described in s. 216.163.

~~(k) "Established position" means an authorized position which has been classified in accordance with a classification and pay plan as provided by law.~~

(m)~~(l)~~ "Expenditure" means the creation or incurring of a legal obligation to disburse money.

(n)~~(m)~~ "Expense" means *the appropriation category used to fund* the usual, ordinary, and incidental expenditures by an agency or the judicial branch, including~~, but not limited to,~~ such items as contractual services, commodities, and supplies of a consumable nature, current obligations, and fixed charges, and excluding expenditures classified as operating capital outlay. Payments to other funds or local, state, or federal agencies *may be* ~~are~~ included in this *category* ~~budget classification of expenditures~~.

(o)~~(n)~~ "Fiscal year of the state" means a period of time beginning July 1 and ending on the following June 30, both dates inclusive.

(p)~~(o)~~ "Fixed capital outlay" means *the appropriation category used to fund* real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and including furniture and equipment necessary to furnish and operate a new or improved facility, when appropriated by the Legislature in the fixed capital outlay appropriation category.

(q) "Food products" means the appropriation category used to fund food consumed and purchased in state-run facilities that provide housing to individuals.

~~(p) "Full-time position" means a position authorized for the entire normally established work period, daily, weekly, monthly, or annually.~~

(r)~~(q)~~ "Grants and aids" means *the appropriation category used to fund* contributions to units of *government* ~~governments~~ or *nonstate entities* ~~nonprofit organizations~~ to be used for one or more specified purposes *or*~~,~~ activities~~, or facilities~~. Funds appropriated *to units of government and nonprofit entities* under this category may be advanced.

(s)~~(pp)~~ "Grants and aids to local governments and *nonstate entities-fixed* ~~Nonprofit Organizations-Fixed~~ capital outlay" means *the* ~~that~~ appropriation category *used to fund* ~~which includes~~:

1. Grants to local units of governments *or nonstate entities* ~~and nonprofit organizations~~ for the acquisition of real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.); additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use; and operating capital outlay necessary to furnish and operate a new or improved facility; and

2. Grants to local units of government for their respective infrastructure and growth management needs related to local government comprehensive plans.

Funds appropriated *to local units of government and nonprofit organizations* under this category may be advanced in part or in whole.

(t)~~(r)~~ "Incentive" means a mechanism, as described in s. 216.163, for recognizing the achievement of performance standards or for motivating performance that exceeds performance standards.

(u)~~(s)~~ "Independent judgment" means an evaluation of actual needs made separately and apart from the legislative budget request of any other agency or of the judicial branch, or any assessments by the Governor. Such evaluation shall not be limited by revenue estimates of the Revenue Estimating Conference.

(v)~~(t)~~ "Judicial branch" means all officers, employees, and offices of the Supreme Court, district courts of appeal, circuit courts, county courts, and the Judicial Qualifications Commission.

(w)~~(u)~~ "Legislative branch" means the various officers, committees, and other units of the legislative branch of state government.

(x) "Legislative budget instructions" means the annual set of instructions developed to assist agencies in submitting budget requests to the Legislature and to generate information necessary for budgetary decisionmaking. Such instructions may include program-based performance budget instructions.

(y)~~(v)~~ "Legislative budget *request*" means a request to the Legislature, filed pursuant to s. 216.023, or supplemental detailed requests filed with the Legislature, for the amounts of money such agency or branch believes will be needed in the performance of the functions that it is authorized, or which it is requesting authorization by law, to perform.

(z) "Long-range program plan" means a plan developed on an annual basis by each state agency that is policy based, priority driven, accountable, and developed through careful examination and justification of all programs and their associated costs. Each plan is developed by examining the needs of agency customers and clients and proposing programs and associated costs to address those needs based on state priorities as established by law, the agency mission, and legislative authorization. The plan provides the framework and context for preparing the legislative budget request and includes performance indicators for evaluating the impact of programs and agency performance.

(aa)~~(w)~~ "Lump-sum appropriation" means *the appropriation category used to fund* ~~funds appropriated to accomplish~~ a specific activity or project which must be transferred to one or more appropriation categories for expenditure.

(bb)~~(x)~~ "Operating capital outlay" means *the appropriation category used to fund* equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature, *up to* the value or cost *specified in s. 273.02* ~~of which is $1,000 or more and the normal expected life of which is 1 year or more, and hardback-covered bound books that are circulated to students or the general public, the value or cost of which is $25 or more, and hardback-covered bound books, the value or cost of which is $250 or more~~.

(cc)~~(y)~~ "Original approved budget" means the approved plan of operation of an agency or of the judicial branch consistent with the General Appropriations Act or special appropriations acts.

(dd)~~(z)~~ "Other personal services" means *the appropriation category used to fund* the compensation for services rendered by a person who is not ~~a regular or full-time employee~~ filling an established position. This definition includes, but is not limited to, services of temporary employees, student or graduate assistants, persons on fellowships, part-time academic employees, board members, and consultants and other services specifically budgeted by each agency, or by the judicial branch, in this category.

~~1.~~ In distinguishing between payments to be made from salaries *and benefits* appropriations and other-personal-services appropriations:~~,~~

1. Those persons filling established positions shall be paid from salaries *and benefits* appropriations and those persons performing services for a state agency or for the judicial branch, but who are not filling established positions, shall be paid from other-personal-services appropriations.

2. ~~It is further intended that~~ Those persons paid from salaries *and benefits* appropriations shall be state officers or employees and shall be eligible for membership in a state retirement system and those paid from other-personal-services appropriations shall not be eligible for such membership.

(ee)~~(rr)~~ "Outcome" means an indicator of the actual impact or public benefit of a program.

(ff)~~(ss)~~ "Output" means the actual service or product delivered by a state agency.

(gg)~~(xx)~~ "Performance-based program appropriation" means *the appropriation category used to fund* ~~funds appropriated for~~ a specific set of activities or classification of expenditure within an approved performance-based program.

(hh)~~(tt)~~ "Performance-based program budget" means a budget that incorporates approved programs and performance measures.

(ii)~~(uu)~~ "Performance measure" means a quantitative or qualitative indicator used to assess state agency performance.

(jj)~~(vv)~~ "Program" means a set of activities undertaken in accordance with a plan of action organized to realize identifiable goals and objectives based on legislative authorization.

~~(aa) "Part-time position" means a position authorized for less than the entire normally established work period, daily, weekly, monthly, or annually.~~

~~(bb) "Pay plan" means a document which formally describes the philosophy, methods, procedures, and salary schedule for compensating employees for work performed.~~

~~(cc) "Perquisites" means those things, or the use thereof, or services of a kind which confer on the officers or employees receiving same some benefit that is in the nature of additional compensation, or which reduces to some extent the normal personal expenses of the officer or employee receiving the same, and shall include, but not be limited to, such things as quarters, subsistence, utilities, laundry services, medical service, use of state-owned vehicles for other than state purposes, servants paid by the state, and other similar things.~~

~~(dd) "Position" means the work, consisting of duties and responsibilities, assigned to be performed by an officer or employee.~~

~~(ee) "Position number" means the identification number assigned to an established position.~~

(kk)~~(ff)~~ "Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

(ll)~~(gg)~~ "Proviso" means language that qualifies or restricts a specific appropriation and which can be logically and directly related to the specific appropriation.

(mm) "Salaries and benefits" means the appropriation category used to fund the monetary or cash-equivalent compensation for work performed by state employees for a specific period of time. Benefits shall be as provided by law.

~~(hh) "Reclassification" means changing an established position in one class in a series to the next higher or lower class in the same series or to a class in a different series which is the result of a natural change in the duties and responsibilities of the position.~~

~~(ii) "Revolving fund" means a cash fund maintained within or outside of the State Treasury and established from an appropriation, to be used by an agency or the judicial branch in making authorized expenditures.~~

(nn)~~(jj)~~ "Salary" means the cash compensation for services rendered for a specific period of time.

~~(kk) "Salary schedule" means an official document which contains a complete list of classes and their assigned salary ranges.~~

(oo)~~(ll)~~ "Special category" means *the appropriation category used to fund* amounts appropriated for a specific need or classification of expenditures.

(pp)~~(ww)~~ "Standard" means the level of performance of an outcome or output.

(qq)~~(mm)~~ "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, "state agency" or "agency" includes, *but is not limited to,* state attorneys, public defenders, the capital collateral *regional counsels* ~~Representative~~, ~~and~~ the Justice Administrative Commission, *the Florida Housing Finance Corporation, and the Florida Public Service Commission. For purposes of implementing s. 19(h), Art. III of the State Constitution, "state agency" or "agency" includes the judicial branch.*

~~(nn) "State revenue sharing" means statutory or constitutional distributions to local units of government.~~

~~(oo) "Title of position," or "class of positions" means the official name assigned to a position or class of positions.~~

~~(yy) "Performance ledger" means the official compilation of information about state agency performance-based programs and measures, including approved programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.~~

(2) For purposes of this chapter, terms related to personnel affairs of the state shall be defined as set forth in s. 110.203.

(3)~~(2)~~ For purposes of this chapter, the term:

(a) "Approved operating budget" or "approved budget" means the plan of operations consisting of the original approved operating budget ~~and statement of intent~~.

(b) "Commission" means the *Legislative Budget* ~~Administration~~ Commission *created in s. 11.90* ~~composed of the Governor and Cabinet~~.

~~(c) "Emergency situation" means a set of conditions that were unforeseen at the time the General Appropriations Act was adopted and that are essential to correct in order to continue the operation of government, or a set of conditions that were not considered in the General Appropriations Act and that constitute an imminent threat to public health, safety, or welfare. This definition shall not apply to the emergency provisions of chapter 252.~~

~~(d) "Impoundment" means the omission of any appropriation or part of an appropriation in the approved operating plan prepared pursuant to the provisions of s. 216.181 or in the schedule of releases prepared pursuant to the provisions of s. 216.192 or the failure of any state agency or the judicial branch to spend an appropriation for the stated purposes authorized in the approved operating budget.~~

Section 2. Section 216.013, Florida Statutes, is created to read:

216.013 Long-range program plan.—

(1) State agencies shall develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes. The plan shall cover a period of 5 fiscal years and shall become effective July 1 each year. Long-range program plans shall provide the framework for the development of agency budget requests and shall:

(a) Identify agency programs and address how agency programs will be used to implement state policy and achieve state goals and program component objectives;

(b) Identify and describe agency functions and how they will be used to achieve designated outcomes;

(c) Identify demand, output, total costs, and unit costs for each function;

(d) Provide information regarding performance measurement, which includes, but is not limited to, how data is collected, the methodology used to measure a performance indicator, the validity and reliability of a measure, the appropriateness of a measure, and whether the agency inspector general has assessed the reliability and validity of agency performance measures, pursuant to s. 20.055(2);

(e) Identify and justify facility and fixed capital outlay projects and their associated costs; and

(f) Identify and justify information technology infrastructure and applications and their associated costs for information technology projects or initiatives.

(2) All agency functions and their costs shall be carefully evaluated and justified by the agency. The justification must clearly demonstrate the needs of agency customers and clients and why the agency is proposing functions and their associated costs to address the needs based on state priorities, the agency mission, and legislative authorization. Further, the justification must show how agency functions are integrated and contribute to the overall achievement of state goals. Facilities, fixed capital outlay and information technology infrastructure, and applications shall be evaluated pursuant to ss. 216.0158, 216.043, and 216.0446, respectively.

(3) Long-range program plans shall be submitted to the Executive Office of the Governor by August 1 of each year in a form and manner prescribed by the Executive Office of the Governor and the chairs of the legislative appropriations committees. Such long-range program plans for the Judicial Branch shall be submitted by the Chief Justice of the Supreme Court to the President of the Senate and the Speaker of the House of Representatives, and a copy shall be provided to the Executive Office of the Governor.

(4) The Executive Office of the Governor shall review the long-range program plans for executive agencies to ensure that they are consistent with the state's goals and objectives and other requirements as specified in the written instructions and that they provide the framework and context for the agency's budget request. In its review, the Executive Office of the Governor shall consider the findings of the Technology Review Workgroup as to the consistency of the information technology portion of long-range program plans with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council and the state's plan for facility needs pursuant to s.

216.0158. Based on the results of the review, the Executive Office of the Governor may require an agency to revise the plan.

(5) Executive agencies shall incorporate all revisions required by the Governor within 14 working days.

(6) Any differences between executive agencies regarding the programs, policies, or long-range program plans of such agencies shall be mediated by the Executive Office of the Governor.

(7) Each executive agency shall transmit copies of its long-range program plan and all written comments on its plan to the President of the Senate and the Speaker of the House of Representatives not later than 60 days prior to the next regular session of the Legislature.

(8) Long-range program plans developed pursuant to this chapter are not rules and therefore are not subject to the provisions of chapter 120.

(9) Agencies and the Judicial Branch shall make appropriate adjustments to their long-range program plans to be consistent with the appropriations and performance measures in the General Appropriations Act. Agencies and the Judicial Branch have until June 15 to make adjustments to their plans and submit the adjusted plans to the Executive Office of the Governor for review.

Section 3. Subsections (2) and (4) of section 216.015, Florida Statutes, are amended to read:

216.015 Capital facilities planning and budgeting process.—

(2) The Legislature finds that~~:~~

~~(a) The condition of the state's infrastructure, including its roads, water and sewer facilities, state office buildings, bridges, ports, airports, canals, prisons, educational facilities, park and recreational facilities, and other capital assets, are in need of repair, expansion, and replacement at a time when the fiscal resources of the state are increasingly being strained by the competing demands for state services and capital improvements.~~

~~(b) The high degree of coordination among the various branches of state government, local government, and public benefit corporations which is necessary to maximize the potential public benefits to be derived from the limited financial resources which will be dedicated to public capital improvements within this state in the future is lacking.~~

~~(c)~~ There is a need to establish a comprehensive capital facilities planning and budgeting process *that* ~~which~~ is fully integrated with the state financial planning and debt management activities and *that* ~~which~~ incorporates the long-range plans of all state agencies and the judicial branch and major public benefit corporations to ensure that projects with the greatest potential for improving the prosperity and well-being of the people of the state receive their proper allocation of limited resources.

~~(d) There is currently no mechanism in place for managing the debt structure of the state by matching the capital facility needs of the state with the amounts and sources of funds which could be made available to meet those needs.~~

It is, therefore, the intent of the Legislature in enacting this legislation that a comprehensive capital facilities planning and budgeting process be established and maintained to enable the state to better meet the demands for new and properly maintained infrastructure in a fiscally responsible manner.

(4) In order to carry out this act, the Executive Office of the Governor is designated as the agency responsible for the coordination, development, ~~and~~ direction, *monitoring, and evaluation* of the comprehensive capital facilities planning and budgeting process, *including the plans revised pursuant to that process. The Executive Office of the Governor shall publish an annual report of the progress being made by the state toward meeting the state goals and objectives of the plans.*

Section 4. Subsection (3) of section 216.0152, Florida Statutes, is amended to read:

216.0152 Inventory of state-owned facilities or state-occupied facilities.—

(3) The Department of Management Services shall, every 3 years, publish a complete report detailing this inventory and shall publish an annual update of the report. The department shall furnish the updated report to the Executive Office of the Governor and the Legislature no later than September *15* ~~1~~ of each year.

Section 5. Subsections (2), (4), and (5) of section 216.0158, Florida Statutes, are amended to read:

216.0158 Assessment of facility needs.—

(2) On or before September *15* ~~1~~ of each year, each state agency, as defined in s. 216.011, shall submit to the Executive Office of the Governor, and each district court of appeal and the Marshal of the Supreme Court shall submit to the Chief Justice of the Supreme Court, in a manner prescribed by the legislative budget instructions, a short-term plan for facility needs covering the next 5-year period. The short-term plan shall list the agency's or judicial branch's facility needs in order of priority and shall include preventive maintenance strategies, expected replacement of existing facilities, expected improvements or additions to facilities on a specific project-by-project basis, estimated cost, and other information as prescribed by the legislative budget instructions. ~~At the same time, when directed in the legislative budget instructions as provided in s. 216.023(3), each agency shall submit to the Executive Office of the Governor, and each district court of appeal and the Marshal of the Supreme Court shall submit to the Chief Justice of the Supreme Court, who shall submit copies to the legislative appropriations committees, in a format prescribed by the instructions, a long-term plan for the 5 years following the period of the short-term plan. The long-term plan shall outline forecasted agency facility needs.~~ The Chief Justice shall certify the final approved plan for the judicial branch to the Executive Office of the Governor which shall include the plan, without modification, in the state comprehensive plan.

(4) ~~Each of~~ The first *year* ~~2 years~~ of the plan referred to in subsection (2) shall comport with the requirements of s. 216.043.

(5) Each plan for years *2* ~~3~~ through 5 shall provide the following information:

(a) A full explanation of the basis for each project, including a description of the function which requires the facility; an explanation of the inability of existing facilities to meet such requirements; historical background; alternatives; and anticipated changes in both initial and continuing operating costs.

(b) An application of standards and criteria to establish the scope of each project.

(c) An application of cost factors to all elements of each project to establish an estimate of funding requirements.

(d) A request for a legislative appropriation to provide such funding in the appropriate fiscal year, including the need for advance funding of programming and design activities.

Section 6. Paragraph (a) of subsection (2) of section 216.016, Florida Statutes, is amended to read:

216.016 Evaluation of plans; determination of financing method.—

(2)(a) The Executive Office of the Governor shall develop a finance plan for meeting the state's infrastructure and fixed capital outlay needs, *which shall be incorporated into the Governor's recommended budget submitted to the Legislature pursuant to s. 216.162.*

Section 7. Section 216.023, Florida Statutes, is amended to read:

216.023 Legislative budget requests to be furnished *to Legislature* by agencies.—

(1) The head of each state agency shall submit a final legislative budget request to the Legislature and to the Governor, as chief budget officer of the state, in the form and manner prescribed in the budget

instructions and at such time as specified by the Executive Office of the Governor, based on the agency's independent judgment of its needs. However, no state agency shall submit its *complete* ~~final~~ legislative budget request, *including all supporting forms and schedules required by this chapter,* later than September *15* ~~1~~ of each year.

(2) The judicial branch and the Division of Administrative Hearings shall submit their *complete* ~~final~~ legislative budget requests directly to the Legislature with a copy to the Governor, as chief budget officer of the state, in the form and manner as prescribed in the budget instructions. However, the *complete* ~~final~~ legislative budget requests, *including all supporting forms and schedules required by this chapter,* shall be submitted no later than September *15* ~~1~~ of each year.

(3) The Executive Office of the Governor and the appropriations committees of the Legislature shall jointly develop legislative budget instructions *for preparing the exhibits and schedules that make up the agency budget* from which each agency and the judicial branch~~, pursuant to ss. 216.031 and 216.043,~~ shall prepare their ~~legislative~~ budget request. The budget instructions shall be consistent with s. 216.141 and shall be transmitted to each agency and to the judicial branch no later than June 15 of each year. In the event that agreement cannot be reached between the Executive Office of the Governor and the appropriations committees of the Legislature regarding legislative budget instructions, the issue shall be resolved by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(4) The legislative budget request must contain for each program:

(a) The constitutional or statutory authority for a program, a brief purpose statement, and approved program components.

(b) Information on expenditures for 3 fiscal years (actual prior-year expenditures, current-year estimated expenditures, and agency budget requested expenditures for the next fiscal year) by appropriation category.

(c) Details on trust funds and fees.

(d) The total number of positions (authorized, fixed, or requested).

(e) An issue narrative describing and justifying changes in amounts and positions requested for current and proposed programs for the next fiscal year.

(f) Information resource requests.

(g) Legislatively approved output and outcome performance measures and any proposed revisions to measures.

(h) Proposed performance standards for each performance measure and justification for the standards and the sources of data to be used for measurement.

(i) Prior-year performance data on approved performance measures and an explanation of deviation from expected performance. Performance data must be assessed for reliability in accordance with s. 20.055.

(j) Unit costs for approved output measures pursuant to s. 186.022.

(k) Proposed performance incentives and disincentives.

(5) Prior to September 15 of the fiscal year prior to which the judicial branch is required to submit a performance-based program budget request, the Chief Justice of the Supreme Court shall identify and, after consultation with the Office of Program Policy Analysis and Government Accountability, submit to the President of the Senate and the Speaker of the House of Representatives a list of proposed programs and associated performance measures. The judicial branch shall provide documentation to accompany the list of proposed programs and performance measures as provided under s. 216.023(4). The judicial branch shall submit a performance-based program agency budget request using the programs and performance measures adopted by the Legislature. The Chief Justice may propose revisions to approved programs or performance measures for the judicial branch. The Legislature shall have final approval of all programs and associated performance measures and standards for the judicial branch through the General Appropriations Act or legislation implementing the General Appropriations Act. By September 15, 2001, the Chief Justice of the Supreme Court shall submit to the President of the Senate and the Speaker of the House of Representatives a performance-based program budget request for programs of the judicial branch approved by the Legislature and provide a copy to the Executive Office of the Governor.

(6) Agencies must maintain a comprehensive performance accountability system and provide a list of performance measures maintained by the agency which are in addition to the measures approved by the Legislature.

(7) Annually, by June 30, executive agencies shall submit to the Executive Office of the Governor adjustments to their performance standards based on the amounts appropriated for each program by the Legislature. When such an adjustment is made, all performance standards, including any adjustments made, shall be reviewed and revised as necessary by the Executive Office of the Governor and, upon approval, submitted to the Legislature pursuant to the review and approval process provided in s. 216.177. The Senate Committee on Fiscal Policy and the House of Representatives Fiscal Responsibility Council shall advise Senate substantive committees and House of Representatives substantive committees, respectively, of all adjustments made to performance standards or measures. The Executive Office of the Governor shall maintain both the official record of adjustments to the performance standards as part of the agency's approved operating budget and the official performance ledger. As used in this section, "performance ledger" means the official compilation of information about state agency performance-based programs and measures, including approved programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.

~~(4) Each agency and the judicial branch shall submit for review a preliminary legislative budget request to the Executive Office of the Governor, in the form and manner prescribed in ss. 216.031 and 216.043, in accordance with the legislative budget instructions, and at such time as may be prescribed by the Executive Office of the Governor.~~

(8) Annually, by June 30, the judicial branch shall make adjustments to any performance standards for approved programs based on the amount appropriated for each program, which shall be submitted to the Legislature pursuant to the notice and review process provided in s. 216.177. The Senate Committee on Fiscal Policy and the House Fiscal Responsibility Council shall advise Senate substantive committees and House substantive committees, respectively, of all adjustments made to performance standards or measures.

(9)~~(5)~~ The Executive Office of the Governor shall review the ~~preliminary~~ legislative budget request for technical compliance with the budget format provided for in the budget instructions. The Executive Office of the Governor shall notify the agency or the judicial branch of any adjustment required. The agency or judicial branch shall make the appropriate corrections *as requested* ~~in preparing its final legislative budget request~~. If the appropriate technical corrections are not made *as requested* ~~in the final legislative budget requests~~, the Executive Office of the Governor *shall* ~~may~~ adjust the budget request to incorporate the appropriate technical corrections in the format of the request.

(10)~~(6)~~ At any time after the Governor and the Chief Justice submit their recommended budgets to the Legislature, the head of the agency or judicial branch may amend his or her request by transmitting to the Governor and the Legislature an amended request in the form and manner prescribed in the legislative budget instructions.

(11) The legislative budget request from each agency and from the judicial branch shall be reviewed by the Legislature. The review may allow for the opportunity to have information or testimony by the agency, the judicial branch, the Auditor General, the Office of Program Policy Analysis and Government Accountability, the Governor's Office of Planning and Budgeting, and the public regarding the proper level of funding for the agency in order to carry out its mission.

(12) In order to ensure an integrated state planning and budgeting process, the agency long-range plan should be reviewed by the Legislature.

~~(7)(a) The provisions of subsections (1) and (2) to the contrary notwithstanding, each agency subject to the provisions of this section shall submit its legislative budget request no later than September 1 of the year in which the agency is required to submit its point-by-point response pursuant to s. 216.0165(1)(d).~~

~~(b) Each agency and branch subject to the provisions of this section and s. 216.0165 shall provide as part of its budget request a point-by-point response to all funding recommendations prepared and submitted by the Director of the Office of Program Policy Analysis and Government Accountability pursuant to s. 11.513. If the recommendations of the director contain recommendations that specifically apply to an agency or branch other than the agency or branch that is the subject of the evaluation and review, the agency that is not the subject of the evaluation and review shall provide as part of its budget request a point-by-point response to any funding recommendations which apply to such agency or branch. The point-by-point response to the director's recommended funding levels shall be displayed numerically as major issues in the agency's legislative budget request. Each point-by-point response to the director's funding recommendations shall be specifically cross-referenced to the agency's responses to the director's recommendations required in s. 216.0165(1)(d).~~

~~(c) The budget instructions required pursuant to subsection (3) shall include requirements that agency or judicial branch responses, major issue summaries contained in the Governor's recommended budget, and the Letter of Intent issued with the General Appropriations Act set the point-by-point responses apart as major issues in the following manner:~~

~~1. The director's recommendations for reduced funding shall be separately identified as the director's recommendations and treated as nonrecurring expenditures.~~

~~2. Agency requests to restore the director's recommendations for reduced funding shall be separately identified as agency requests to restore the director's recommendations and treated as improved programs.~~

~~3. The director's recommendations for increased funding shall be separately identified as the director's recommendations and treated as major issues for continuation of current programs.~~

~~4. All other agency requests that would provide funding levels above the director's recommendations shall be separately identified as agency requests for funding above the director's recommendations and treated as new or improved programs.~~

~~(d) By March 1 of the year following the submittal of an agency's budget request in accordance with the operation of this subsection and the evaluation and review of the agency pursuant to ss. 11.513 and 216.0165, the appropriate substantive committees of the Senate and the House of Representatives shall review the report of the consultant and the recommendations of the director submitted pursuant to s. 11.513 and the responses to the director's recommendations by the agencies that are the subject of the report and recommendations, and shall make recommendations for continuation, modification, or repeal of any of the agencies' programs that are affected by the consultant's report or the recommendations of the director. In developing their recommendations, such committees also shall consider the recommendations and responses made in the agencies' legislative budget requests as required by this subsection and in the Governor's recommended budget.~~

Section 8. Section 216.031, Florida Statutes, is amended to read:

216.031 *Target budget request* ~~Budgets for operational expenditures. A legislative budget request, reflecting the independent judgment of the head of the state agency, and of the Chief Justice of the Supreme Court, with respect to the needs of the agency and the judicial branch for operational expenditures during the next fiscal year, shall be submitted by each head of a state agency and by the Chief Justice of the Supreme Court and shall contain the following:~~

~~(1) For each budget entity, a summary exhibit showing, for each appropriation category, for each fund, 1 prior year's appropriations for general revenue, 1 prior year's actual expenditures and 1 current year's estimated expenditures, and the requested expenditures for the next fiscal year. The total number of positions for the budget entity shall be shown for each fiscal year of data for which positions are authorized, fixed, or requested. However, the agency budget request for the State University System shall be expressed in terms of the amounts for the various programs as prescribed in s. 240.271 and in terms of the specified appropriation categories, including the special units' budgets, prescribed in the prior appropriations act.~~

~~(2) For each program component within the budget entity, an exhibit showing, for each appropriation category, the summary explanation of expenditures for each detail issue describing the amounts and positions for the next fiscal year for continuation of current programs, for improved programs, and for new programs, with a summary showing totals by fund for the next fiscal year.~~

~~(3) For each trust fund within the budget entity, a schedule showing the trust funds available, providing the source of receipts, detail of nonoperating disbursements, operating expenditures, fixed capital outlay, and unencumbered cash balances, for 1 prior year's actual, the current year's estimated, and the request for the next fiscal year. In addition, for each trust fund established in connection with legislative action authorizing the collection of a fee or other charge to support a governmental service or activity being performed by the agency involved, there shall be submitted a schedule showing the full cost of such service or activity, the total fees or charges collected to fund such costs, and the amount of excess collections or any deficit. The sources and amounts of any funds used to cover a deficit shall also be shown. The service or activity being performed shall be reviewed by the appropriations committees in the Senate and House of Representatives for the express purpose of making adjustments in fees or other charges in order to make such activities as nearly self-supporting as possible.~~

~~(4) For each budget entity, a schedule showing detail of positions, providing for each class of positions within discrete organizational activities, by the collective bargaining unit and program component for the next fiscal year, the number of full-time equivalent positions, the estimated rate of salary, the amounts requested for new positions, and the number of new positions requested.~~

~~(5) Detailed information for the next fiscal year necessary for the Legislature and the Governor to evaluate:~~

~~(a) The effectiveness of current programs, including justification for those programs.~~

~~(b) The justification for increasing costs to continue the operations of current programs.~~

~~(c) The justification for proposed improvements in existing programs.~~

~~(d) The justification for proposed new programs.~~

~~(e) The projected cost of the requested program for the following fiscal year.~~

~~(f) The needs of the agency or of the judicial branch for operational expenditures, by order of priority.~~

~~(6) Additional information providing a detailed description of the request of the agency and the corresponding calculations needed to support the request.~~

~~(7) Workload and other performance indicators, as prescribed by the legislative budget instructions.~~

~~(8) An information resources management schedule showing the agency's or judicial branch's total budget request for information resources management. The schedule shall be in the format provided for in the legislative budget instructions. The budget request for information resources management shall identify, if applicable, which parts of the request are in response to any information resources management issues included in the legislative budget instructions. This subsection is applicable only to those state agencies which are under the purview of ss. 282.303-282.313 and to the judicial branch.~~

~~(9) A report separately listing the sources of receipts into each trust fund and the amounts of such receipts. In addition, the report shall identify the administrative and program costs expended from the trust fund, including salaries, other personal services, operating capital outlay, fixed capital outlay, other expenses, contractual services, and transfers to other trust funds.~~

~~(10) For those agencies or the judicial branch operating programs under a performance-based program budget, an evaluation of the agency's progress in meeting the performance standards for programs approved pursuant to s. 216.0166. Such evaluation shall be developed as prescribed by the budget instructions, and shall include any responses by the agency or the Chief Justice to the findings of the Office of Program Policy Analysis and Government Accountability pursuant to s. 11.513.~~

~~(11) For performance-based program budgets, the baseline data, outcome measures, output measures, and standards for program measures, including justification for those programs in the format required by the legislative budget instructions.~~

~~(12) A prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as provided for in s. 216.221. Such list shall be in the format provided in the planning and budgeting instructions.~~

Either chair of a legislative appropriations committee, or the Executive Office of the Governor for state agencies, may require the agency or the Chief Justice to address major issues separate from those outlined in s. 216.023, this section, and s. 216.043 for inclusion in the requests of the agency or of the judicial branch. The issues shall be submitted to the agency no later than July 30 of each year and shall be displayed in its requests as provided in the budget instructions. The Executive Office of the Governor may request an agency, or the chair of the appropriations committees of the Senate or House of Representatives may request any agency or the judicial branch, to submit no later than September *30* ~~15~~ of each year a budget plan with respect to targets established by the Governor or either chair. The target budget shall require each entity to establish an order of priorities for its budget issues and may include requests for multiple options for the budget issues. The target budget may also require each entity to submit a program budget or a performance-based budget in the format prescribed by the Executive Office of the Governor or either chair; provided, however, the target budget format shall be compatible with the planning and budgeting system requirements set out in s. 216.141. Such a request shall not influence the agencies' or judicial branch's independent judgment in making legislative budget requests, as required by law.

Section 9. Section 216.044, Florida Statutes, is amended to read:

216.044 Budget evaluation by Department of Management Services.—

(1) Any state agency or judicial branch entity requesting a fixed capital outlay project to be managed by the Department of Management Services shall consult with that department during the budget-development process. The Department of Management Services shall provide recommendations regarding construction requirements, cost of the project, and project alternatives to be incorporated in the agency's or entity's proposed fixed capital outlay budget request and narrative justification.

(2)~~(1)~~ Concurrently with the submission of the fixed capital outlay legislative budget request to the Executive Office of the Governor or to the Chief Justice of the Supreme Court, the agency or judicial branch shall submit a copy of the legislative budget request to the Department of Management Services for evaluation.

(3)~~(2)~~ The Department of Management Services shall advise the Executive Office of the Governor, the Chief Justice, and the Legislature regarding alternatives to the proposed fixed capital outlay project and make recommendations relating to the construction requirements and cost of the project. These recommendations shall be provided to the Legislature and Executive Office of the Governor at a time specified by the Governor, but not less than 90 days prior to the regular session of the Legislature. When evaluating alternatives, the Department of Management Services shall include information as to whether it would be more cost-efficient to lease private property or facilities, to construct facilities on property presently owned by the state, or to acquire property on which to construct the facilities. In determining the cost to the state of constructing facilities on property presently owned by the state or the cost of acquiring property on which to construct facilities, the Department of Management Services shall include the costs which would be incurred by a private person in acquiring the property and constructing the facilities, including, but not limited to, taxes and return on investment.

~~(3) The Department of Management Services shall provide assistance to any state agency, the judicial branch, and the Executive Office of the Governor in fulfilling the requirements of s. 216.0442 as developed pursuant to ss. 216.031 and 216.043.~~

Section 10. Section 216.0446, Florida Statutes, is amended to read:

216.0446 Review of information resources management needs.—

(1) *There is created within the Legislature the Technology Review Workgroup.* The *workgroup shall* ~~Executive Office of the Governor may contract with the Legislature to provide a mechanism for~~ review ~~of~~ and *make* recommendations with respect to the portion of agencies' *long-range program* ~~strategic~~ plans which pertains to information resources management needs and with respect to agencies' legislative budget requests for information resources management. ~~This mechanism shall be referred to as~~ The Technology Review Workgroup~~, which~~ shall be *responsible to the chairs of the legislative appropriations committees* ~~headed by a senior-level manager~~.

(2) In addition to its primary duty specified in subsection (1), the Technology Review Workgroup shall have powers and duties that include, but are not limited to, the following:

(a) To evaluate the information resource management needs identified in the agency *long-range program* ~~strategic~~ plans for consistency with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council, and make recommendations to the *chairs of the legislative appropriations committees* ~~Executive Office of the Governor, pursuant to s. 186.022(3)~~.

(b) To review and make recommendations to the ~~Executive Office of the Governor and the~~ chairs of the legislative *appropriations* ~~fiscal~~ committees on *proposed budget amendments and agency transfers associated with* ~~notices of proposed action for budget items with respect to~~ information resources management initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, or that exceed $500,000 in total cost over a 1-year period.

~~(c) To make recommendations to the Executive Office of the Governor on guidelines and best practices for information resources management based on information received from the State Technology Council.~~

Section 11. Section 216.052, Florida Statutes, is amended to read:

216.052 *Community* ~~Legislative~~ budget requests; appropriations; grants.—

~~(1) The budget request from each agency and from the judicial branch shall be reviewed by the Legislature. The review may allow for the opportunity to have information or testimony by the agency, the judicial branch, the Auditor General's Office, the Governor's Office of Planning and Budgeting, and the public regarding the proper level of funding for the agency in order to carry out its mission.~~

~~(2) In order to ensure an integrated state planning and budgeting process, the strategic plan should be reviewed by the Legislature.~~

(1)~~(3)~~ *A* local, *county, or regional governmental entity* ~~government~~, private organization, or nonprofit organization *may submit a request for* ~~requesting~~ a state appropriation for a program, service, or capital outlay

initiative that *is local or regional in scope, is intended to meet a documented need, addresses a statewide interest, is intended to produce measurable results, and has tangible community support to members of the Legislature, a state agency, or the Governor.* ~~has not been formally recommended under procedures established by law or that has been formally recommended under such procedures but has not been recommended by an agency or by the judicial branch, or that promotes only a local or regional interest, may be allowed the opportunity to provide information or testimony to the appropriate subcommittee of each appropriations committee. Each such request must include a fiscal note that shows the estimated cost of operations and capital outlay for the project. The fiscal note shall indicate the percentage of the projected costs of operations and capital outlay that is to be provided through state funds.~~

(2)~~(4)~~ Each appropriation to a local government, a private organization, or a nonprofit organization made pursuant to a *community budget* request ~~for a program, service, or capital outlay initiative that promotes a solely local or regional interest~~ shall require that the community's support be tangibly demonstrated by evidence that the program or service *will* ~~expects to~~ operate in a financially sound manner. Any ~~other~~ appropriation to a local government, a private organization, or a nonprofit organization made pursuant to *this section* ~~a request as provided in subsection (3)~~ should ~~generally~~ require local matching funds. The match must be based on the size and scope of the project and the applicant's ability to provide the match. In addition, the granting of state funds shall be used to encourage the establishment of community-based partnerships between the public sector and the private sector.

(3) Each community budget request submitted pursuant to this section must receive a hearing before a body of duly elected public officials before being submitted for consideration.

(4) For requests submitted to members of the Legislature, community budget requests shall be submitted in the form and manner prescribed jointly by the President of the Senate and the Speaker of the House of Representatives. If the President of the Senate and the Speaker of the House of Representatives do not agree on a form and manner of submission to be used by both houses, each may prescribe a form and manner of submission to be used in his or her house.

(5) Community budget requests shall be submitted to the chairs of the legislative appropriations committees in accordance with the schedule established jointly by the President of the Senate and the Speaker of the House of Representatives. If the President of the Senate and the Speaker of the House of Representatives do not agree on a schedule to be used by both houses, each may prescribe a schedule to be used in his or her house.

(6) The Executive Office of the Governor shall prescribe the form and manner of submission of requests to state agencies and to the Governor.

(7)~~(5)~~ The retention of interest earned on state funds or the amount of interest income earned shall be applied against the state entity's obligation to pay the *appropriated* ~~contracted~~ amount.

(8)~~(6)~~ Whenever possible, a loan must be made in lieu of a grant to a local government, a private organization, or a nonprofit organization. It is the intent of the Legislature that a revolving loan program shall be established so that the loan amount plus interest is paid back by the recipient to the state.

(9)~~(7)~~ Any private or nonprofit organization *that is to receive funds through a community budget request* ~~requesting funding~~ shall, *at the time of application for such funds,* provide information regarding its organization, including a copy of its current budget, ~~and~~ a list of its board of directors, *and, if available, a copy of its most recent annual audit report prepared by an independent certified public accountant licensed in this state, including management letters or other documents associated with the audit report.*

~~(8) In addition to any other provision of law granting access to records and accounts, the Auditor General may, pursuant to his or her own authority hereby granted in this subsection or at the direction of the Legislative Auditing Committee, conduct audits of any direct-support organization or citizen support organization authorized by law. Independent audits of direct-support organizations and citizen support organizations conducted by certified public accountants shall be performed in accordance with rules promulgated by the Auditor General.~~

Section 12. Subsection (1) of section 216.081, Florida Statutes, is amended to read:

216.081 Data on legislative and judicial branch expenses.—

(1) ~~On or before September 1 in each year,~~ In sufficient time to be included in the Governor's recommended budget, estimates of the financial needs of the legislative branch and the judicial branch during the ensuing fiscal year shall be furnished to the Governor pursuant to chapter 11.

Section 13. Section 216.131, Florida Statutes, is amended to read:

216.131 Public hearings on legislative budgets.—The Governor and the Chief Justice of the Supreme Court shall each provide for at least one public hearing prior to submission of budget recommendations to the Legislature on issues contained in agency legislative budget requests or in the judicial branch budget request and issues *that* ~~which~~ may be included in budget recommendations to the Legislature, which *hearing* shall be held at such time as the Governor or the Chief Justice may fix. The Governor may require the attendance *or participation, or both,* at his or her hearings of the heads or responsible representatives of all state agencies supported by any form of taxation or licenses, fees, imposts, or exactions. *The Governor and the Chief Justice may provide these hearings simultaneously via electronic format, such as teleconference, Internet, etc., provided that a means for active participation and questions by the audience is accommodated.*

Section 14. Section 216.133, Florida Statutes, is amended to read:

216.133 Definitions; ss. 216.133-216.137.—As used in ss. 216.133-216.137:

(1) "Consensus estimating conference" includes the Economic Estimating Conference, the Demographic Estimating Conference, the Revenue Estimating Conference, the Education Estimating Conference, the Criminal Justice Estimating Conference, the Juvenile Justice Estimating Conference, *the Child Welfare System Estimating Conference, the Occupational Forecasting Conference, the School Readiness Program Estimating Conference, the Self-Insurance Estimating Conference, the Florida Retirement System Actuarial Assumption Conference, and* the Social Services Estimating Conference~~, and the Transportation Estimating Conference~~.

(2) "Official information" means the data, forecasts, estimates, analyses, studies, and other information which the principals of a consensus estimating conference unanimously adopt for purposes of the state planning and budgeting system.

(3) "Consensus" means the unanimous consent of all of the principals of a consensus estimating conference.

~~(3) "State planning and budgeting system" refers to the processes and functions prescribed in chapter 186 and this chapter and ss. 215.32, 215.93, 215.94, and 944.096.~~

Section 15. Section 216.134, Florida Statutes, is amended to read:

216.134 Consensus estimating conferences; general provisions.—

(1) Each consensus estimating conference shall develop such official information within its area of responsibility as the conference determines, *by consensus,* is needed for purposes of the state planning and budgeting system. Unless otherwise provided by law or decided by unanimous agreement of the principals of the conference, all official information developed by the conference shall be based on the assumption that current law and current administrative practices will remain in effect throughout the period for which the official information is to be used. The official information developed by each consensus estimating conference shall include forecasts for a period of at least 10

years, unless the principals of the conference unanimously agree otherwise.

(2) Whenever an estimating conference is convened, an official estimate does not exist until a new consensus is reached.

(3)~~(2)~~ The official information developed by the Economic Estimating Conference and the official information developed by the Demographic Estimating Conference shall be used by all other consensus estimating conferences in developing their official information.

(4)~~(3)~~ The membership of each consensus estimating conference consists of principals and participants.

(a) A person designated by law as a principal may preside over conference sessions, convene conference sessions, request information, specify topics to be included on the conference agenda, agree or withhold agreement on whether information is to be official information of the conference, release official information of the conference, interpret official information of the conference, and monitor errors in official information of the conference.

(b) A participant is any person who is invited to participate in the consensus estimating conference by a principal. A participant shall, at the request of any principal before or during any session of the conference, develop alternative forecasts, collect and supply data, perform analyses, or provide other information needed by the conference. The conference shall consider information provided by participants in developing its official information.

(5)~~(4)~~ All sessions and meetings of a consensus estimating conference shall be open to the public as provided in chapter 286.

Section 16. Section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(1) ECONOMIC ESTIMATING CONFERENCE.—

(a) Duties.—

~~1.~~ The Economic Estimating Conference shall develop such official information with respect to the national and state economies as the conference determines is needed for the state planning and budgeting system. The basic, long-term forecasts which are a part of its official information shall be trend forecasts. However, the conference may include cycle forecasts as a part of its official information if the subject matter of the forecast warrants a cycle forecast and if such forecast is developed in a special impact session of the conference.

~~2. Prior to the submission of the Governor's budget recommendations to the Legislature pursuant to s. 216.162, and again prior to each Regular Session of the Legislature, the Economic Estimating Conference shall evaluate and project the financial condition of the employee group health self-insurance plan. This analysis shall also consider any financial impact of the state's use of health maintenance organizations on the funding of the self-insurance plan. The conference shall indicate whether the current plan premium rates are sufficient to fund projected plan claims and other expenses during the fiscal year.~~

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Economic Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

(2) DEMOGRAPHIC ESTIMATING CONFERENCE.—

(a) Duties.—The Demographic Estimating Conference shall develop such official information with respect to the population of the nation and state by age, race, and sex as the conference determines is needed for the state planning and budgeting system. The conference shall use the official population estimates provided under s. 186.901 in developing its official information.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Demographic Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

(3) REVENUE ESTIMATING CONFERENCE.—

(a) Duties.—The Revenue Estimating Conference shall develop such official information with respect to anticipated state and local government revenues as the conference determines is needed for the state planning and budgeting system. Any principal may request the conference to review and estimate revenues for any trust fund.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Revenue Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

(4) EDUCATION ESTIMATING CONFERENCE.—

(a) Duties.—The Education Estimating Conference shall develop such official information relating to the state public educational system, including forecasts of student enrollments, the number of students qualified for state financial aid programs and the appropriation required to fund the full award amounts for each program, fixed capital outlay needs, and Florida Education Finance Program formula needs, as the conference determines is needed for the state planning and budgeting system. The conference's initial projections of enrollments in public schools shall be forwarded by the conference to each school district no later than 2 months prior to the start of the regular session of the Legislature. Each school district may, in writing, request adjustments to the initial projections. Any adjustment request shall be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. A school district may amend its adjustment request, in writing, during the first 3 weeks of the legislative session, and such amended adjustment request shall be considered by the principals of the conference. For any adjustment so requested, the district shall indicate and explain, using definitions adopted by the conference, the components of anticipated enrollment changes that correspond to continuation of current programs with workload changes; program improvement; program reduction or elimination; initiation of new programs; and any other information that may be needed by the Legislature. For public schools, the conference shall submit its full-time equivalent student consensus estimate to the Legislature no later than 1 month after the start of the regular session of the Legislature. No conference estimate may be changed without the agreement of the full conference.

(b) Adjustments.—No later than 2 months prior to the start of the regular session of the Legislature, the conference shall forward to each eligible postsecondary education institution its initial projections of the number of students qualified for state financial aid programs and the appropriation required to fund those students at the full award amount. Each postsecondary education institution may request, in writing, adjustments to the initial projection. Any adjustment request must be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. For any adjustment so requested, the postsecondary education institution shall indicate and explain, using definitions adopted by the conference, the components of anticipated changes that correspond to continuation of current programs with enrollment changes, program reduction or elimination, initiation of new programs, award amount increases or decreases, and any other information that is considered by the conference. The conference shall submit its consensus estimate to the Legislature no later than 1 month after the start of the regular session of the Legislature. No conference estimate may be changed without the agreement of the full conference.

(c) Principals.—The ~~Associate Deputy~~ Commissioner *of Education* ~~for Educational Management~~, the Executive Office of the Governor, the

coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Education Estimating Conference. The ~~Associate Deputy~~ Commissioner *of Education* ~~for Educational Management~~ or his or her designee shall preside over sessions of the conference.

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Criminal Justice Estimating Conference shall develop such official information relating to the criminal justice system, including forecasts of prison admissions by offense categories specified in Rule 3.701, Florida Rules of Criminal Procedure, as the conference determines is needed for the state planning and budgeting system.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff, who have forecasting expertise, from the Senate, the House of Representatives, and the Supreme Court, or their designees, are the principals of the Criminal Justice Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

(6) SOCIAL SERVICES ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Social Services Estimating Conference shall develop such official information relating to the social services system of the state, including forecasts of social services caseloads, as the conference determines is needed for the state planning and budgeting system. Such official information shall include, but not be limited to, subsidized child care caseloads mandated by the Family Support Act of 1988.

2. In addition, the Social Services Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for subsidized child care as defined in s. 402.3015(1). These estimates and forecasts shall not include children enrolled in the prekindergarten early intervention program established in s. 230.2305.

3. The Department of Children and Family Services and the Department of Education shall provide information on caseloads and waiting lists for the subsidized child care and prekindergarten early intervention programs requested by the Social Services Estimating Conference or individual conference principals, in a timely manner.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff, who have forecasting expertise, from the Department of Children and Family Services, the Senate, and the House of Representatives, or their designees, are the principals of the Social Services Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

~~(7) TRANSPORTATION ESTIMATING CONFERENCE.—~~

~~(a) Duties. The Transportation Estimating Conference shall develop such official budget information relating to transportation planning and budgeting as is determined by the conference principals to be needed for the state planning and budgeting system. This information shall include estimates of transportation cost indices and other budget-related estimates. This conference shall not address estimates of transportation revenues.~~

~~(b) Principals. The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff with budgeting expertise from the Department of Transportation, the Senate, and the House of Representatives are the principals of the Transportation Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.~~

(7)~~(8)~~ CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—

(a) Duties.—The Child Welfare System Estimating Conference shall develop such official information relating to the child welfare system of the state, including forecasts of child welfare caseloads, as the conference determines is needed for the state planning and budgeting system. Such official information may include, but is not limited to:

1. Estimates and projections of the number of initial and additional reports of child abuse, abandonment, or neglect made to the central abuse hotline maintained by the Department of Children and Family Services as established in s. 39.201(4). Projections may take into account other factors that may influence the number of future reports to the abuse hotline.

2. Estimates and projections of the number of children who are alleged to be victims of child abuse, abandonment, or neglect and are in need of emergency shelter, foster care, residential group care, adoptive services, or other appropriate care.

In addition, the conference shall develop other official information relating to the child welfare system of the state which the conference determines is needed for the state planning and budgeting system. The Department of Children and Family Services shall provide information on the child welfare system requested by the Child Welfare System Estimating Conference, or individual conference principals, in a timely manner.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff who have forecasting expertise from the Department of Children and Family Services, the Senate, and the House of Representatives, or their designees, are the principals of the Child Welfare System Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

(8)~~(9)~~ JUVENILE JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Juvenile Justice Estimating Conference shall develop such official information relating to the juvenile justice system of the state as is determined by the conference principals to be needed for the state planning and budgeting system. This information shall include, but is not limited to: estimates of juvenile delinquency caseloads and workloads; estimates for secure, nonsecure, and home juvenile detention placements; estimates of workloads in the juvenile sections in the offices of the state attorneys and public defenders; estimates of mental health and substance abuse treatment relating to juveniles; and such other information as is determined by the conference principals to be needed for the state planning and budgeting system.

(b) Principals.—The Executive Office of the Governor, the Office of Economic and Demographic Research, and professional staff who have forecasting expertise from the Department of Juvenile Justice, the Department of Children and Family Services Alcohol, Drug Abuse, and Mental Health Program Office, the Department of Law Enforcement, the Senate Appropriations Committee staff, the House of Representatives Appropriations Committee staff, or their designees, are the principals of the Juvenile Justice Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals. To facilitate policy and legislative recommendations, the conference may call upon professional staff of the Juvenile Justice Accountability Board and appropriate legislative staff.

(9)~~(10)~~ OCCUPATIONAL FORECASTING CONFERENCE.—

(a) Duties.—The Occupational Forecasting Conference shall develop such official information on the workforce development system planning process as it relates to the personnel needs of current, new, and emerging industries as the conference determines is needed by the state planning and budgeting system. Such information must include at least: short-term and long-term forecasts of employment demand for high-skills/high-wage jobs by occupation and industry; relative wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available for employment in those occupations.

(b) Principals.—The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the Secretary of Labor, and the coordinator of the Office of Economic and Demographic Research, or their designees, are the principals of the Occupational Forecasting Conference. The Commissioner of Education, or the commissioner's designee, shall preside over the sessions of the conference.

(10)~~(11)~~ SCHOOL READINESS PROGRAM ESTIMATING CONFERENCE.—

(a) Duties.—

1. The School Readiness Program Estimating Conference shall develop such estimates and forecasts of the number of individuals eligible for school readiness programs in accordance with the standards of eligibility established by state or federal statute or administrative rule as the conference determines are needed to support the state planning, budgeting, and appropriations processes.

2. In addition, the School Readiness Program Estimating Conference shall estimate the unduplicated count of children who are eligible for services under the school readiness program.

3. The Florida Partnership for School Readiness shall provide information on needs and waiting lists for school readiness program services requested by the School Readiness Program Estimating Conference or individual conference principals in a timely manner.

(b) Principals.—The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff who have forecasting expertise from the Florida Partnership for School Readiness, the Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives, or their designees, are the principals of the School Readiness Program Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

(11) SELF-INSURANCE ESTIMATING CONFERENCE.—

(a) Duties.—The Self-Insurance Estimating Conference shall develop such official information on self-insurance related issues as the conference determines is needed by the state planning and budgeting system.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and staff directors of the committees of the Senate and the House of Representatives which have primary responsibility for legislation dealing with taxation, or their designees, are the principals of the Self-Insurance Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

(12) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION CONFERENCE.—

(a) Duties.—The Florida Retirement System Actuarial Assumption Conference shall develop official information with respect to the economic and noneconomic assumptions and funding methods of the Florida Retirement System necessary to perform the system actuarial study undertaken pursuant to s. 121.031(3). Such information shall include: an analysis of the actuarial assumptions and actuarial methods used in the study and a determination of whether changes to the assumptions or methods need to be made due to experience changes or revised future forecasts.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Florida Retirement System Actuarial Assumption Conference. The Executive Office of the Governor shall have the responsibility of presiding over the sessions of the conference. The State Board of Administration and the Division of Retirement shall be participants in the conference.

Section 17. Subsection (1) of section 216.141, Florida Statutes, is amended to read:

216.141 Budget system procedures; planning and programming by state agencies.—

(1) The Executive Office of the Governor, in consultation with the appropriations committees of the Senate and House of Representatives, and by utilizing the Florida Financial Management Information System management data and the Comptroller's chart of accounts, shall prescribe a planning and budgeting system, pursuant to s. 215.94(1), to provide for continuous planning and programming and for effective management practices for the efficient operations of all state agencies and the judicial branch. ~~However, the planning and budgeting system shall be limited to the processing of information related to ss. 216.023, 216.0235, 216.031, 216.043, 216.121, 216.181, 216.182, and 216.192 and those applications relating to part I of chapter 23 and part I of chapter 252 which are funded by the Legislature.~~ The *Legislature* ~~Executive Office of the Governor~~ may contract with the *Executive Office of the Governor* ~~Legislature~~ to develop the planning and budgeting system and to provide services to the Legislature for the support and use of the legislative appropriations system. The contract shall include the policies and procedures for combining the legislative appropriations system with the planning and budgeting information system established pursuant to s. 215.94(1). At a minimum, the contract shall require the use of common data codes. The combined legislative appropriations and planning and budgeting information subsystem shall support the legislative appropriations and legislative oversight functions without data code conversion or modification.

Section 18. Subsection (1) of section 216.162, Florida Statutes, is amended to read:

216.162 Governor's recommended budget to be furnished Legislature; copies to members.—

(1) At least 45 days before the scheduled annual legislative session ~~in each odd-numbered year,~~ the Governor shall furnish each senator and representative a copy of his or her recommended balanced budget for the state, based on the Governor's own conclusions and judgment; provided, however, that in his or her first year in office a new Governor may request, subject to approval of the President of the Senate and the Speaker of the House of Representatives, that his or her recommended balanced budget be submitted at a later time prior to the Governor's first regular legislative session.

Section 19. Section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(1) The Governor's recommended budget shall be referenced to the legislative budget requests prescribed in ss. *216.023* ~~216.031~~ and 216.043 and shall be consistent with the format of the current fiscal year General Appropriations Act ~~or shall be distinctly separated into four sections. If separated into four sections, Section One of the budget shall be entitled "Operations"; Section Two shall be entitled "Revenue Sharing, Distributions and Transfers"; Section Three shall be entitled "Fixed Capital Outlay"; and Section Four shall be entitled "Debt Service."~~

(2) The Governor's recommended budget shall also include:

(a) The Governor's recommendations for operating each state agency, and those of the Chief Justice of the Supreme Court for operating the judicial branch, for the next fiscal year. These recommendations shall be displayed by appropriation category within each budget entity~~, with detail by program component within each budget entity,~~ and shall also include the legislative budget request of the corresponding agency.

(b)1. The Governor's recommendations and those of the Chief Justice for fixed capital outlay appropriations for the next fiscal year. These recommendations shall be displayed by budget entity and shall also include the legislative budget request of the corresponding agency.

2. For each specific fixed capital outlay project or group of projects or operating capital outlay requests recommended to be funded from a proposed state debt or obligation, he or she shall make available pursuant to s. 216.164(1)(a) the documents set forth in s. 216.0442(2).

(c) The evaluation of the fixed capital outlay request of each agency and the judicial branch and alternatives to the proposed projects as made by the Department of Management Services pursuant to s. 216.044.

(d) A summary statement of the amount of appropriations requested by each state agency and as recommended by the Governor and by the judicial branch.

(e) A distinct listing of all nonrecurring appropriations recommended by the Governor or the Chief Justice.

~~(f) A listing of the general policies used to calculate the amounts required for salaries, other personal services, expenses, operating capital outlay, electronic data processing, and food products recommended by the Governor or the Chief Justice.~~

~~(g) Explanations and justification, expressed in terms of program-effectiveness measures, program-efficiency measures, workload, productivity adjustments, staffing standards, and any other criteria needed to evaluate the delivery of governmental services and to explain the Governor's recommendations or the Chief Justice's recommendations, and such other supporting schedules and exhibits as may be determined by the Governor or the Chief Justice.~~

~~(h) With respect to the Department of Transportation, a reconciliation of the Governor's recommendations for the funding of the agency budget and tentative work program with the budget and tentative work program submitted by the department pursuant to s. 339.135 by project, by project phase, by department district, and by appropriation category.~~

(f)~~(i)~~ The Governor's recommendations for critical information resource management projects which should be subject to special monitoring under s. 282.322. These recommendations shall include proviso language which specifies whether funds are specifically provided to contract for project monitoring, or whether the Auditor General will conduct such project monitoring. When funds are recommended for contracting with a project monitor, such funds may equal 1 percent to 5 percent of the project's estimated total costs. These funds shall be specifically appropriated and nonrecurring.

(g)~~(j)~~ Any additional information which the Governor or Chief Justice feels is needed to justify his or her recommendations.

(3) The Governor shall provide to the Legislature a performance-based program budget ~~for approved programs according to the schedule provided in s. 216.0172~~. Information submitted to the Legislature shall be provided in a fashion that will allow comparison of the requested information with the agency request and legislative appropriation by the automated legislative appropriation planning and budgeting system.

(4) The Executive Office of the Governor shall review ~~the evaluation report required by s. 216.031(10) and~~ the findings of the Office of Program Policy Analysis and Government Accountability, to the extent they are available, request any reports or additional analyses as necessary, and submit a recommendation *for executive agencies*, which may include a recommendation regarding incentives or disincentives for agency performance. Incentives or disincentives may apply to all or part of a state agency. *The Chief Justice shall review the findings of the Office of Program Policy Analysis and Government Accountability regarding judicial branch performance and make appropriate recommendations for the judicial branch.*

(a) Incentives may include, but are not limited to:

1. Additional flexibility in budget management, such as, but not limited to, the use of lump sums *or*~~,~~ special categories~~, or performance-based program appropriation~~; consolidation of budget entities or program components; consolidation of appropriation categories; and increased agency transfer authority between appropriation categories or budget entities.

2. Additional flexibility in salary rate and position management.

3. Retention of up to 50 percent of all unencumbered balances of appropriations as of June 30, or undisbursed balances as of December 31, excluding special categories and grants and aids, which may be used for nonrecurring purposes including, but not limited to, lump-sum bonuses, employee training, or productivity enhancements, including technology and other improvements.

4. Additional funds to be used for, but not limited to, lump-sum bonuses, employee training, or productivity enhancements, including technology and other improvements.

5. Additional funds provided pursuant to law to be released to an agency quarterly or incrementally contingent upon the accomplishment of units of output or outcome specified in the General Appropriations Act.

(b) Disincentives may include, but are not limited to:

1. Mandatory quarterly reports to the Executive Office of the Governor and the Legislature on the agency's progress in meeting performance standards.

2. Mandatory quarterly appearances before the Legislature, the Governor, or the Governor and Cabinet to report on the agency's progress in meeting performance standards.

3. Elimination or restructuring of the program, which may include, but not be limited to, transfer of the program or outsourcing all or a portion of the program.

4. Reduction of total positions for a program.

5. Restriction on or reduction of the spending authority provided in s. 216.292(2) ~~and (4)~~.

6. Reduction of managerial salaries.

(5) At the same time that the Governor furnishes each senator and representative with a copy of his or her recommended balanced budget under s. 216.162(1), the Executive Office of the Governor shall electronically transmit to the legislative appropriations committees the Governor's recommended budget, the Exhibit B, Major Issues, and D-3a's.

(6) At the time the Governor is required to furnish copies of his or her recommended budget to each senator and representative under s. 216.162(1), the Governor shall declare an impasse in all collective bargaining negotiations for which he or she is deemed to be the public employer and for which a collective bargaining agreement has not been executed. Within 14 days thereafter, the Governor shall furnish the legislative appropriations committees with documentation relating to the last offer he or she made during such collective bargaining negotiations or recommended to a mediator or special master appointed to resolve the impasse.

Section 20. Subsections (1) and (2) of section 216.177, Florida Statutes, are amended to read:

216.177 Appropriations acts, statement of intent, violation, notice, review and objection procedures.—

(1) *When an appropriations act is delivered to the Governor after the Legislature has adjourned sine die,* as soon as practicable, but no later than the 10th day before the end of the period allowed by law for veto consideration in any year in which an appropriation is made, the chairs of the legislative appropriations committees shall jointly transmit:

~~(a) A statement of intent, including performance and workload measures as appropriate;~~

(a)~~(b)~~ The official list of General Revenue Fund appropriations determined in consultation with the Executive Office of the Governor to be nonrecurring; and

(b)~~(c)~~ The documents set forth in s. 216.0442(2)(a) and (c),

to the Executive Office of the Governor, the Comptroller, the Auditor General, the Chief Justice of the Supreme Court, and each state agency. ~~The statement of intent constitutes a manifestation of how the Legislature, in its considered opinion as a representative of the people, thinks appropriations should be spent. The statement of intent is not a law and may not allocate or appropriate any funds, or amend or correct any provision, in the General Appropriations Act, but the statement of intent may provide additional explanation to the Executive Office of the Governor, the judicial branch, the Administration Commission, and each affected state agency relative to the purpose, objectives, spending philosophy, and restrictions associated with any specific appropriation. The statement of intent shall compare the request of the agency or of the judicial branch or the recommendation of the Governor to the funds appropriated for the purpose of establishing intent in the development of the approved operating budget.~~ A request for additional explanation and direction regarding the legislative intent of the General Appropriations Act during the fiscal year may be made only by and through the Executive Office of the Governor for state agencies, and by and through the Chief Justice of the Supreme Court for the judicial branch, as is deemed necessary. However, the Comptroller may also request further clarification of legislative intent pursuant to the Comptroller's responsibilities related to his or her preaudit function of expenditures.

(2)(a) Whenever notice of action to be taken by the Executive Office of the Governor *or*~~,~~ the Chief Justice of the Supreme Court~~, or the commission~~ is required by this chapter, such notice shall be given to the *chair of the Legislative Budget Commission and* chairs of the legislative appropriations committees in writing, and shall be delivered ~~to both such chairs~~ at least 14 ~~consecutive~~ days prior to the action referred to, unless a shorter period is approved in writing by *the chair* ~~both such chairs~~. *If the action is solely for the release of funds appropriated by the Legislature, the notice shall be delivered at least 3 days before the effective date of the action.* Action shall not be taken on any budget item for which this chapter requires notice to the Legislative *Budget Commission and* appropriations committees without such notice having been provided, even though there may be good cause for considering such item.

(b) If the *chair of the Legislative Budget Commission* ~~chairs of the legislative appropriations committees~~ or the President of the Senate and the Speaker of the House of Representatives timely advise, in writing, the Executive Office of the Governor *or*~~,~~ the Chief Justice of the Supreme Court~~, or the Administration Commission~~ that an action or a proposed action*, whether* subject to the notice and review requirements of this chapter *or not,* exceeds the delegated authority of the Executive Office of the Governor for the executive branch *or*~~,~~ the Chief Justice for the judicial branch, ~~or the Administration Commission,~~ respectively, or is contrary to legislative policy and intent, the Governor *or*~~,~~ the Chief Justice of the Supreme Court~~, or the Administration Commission~~ shall void such action and instruct the affected state agency or entity of the judicial branch to change immediately its spending action or spending proposal until the Legislature addresses the issue. The written documentation shall indicate the specific reasons that an action or proposed action exceeds the delegated authority or is contrary to legislative policy and intent.

(c) The House of Representatives and the Senate shall provide by rule that any member of the House of Representatives or Senate may request, in writing, of either the President of the Senate or the Speaker of the House of Representatives or the chair of the ~~respective~~ Legislative *Budget Commission* ~~appropriations committee~~ to initiate the procedures of paragraph (b).

Section 21. Section 216.178, Florida Statutes, is amended to read:

216.178 General Appropriations Act; format; procedure~~; cost statement for new debt or obligation~~.—

(1) Any information contained in a conference committee report on a general or supplemental appropriations bill, on any other bill adopted by the same conference committee to implement a general or supplemental appropriations bill and effective for the same period as such appropriations bill, or on a revenue bill during any regular or special legislative session must be made available to the members of the Legislature and to the public at least *72* ~~48~~ hours before the report may be voted on by the Senate or the House of Representatives.

(2) ~~Effective June 30, 1993,~~ The Office of Planning and Budgeting shall develop a final budget report that reflects the net appropriations for each budget item. The report shall reflect actual expenditures for each of the 2 preceding fiscal years and the estimated expenditures for the current fiscal year. In addition, the report must contain the actual revenues and cash balances for the preceding 2 fiscal years and the estimated revenues and cash balances for the current fiscal year. The report may also contain expenditure data, program objectives, and program measures for each state agency program. The report must be produced by October 15 each year. A copy of the report must be made available to each member of the Legislature, to the head of each state agency, to the Auditor General, and to the public.

~~(3) The Governor shall submit to the Secretary of State, along with the signed General Appropriations Act, a statement which sets forth the estimated cost of each new proposed state debt or obligation contained in the act. Each statement shall be written in substantially the following form:~~

~~The General Appropriations Act for fiscal year . . .(insert years). . . authorizes the issuance of $ . . .(insert principal). . . of debt or obligation at a forecasted interest rate of . . .(insert rate of interest). . .. The total interest paid over the life of this debt or obligation will be $ . . .(insert sum of interest payments). . .. Additionally, it is estimated that the 5-year operational costs associated with those capital outlay projects to be funded by the incurrence of this debt or obligation will be $ . . .(insert costs). . ..~~

Section 22. Section 216.179, Florida Statutes, is amended to read:

216.179 Reinstatement of vetoed appropriations by administrative means prohibited.—After the Governor has vetoed a specific appropriation for an agency or the judicial branch, neither the Governor, ~~the Administration Commission, nor~~ the Chief Justice of the Supreme Court, *nor a state agency,* in their various statutory and constitutional roles, may authorize expenditures for or implementation in any manner of the programs that were authorized by the vetoed appropriation.

Section 23. Section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(1) The General Appropriations Act and any other acts containing appropriations shall be considered the original approved operating budgets for operational and fixed capital expenditures. Amendments to the approved operating budgets for operational and fixed capital outlay expenditures from state agencies may be requested only through the Executive Office of the Governor and approved by the Governor *and the Legislative Budget Commission* ~~or Administration Commission~~ as provided in this chapter. Amendments from the judicial branch may be requested only through, and approved by, the Chief Justice of the Supreme Court. This includes amendments which are necessary to implement the provisions of s. 216.212 or s. 216.221.

(2) Amendments to the original approved operating budgets for operational and fixed capital outlay expenditures must comply with the following guidelines in order to be approved by the Governor *and the Legislative Budget Commission* ~~or Administration Commission~~ as provided in this chapter for the executive branch and the Chief Justice for the judicial branch:

(a) The amendment must be consistent with legislative policy and intent.

(b) The amendment may not initiate or commence a new program, except as authorized by this chapter, or eliminate an existing program.

(c) Except as authorized in s. 216.292 or other provisions of this chapter, the amendment may not provide funding or increased funding for items which were funded by the Legislature in an amount less than

that requested by the agency or Governor in the legislative budget request or which were vetoed by the Governor.

(d) For amendments that involve trust funds, there must be adequate and appropriate revenues available in the trust fund and the amendment must be consistent with the laws authorizing such trust funds and the laws relating to the use of the trust funds. However, a trust fund shall not be increased in excess of the original approved budget, except as provided in subsection (11).

(e) The amendment shall not conflict with any provision of law.

(f) The amendment must not provide funding for any issue which was requested by the agency or branch in their legislative budget request and not funded in the General Appropriations Act.

(g) The amendment must include a written description of the purpose of the proposed change, an indication of why interim budget action is necessary, and the intended recipient of any funds for contracted services.

(h) The amendment must not provide general salary increases which the Legislature has not authorized in the General Appropriations Act or other laws.

(3) All amendments to original approved operating budgets, regardless of funding source, are subject to the notice and review procedures set forth in s. 216.177.

(4) To the extent possible, individual members of the Senate and the House of Representatives should be advised of budget amendments requested by the executive branch.

(5)~~(4)~~ *An* ~~All amendments to the original approved operating budgets, regardless of funding source, are subject to the notice and review procedures set forth in s. 216.177 and must be approved by the Governor and Administration Commission as provided in this chapter for the executive branch and the Chief Justice for the judicial branch if the~~ amendment ~~is~~ for an information resources management project or initiative that involves more than one agency, has an outcome that impacts another agency, or exceeds $500,000 in total cost over a 1-year period, except for those projects that are a continuation of hardware or software maintenance or software licensing agreements, or that are for desktop replacement that is similar to the technology currently in use *must be reviewed by the Technology Review Workgroup pursuant to s. 216.0466 and approved by the Executive Office of the Governor for the executive branch or by the Chief Justice for the judicial branch, and shall be subject to the notice and review procedures set forth in s. 216.177.*

(6)~~(5)~~(a) The Executive Office of the Governor or the Chief Justice of the Supreme Court may require the submission of a detailed plan from the agency or entity of the judicial branch affected, consistent with the General Appropriations Act, special appropriations acts, and the statement of intent before transferring and releasing the balance of a lump-sum appropriation. The provisions of this paragraph are subject to the notice and review procedures set forth in s. 216.177.

(b) The Executive Office of the Governor may amend, without approval of the *Legislative Budget* ~~Administration~~ Commission, state agency budgets to reflect the transferred funds based on the approved plans for lump-sum appropriations.

The Executive Office of the Governor shall transmit to each state agency and the Comptroller, and the Chief Justice shall transmit to each judicial branch component and the Comptroller, any approved amendments to the approved operating budgets.

(7)~~(6)~~ The Executive Office of the Governor may, for the purpose of improved contract administration, authorize the consolidation of two or more fixed capital outlay appropriations for an agency, and the Chief Justice of the Supreme Court for the judicial branch, except for projects authorized under chapter 235, provided the original scope and purpose of each project are not changed.

~~(7) The original approved annual salary rate for the Division of Administrative Hearings shall be as set forth in the General Appropriations Act. This rate may be adjusted by the Executive Office of the Governor subject to the provisions of s. 120.65(2).~~

(8) As part of the approved operating budget, the Executive Office of the Governor shall furnish to each state agency, and the Chief Justice of the Supreme Court shall furnish to the entity of the judicial branch, an approved annual salary rate for each budget entity containing a salary appropriation. This rate shall be based upon the actual salary rate and shall be consistent with the General Appropriations Act or special appropriations acts. The annual salary rate shall be:

(a) Calculated based on the actual salary rate in effect on June 30, and the salary policy and the number of authorized positions as specified in the General Appropriations Act and special appropriations acts, or as provided pursuant to s. 216.177.

(b) Controlled by *department or agency; except for the Department of Education, which shall be controlled by division and for the judicial branch, which shall be controlled at the branch level* ~~budget entity~~.

(c) Assigned to the number of authorized positions~~, which may not be transferred between budget entities unless the associated positions are also transferred pursuant to s. 216.262(1)(c)~~.

(9)(a) The calculation for the annual salary rate for vacant and newly authorized positions shall be at no more than the midpoint of the range of the pay grade for the position or as provided in the General Appropriations Act.

(b) No agency or the judicial branch may exceed its maximum approved annual salary rate for the fiscal year. However, at any time during the fiscal year, an agency or entity of the judicial branch may exceed its approved rate for all budget entities by no more than 5 percent, provided that, by June 30 of every fiscal year, the agency or entity of the judicial branch has reduced its salary rate so that the salary rate for each budget entity is within the approved rate limit for that budget entity.

(10)(a) The Executive Office of the Governor and the Chief Justice of the Supreme Court may increase or decrease the approved salary rate for positions for the purpose of implementing the General Appropriations Act, special appropriations acts, and *actions pursuant to s. 216.262* ~~other adjustments if they are deemed to be necessary and in the best interest of the state and~~ consistent with legislative intent and policy. The provisions of this paragraph are subject to the notice and review procedures set forth in s. 216.177.

(b) Lump-sum salary bonuses may be provided only if specifically appropriated.

(11) The Executive Office of the Governor may approve transfers of appropriations in the General Appropriations Act within any state trust fund of an agency, and the Chief Justice of the Supreme Court may approve such transfers for the judicial branch. ~~The Governor and the Chief Justice of the Supreme Court may establish nonoperating budgets if deemed necessary and in the best interest of the state and consistent with legislative intent and policy.~~ The Executive Office of the Governor and the Chief Justice of the Supreme Court may approve changes in the amounts appropriated from state trust funds in excess of those in the approved operating budget only pursuant to the federal funds provisions of s. 216.212, when grants and donations are received after April 1, or when deemed necessary due to a set of conditions that were unforeseen at the time the General Appropriations Act was adopted and that are essential to correct in order to continue the operation of government. The provisions of this subsection are subject to the notice, review, and objection procedures set forth in s. 216.177.

(12) There is appropriated nonoperating budget for refunds, payments to the U.S. Treasury, payments of the service charge to the General Revenue Fund, and transfers of funds specifically required by law. Such authorized budget, together with related releases, shall be transmitted by the state agency or by the judicial branch to the Comptroller for entry in the Comptroller's records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such authorized budgets shall be

furnished to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative committees responsible for developing the general appropriations acts, and the Auditor General. The Governor may withhold approval of nonoperating investment authority for certain trust funds when deemed in the best interest of the state. The Governor for the executive branch, and the Chief Justice for the judicial branch, may establish nonoperating budgets for transfers, purchase of investments, special expenses, distributions, and any other nonoperating budget categories they deem necessary and in the best interest of the state and consistent with legislative intent and policy. The provisions of this subsection are subject to the notice, review, and objection procedures set forth in s. 216.177. For purposes of this section, the term "nonoperating budgets" means nonoperating disbursement authority for purchase of investments, refunds, payments to the U.S. Treasury, transfers of funds specifically required by law, distributions of assets held by the state in a trustee capacity as an agent of fiduciary, special expenses, and other nonoperating budget categories as determined necessary by the Executive Office of the Governor, not otherwise appropriated in the General Appropriations Act.

(13)~~(12)~~ Each state agency and the judicial branch shall develop the internal management procedures and budgets necessary to assure compliance with the approved operating budget.

(14)~~(13)~~ The Executive Office of the Governor and the Chief Justice of the Supreme Court shall certify the amounts approved for operations and fixed capital outlay, together with any relevant supplementary materials or information, to the Comptroller; and such certification shall be the Comptroller's guide with reference to the expenditures of each state agency pursuant to s. 216.192.

(15)~~(14)~~ The provisions of this section do not apply to the budgets for the legislative branch.

(16)~~(15)~~(a) Funds provided in any specific appropriation in the General Appropriations Act may be advanced if the General Appropriations Act specifically so provides.

(b) Any agency, or the judicial branch, that has been authorized by the General Appropriations Act or expressly authorized by other law to make advances for program startup or advances for contracted services, in total or periodically, shall limit such disbursements to other governmental entities and not-for-profit corporations. The amount which may be advanced shall not exceed the expected cash needs of the contractor or recipient within the initial 3 months. Thereafter, disbursements shall only be made on a reimbursement basis. Any agreement that provides for advancements may contain a clause that permits the contractor or recipient to temporarily invest the proceeds, provided that any interest income shall either be returned to the agency or be applied against the agency's obligation to pay the contract amount. This paragraph does not constitute lawful authority to make any advance payment not otherwise authorized by laws relating to a particular agency or general laws relating to the expenditure or disbursement of public funds. The Comptroller may, after consultation with the legislative appropriations committees, *advance funds beyond a 3-month requirement* ~~waive the requirements of this paragraph which apply to advances~~ if it is determined to be consistent with the intent of the approved operating budget.

~~(c) For the 1999-2000 fiscal year only, funds appropriated to the Department of Children and Family Services in Specific Appropriations 292 through 425 and the Department of Health in Specific Appropriations 445 through 540 of the 1999-2000 General Appropriations Act may be advanced, unless specifically prohibited in such General Appropriations Act, for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit cost basis. This paragraph is repealed on July 1, 2000.~~

~~(16) Notwithstanding any provision of this section to the contrary and for the 1999-2000 fiscal year only, the Department of Children and Family Services is authorized to use operating funds budgeted for Developmental Services Institutions for fixed capital outlay expenditures as needed to bring any currently unlicensed beds up to Federal Intermediate Care Facility for the Developmentally Disabled licensure standards. This subsection is repealed on July 1, 2000.~~

~~(17) Notwithstanding any other provision of this section to the contrary, and for the 1999-2000 fiscal year only, the Florida Department of Law Enforcement may transfer up to 20 positions and associated budget between budget entities, provided the same funding source is used throughout each transfer. The department may also transfer up to 10 percent of the initial approved salary rate between budget entities, provided the same funding source is used throughout each transfer. The department must provide notice to the Executive Office of the Governor, the chair of the Senate Budget Committee, and the chair of the House Committee on Criminal Justice Appropriations for all transfers of positions or salary rate. This subsection is repealed on July 1, 2000.~~

~~(18) Notwithstanding any other provision of this chapter to the contrary, the Florida Department of Transportation, in order to facilitate the transfer of personnel to the new turnpike headquarters location in Orange County, may transfer salary rate to the turnpike budget entity from other departmental budget entities. The department must provide documentation of all transfers to the Executive Office of the Governor, the Chairman of the Senate Budget Committee, and the Chairman of the House of Representatives Committee on Transportation and Economic Development Appropriations. This subsection expires July 1, 2000.~~

Section 24. Section 216.1825, Florida Statutes, is created to read:

216.1825 Zero-based budgeting.—

(1) Beginning July 1, 2000, and continuing thereafter, the Legislative Budget Commission shall apply zero-based budgeting principles in reviewing the budget of each state agency at least once every 8 years.

(2) No later than July 1 of each year, the commission shall issue instructions to the agencies whose budgets are to be reviewed prior to the next legislative session. Dates of submission for information required by the commission will be included in the instructions.

(3) The commission shall provide its reports of zero-based budgeting reviews to the President of the Senate and the Speaker of the House of Representatives on or before December 31.

(4) For fiscal year 2001-2002, budgets of the Department of Revenue and the Department of Law Enforcement shall be the subject of zero-based budgeting review by the commission. The commission shall, by February 1, 2001, provide to the President of the Senate and the Speaker of the House of Representatives, a schedule for completing zero-based budgeting reviews of all remaining state agencies prior to December 31, 2008.

Section 25. Section 216.183, Florida Statutes, is amended to read:

216.183 Entities using performance-based program budgets; chart of accounts.—State agencies and the judicial branch for which a performance-based program budget has been appropriated shall utilize the chart of accounts used by the Florida Accounting Information Resource Subsystem in the manner described in s. 215.93(3). The chart of accounts for state agencies and the judicial branch for which a performance-based program budget has been appropriated shall be developed and amended, if necessary, in consultation with the Department of Banking and Finance, ~~and~~ the Executive Office of the Governor, *and the chairs of the Legislative Budget Commission.*

Section 26. Subsection (1) of section 216.192, Florida Statutes, is amended to read:

216.192 Release of appropriations; revision of budgets.—

(1) Unless otherwise provided in the General Appropriations Act, on July 1 of each fiscal year, *up to 25* ~~20~~ percent of the original approved operating budget of each agency and of the judicial branch *may* ~~shall~~ be released until such time as annual plans for quarterly releases for all appropriations have been developed, approved, and furnished to the Comptroller by the Executive Office of the Governor for state agencies and by the Chief Justice of the Supreme Court for the judicial branch.

The plans, including appropriate plans of releases for fixed capital outlay projects that correspond with each project schedule, shall attempt to maximize the use of trust funds and shall be transmitted to the Comptroller by August 1 of each fiscal year. Such releases shall at no time exceed the total appropriations available to a state agency or to the judicial branch, or the approved budget for such agency or the judicial branch if less. The Comptroller shall enter such releases in his or her records in accordance with the release plans prescribed by the Executive Office of the Governor and the Chief Justice, unless otherwise amended as provided by law. The Executive Office of the Governor and the Chief Justice shall transmit a copy of the approved annual releases to the head of the state agency, the *chair of the Legislative Budget Commission, the* chairs of the legislative appropriations committees, and the Auditor General. The Comptroller shall authorize all expenditures to be made from the appropriations on the basis of such releases and in accordance with the approved budget, and not otherwise. Expenditures shall be authorized only in accordance with legislative authorizations. Nothing herein precludes periodic reexamination and revision by the Executive Office of the Governor or by the Chief Justice of the annual plans for release of appropriations and the notifications of the parties of all such revisions.

Section 27. Section 216.195, Florida Statutes, is amended to read:

216.195 Impoundment of funds; restricted.—The Executive Office of the Governor, the Chief Justice of the Supreme Court, any member of the Cabinet, ~~the Administration Commission,~~ or any state agency shall not impound any appropriation except as necessary to avoid or eliminate a deficit pursuant to the provisions of s. 216.221. *As used in this section, the term "impoundment" means the omission of any appropriation or part of an appropriation in the approved operating plan prepared pursuant to s. 216.181 or in the schedule of releases prepared pursuant to s. 216.192 or the failure of any state agency or the judicial branch to spend an appropriation for the stated purposes authorized in the approved operating budget.* The provisions of this section are subject to the notice and review procedures of s. 216.177. The Governor or either house of the Legislature may seek judicial review of any action or proposed action which violates the provisions of this section.

Section 28. Section 216.212, Florida Statutes, is amended to read:

216.212 Budgets for federal funds; restrictions on expenditure of federal funds.—

(1) The Executive Office of the Governor, the office of the Comptroller, and the office of the Treasurer shall develop and implement procedures for accelerating the drawdown of, and minimizing the payment of interest on, federal funds. The Executive Office of the Governor shall establish a clearinghouse for federal programs and activities. The clearinghouse shall develop the capacity to respond to federal grant opportunities and to coordinate the use of federal funds in the state.

(a) Every state agency, when making a request or preparing a budget to be submitted to the Federal Government for funds, equipment, material, or services, shall submit such request or budget to the Executive Office of the Governor for *review* ~~approval~~ before submitting it to the proper federal authority. However, the Executive Office of the Governor may specifically authorize any agency to submit specific types of grant proposals directly to the Federal Government.

(b) Every office or court of the judicial branch, when making a request or preparing a budget to be submitted to the Federal Government for funds, equipment, material, or services, shall submit such request or budget to the Chief Justice of the Supreme Court for approval before submitting it to the proper federal authority. However, the Chief Justice may specifically authorize any court to submit specific types of grant proposals directly to the Federal Government.

(2) When such federal authority has approved the request or budget, the state agency or the judicial branch shall submit to the Executive Office of the Governor such documentation showing approval as that office prescribes. ~~Beginning July 1, 1993,~~ The Executive Office of the Governor must acknowledge each approved request or budget by entering that approval into an Automated Grant Management System developed in consultation with the chairs of the House of Representatives and Senate appropriations committees.

(3) Federal money appropriated by Congress or received from court settlements to be used for state purposes, whether by itself or in conjunction with moneys appropriated by the Legislature, may not be expended unless appropriated by the Legislature. However, the Executive Office of the Governor or the Chief Justice of the Supreme Court may, after consultation with the legislative appropriations committees, approve the receipt and expenditure of funds from federal sources by state agencies or by the judicial branch. Any federal programs requiring state matching funds which funds were eliminated, or were requested and were not approved, by the Legislature may not be implemented during the interim. However, federal and other fund sources for the State University System which do not carry a continuing commitment on future appropriations are hereby appropriated for the purpose received.

~~(4) The Office of the Comptroller and the Executive Office of the Governor, in consultation with the Office of the Treasurer and the Office of the Auditor General, shall develop and maintain a means to ensure the compatibility of the Florida Accounting Information Resource Subsystem and the Federal Aid Tracking System. Any successive systems serving identical or similar functions shall preserve such compatibility.~~

Section 29. Section 216.216, Florida Statutes, is created to read:

216.216 Court settlement funds negotiated by the state.—In any court settlement in which a state agency or officer or any other counsel representing the interests of the state negotiates settlement amounts to be expended on any state operational or fixed capital issue in the judicial branch or the executive branch, such funds may not be expended unless appropriated by the Legislature to the appropriate agency responsible for the operational or fixed capital issue. When a state agency or officer settles an action in which the state will receive moneys, the funds shall be placed in the General Revenue Fund or in the trust fund that is associated with the agency's or officer's authority to pursue the legal action. The provisions of this section are subject to the notice and review procedures set forth in s. 216.177.

Section 30. Subsections (2) and (6) of section 216.221, Florida Statutes, are amended to read:

216.221 Appropriations as maximum appropriations; adjustment of budgets to avoid or eliminate deficits.—

(2) The Legislature *may* ~~shall~~ annually provide direction in the General Appropriations Act regarding use of the Budget Stabilization Fund and Working Capital Fund to offset General Revenue Fund deficits.

(6) If the Revenue Estimating Conference projects a deficit in the General Revenue Fund in excess of *1.5 percent of the moneys appropriated from the General Revenue Fund* ~~$300 million~~ during a fiscal year or when the cumulative total of a series of projected deficits in the General Revenue Fund exceeds *1.5 percent of the moneys appropriated from the General Revenue Fund* ~~$300 million~~, the deficit shall be resolved by the Legislature.

Section 31. Paragraph (a) of subsection (2) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 110.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the Board of Regents for those positions in the State University System.

4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, ~~or by the Legislative Auditing Committee,~~ as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

6. The salary of all positions not specifically included in this subsection shall be set by the commission or by the Chief Justice for the judicial branch.

Section 32. Paragraphs (a), (b), and (f) of subsection (1) of section 216.262, Florida Statutes, are amended to read:

216.262 Authorized positions.—

(1)(a) Unless otherwise expressly provided by law, the total number of authorized positions may not exceed the total provided in the appropriations acts. In the event any state agency or entity of the judicial branch finds that the number of positions so provided is not sufficient to administer its authorized programs, it may file an application with the Executive Office of the Governor or the Chief Justice; and, if the office or Chief Justice certifies that there are no authorized positions available for addition, deletion, or transfer within the agency as provided in paragraph (c) and recommends an increase in the number of positions, the *Governor* ~~commission~~ or the Chief Justice may, after a public hearing, authorize an increase in the number of positions for the following reasons only:

1. To implement or provide for continuing federal grants or changes in grants not previously anticipated;

2. To meet emergencies pursuant to s. 252.36;

3. To satisfy new federal regulations or changes therein;

4. To take advantage of opportunities to reduce operating expenditures or to increase the revenues of the state or local government; and

5. To authorize positions which were not fixed by the Legislature through error in drafting the appropriations acts.

The provisions of this paragraph are subject to the notice and review procedures set forth in s. 216.177. A copy of the application, the certification, and the final authorization shall be filed with the Legislative *Budget Commission, the* appropriations committees and with the Auditor General.

(b) The *Governor* ~~Administration Commission~~ and the Chief Justice may, after a public hearing, delete supervisory or managerial positions within a department and establish direct service delivery positions in excess of the number of supervisory or managerial positions deleted. The salary rate for all positions authorized under this paragraph may not exceed the salary rate for all positions deleted under this paragraph. Positions affected by changes made under this paragraph may be funded only from identical funding sources.

(f) Perquisites may not be furnished by a state agency or by the judicial branch unless approved by the Department of Management Services, or otherwise delegated to the agency head, or by the Chief Justice, respectively, during each fiscal year. Whenever a state agency or the judicial branch is to furnish perquisites, the Department of Management Services or the agency head to which the approval has been delegated or the Chief Justice, respectively, must approve the kind and monetary value of such perquisites before they may be furnished. Perquisites may be furnished only when in the best interest of the state due to the exceptional or unique requirements of the position. The value of a perquisite may not be used to compute an employee's base rate of pay or regular rate of pay unless required by the Fair Labor Standards Act. Permissible perquisites include, but are not limited to, moving expenses, clothing, use of vehicles and other transportation, domestic services, groundskeeping services, telephone services, medical services, housing, utilities, and meals. The Department of Management Services may adopt uniform rules applicable to the executive branch agencies to implement its responsibilities under this paragraph, which rules may specify additional perquisites, establish additional criteria for each kind of perquisite, provide the procedure to be used by executive agencies in applying for approvals, and establish the required justification. *As used in this section, the term "perquisites" means those things, or the use thereof, or services of a kind that confer on the officers or employees receiving them some benefit that is in the nature of additional compensation, or that reduce to some extent the normal personal expenses of the officer or employee receiving them. The term includes, but is not limited to, such things as quarters, subsistence, utilities, laundry services, medical service, use of state-owned vehicles for other than state purposes, and servants paid by the state.*

Section 33. Subsection (1) of section 216.271, Florida Statutes, is amended to read:

216.271 Revolving funds.—

(1) No revolving fund may be established or increased in amount pursuant to s. 18.101(2), unless approved by the Comptroller. The purpose and uses of a revolving fund may not be changed without the prior approval of the Comptroller. *As used in this section, the term "revolving fund" means a cash fund maintained within or outside the State Treasury and established from an appropriation, to be used by an agency or the judicial branch in making authorized expenditures.*

Section 34. Section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(1)(a) Funds provided in the General Appropriations Act or as otherwise expressly provided by law shall be expended only for the purpose for which appropriated, except that if deemed necessary such moneys may be transferred as provided in subsections (3) *and*~~,~~ (4)~~, and (5)~~ when it is determined to be in the best interest of the state. Appropriations for fixed capital outlay may not be expended for any other purpose, and appropriations may not be transferred between state agencies, or between a state agency and the judicial branch, unless specifically authorized by law.

(b) ~~For the 1998-1999 fiscal year only,~~ The Department of Children and Family Services and the Agency for Health Care Administration may transfer general revenue funds as necessary to comply with any provision of the General Appropriations Act that requires or specifically authorizes the transfer of general revenue funds between these two agencies. ~~This paragraph is repealed on July 1, 1999.~~

(2) A lump sum appropriated for a performance-based program must be distributed by the Governor for state agencies or the Chief Justice for the judicial branch into the traditional expenditure categories in accordance with *s. 216.181(6)(b)* ~~s. 216.181(5)(b)~~. At any time during the year, the agency head or Chief Justice may transfer funds between those categories with no limit on the amount of the transfer. Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Executive Office of the Governor or the Chief Justice, the *chair of the Legislative Budget Commission, the* chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. The Executive Office of the Governor shall forward a copy of the revisions within 7 working days to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. Such authorized revisions shall be consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. ~~Additionally,~~

~~subsection (3) shall not apply to programs operating under performance-based program budgeting where a lump sum was appropriated.~~

(3) The head of each department or the Chief Justice of the Supreme Court, whenever it is deemed necessary by reason of changed conditions, may transfer appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases as furnished pursuant to ss. 216.181 and 216.192, as follows:

(a) Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or *$150,000* ~~$25,000~~, whichever is greater, by all action taken under this subsection.

(b) Additionally, between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or *$150,000* ~~$25,000~~, whichever is greater, by all action taken under this subsection.

(c) Such authorized revisions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

Such authorized revisions, together with related changes, if any, in the plan for release of appropriations, shall be transmitted by the state agency or by the judicial branch to the Comptroller for entry in the Comptroller's records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revision shall be furnished to the Executive Office of the Governor or the Chief Justice, the *chair of the Legislative Budget Commission, the* chairs of the legislative committees, and the Auditor General.

(4)(a) The head of each department or the Chief Justice of the Supreme Court may transfer funds within programs identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation so long as such a transfer does not result in an increase to the total recurring general revenue or trust fund cost of the agency or entity of the judicial branch in the subsequent fiscal year: other personal services, expenses, operating capital outlay, performance-based program budgeting lump sums, acquisition of motor vehicles, data processing services, operating and maintenance of patrol vehicles, overtime payments, salary incentive payments, compensation to retired judges, law libraries, and juror and witness payments. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in any program. Notice of proposed transfers under this authority shall be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days prior to their implementation.

(b) The head of each department or the Chief Justice of the Supreme Court may transfer funds from identical funding sources between salaries and benefits appropriation categories within programs identified in the General Appropriations Act. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in any program. Notice of proposed transfers under this authority shall be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days prior to their implementation.

~~(4) The head of each department or the Chief Justice of the Supreme Court, whenever it is deemed necessary by reason of changed conditions, may transfer funds, positions, and salary rate within and between program budget entities with performance-based program appropriations as defined in s. 216.011(1)(xx). Such transfers may include appropriations from any operating category, except appropriations for fixed capital outlay. However, the total program funds, positions, and salary rate shall not be increased or decreased by more than 5 percent by all action taken under this section. Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with legislative policy and intent and shall not conflict with specific spending policies specified in the General Appropriations Act. The Executive Office of the Governor shall forward a copy of the revisions within 7 working days to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller.~~

(5)(a) Transfers of appropriations for operations from the General Revenue Fund in excess of those provided in subsections (3) and (4) but within a state agency or within the judicial branch may be authorized by the commission for the executive branch and the Chief Justice for the judicial branch, pursuant to the request of the agency filed with the Executive Office of the Governor, or pursuant to the request of an entity of the judicial branch filed with the Chief Justice of the Supreme Court, if deemed necessary and in the best interest of the state and consistent with legislative policy and intent. The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177.

(b) When an appropriation for a named fixed capital outlay project is found to be in excess of that needed to complete that project, at the request of the Executive Office of the Governor for state agencies or the Chief Justice of the Supreme Court for the judicial branch the excess may be transferred, with the approval of the commission or the Chief Justice, to another project for which there has been an appropriation in the same fiscal year from the same fund and within the same department where a deficiency is found to exist. Further, a fixed capital outlay project may not be initiated without a specific legislative appropriation, nor may the scope of a fixed capital outlay project be changed by the transfer of funds. The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177.

(c) Federal funds for fixed capital outlay projects for the Department of Military Affairs which do not carry a continuing commitment on future appropriations by the Legislature may be approved by the Executive Office of the Governor for the purpose received. The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177.

(6) Upon request of a department to, and approval by, the Comptroller, funds appropriated may be transferred to accounts established for disbursement purposes upon release of such appropriation. Such transfer may only be made to the same appropriation category and the same funding source from which the funds are transferred.

(7) Any transfers from the Working Capital Fund to the General Revenue Fund may be approved provided such transfers were identified or contemplated by the Legislature in the original approved budget.

(8)(a) Should any state agency or the judicial branch become more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the Department of Labor and Employment Security shall certify to the Comptroller the amount due; and the Comptroller shall transfer the amount due to the Unemployment Compensation Trust Fund from any funds of the agency available.
(b) Should any state agency or the judicial branch become more than 90 days delinquent in paying the Division of Risk Management of the Department of Insurance for insurance coverage, the Department of Insurance may certify to the Comptroller the amount due; and the Comptroller shall transfer the amount due to the Division of Risk Management from any funds of the agency or the judicial branch available.

(9) Moneys appropriated in the General Appropriations Act for the purpose of paying for services provided by the state communications system in the Department of Management Services shall be paid by the

user agencies, or the judicial branch, within 45 days after the billing date. Billed amounts not paid by the user agencies, or by the judicial branch, shall be transferred by the Comptroller from the user agencies to the Communications Working Capital Trust Fund.

(10) The Comptroller shall report all such transfers and the reasons for such transfers to the legislative appropriations committees *and the Executive Office of the Governor.*

(11) Where any reorganization has been authorized by the Legislature and the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act, the *Legislative Budget* ~~Administration~~ Commission may approve, consistent with legislative policy and intent, the necessary transfers to accomplish the purposes of such reorganization within state agencies. The Chief Justice of the Supreme Court may approve such transfers for the judicial branch.

Section 35. Section 216.348, Florida Statutes, is created to read:

216.348 Fixed capital outlay grants and aids appropriations to certain nonprofit entities.—If a bill appropriating a fixed capital outlay grants and aids appropriation requires compliance with this section, the following conditions shall apply, except to the extent that such bill modifies these conditions:

(1) As used in this section, the term:

(a) "Administering agency" means the governmental agency or entity which is charged by the bill appropriating the fixed capital outlay grants and aids appropriation to a grantee with administering that appropriation.

(b) "Grant" means a fixed capital outlay grants and aids appropriation to a nonprofit entity other than a governmental entity.

(c) "Grantee" means a nonprofit entity, other than a governmental entity, to which the Legislature has appropriated over $50,000 pursuant to a fixed capital outlay grants and aids appropriation.

(2) Prior to the receipt of any grant money from the administering agency, a grantee must provide the administering agency with an affidavit by an officer or director of the grantee certifying under oath that the grantee is a nonprofit entity and must execute a written agreement with the administering agency, in a form approved by the administering agency, pursuant to subsection (3).

(3)(a) If the grantee is acquiring real property with the grant, or if the grantee owns the real property upon which an improvement is being constructed, renovated, altered, modified, or maintained with the grant, the grantee must execute, deliver, and record in the county in which the subject property is located an agreement that:

1. States a correct legal description of the real property.

2. Sets forth with specificity the buildings, appurtenances, fixtures, fixed equipment, structures, improvements, renovations, and personalty to be purchased pursuant to the grant.

3. During the term of the agreement, prohibits the grantee from selling, transferring, mortgaging, or assigning the grantee's interest in the real property, unless the administering agency approves the sale, transfer, mortgage, or assignment; and, in the case of sale, transfer, or assignment, the purchaser, transferor, or assignee must fully assume, in writing, all of the terms and conditions of the agreement required by this subsection. The administering agency may not agree to subordinate a mortgage.

(b) If the grantee is not acquiring real property, or does not own the real property being improved, the agreement shall:

1. Specify the leasehold or other real property interest the grantee has in the real property.

2. State the name of the owner of the real property.

3. Describe the relationship between the owner of the real property and the grantee.

4. Set forth with specificity the improvements, renovations, and personalty to be purchased pursuant to the grant.

5. During the term of the agreement, prohibit the grantee from selling, transferring, mortgaging, or assigning the grantee's interest in the leasehold, improvements, renovations, or personalty, unless the administering agency approves the sale, transfer, mortgage, or assignment; and, in the case of sale, transfer, or assignment, the purchaser, transferor, or assignee must fully assume, in writing, all of the terms and conditions of the agreement required by this subsection. Additionally, the grantee shall execute and deliver a security instrument, financing statement, or other appropriate document securing the interest of the administering agency in the improvements, renovations, and personalty associated with the grant. The administering agency may not subordinate or modify a security interest.

(c) All agreements required by this subsection shall:

1. Require the grantee to continue the operation, maintenance, repair, and administration of the property in accordance with the purposes for which the funds were originally appropriated and for the period of time expressly specified by the bill appropriating the grant. If the bill appropriating the grant does not specify a time period, the administering agency shall determine a reasonable period of time.

2. Provide that if the grantee fails, during the term of the agreement, to operate, maintain, repair, and administer the property in accordance with the purposes for which the funds were originally granted, the grantee shall return to the administering agency, no later than upon demand by the administering agency, an amount calculated as follows:

a. If the bill appropriating the grant states a specific repayment formula, that formula shall be used;

b. If the bill appropriating the grant states a specific period of time but does not specify a repayment formula, the amount to be returned shall be calculated on a pro rata basis for that period of time; or

c. If the bill appropriating the grant does not state a specific period of time or formula, the amount to be returned shall be specified by the administering agency, which shall be no less than the full amount of the grant less $100,000 or 10 percent of the grant, whichever is more, for each full year for which the property was used for such purposes.

The administering agency shall deposit all funds returned by the grantee into the state fund from which the grant was originally made.

3. Require that the grantee adopt an accounting system, in compliance with generally accepted accounting principles, which shall provide for a complete record of the use of the grant money. In addition, the provisions of s. 216.3491 shall apply.

4. Provide that the grantee shall indemnify, defend, and hold the administering agency harmless from and against any and all claims or demands for damages resulting from personal injury, including death or damage to property, arising out of or relating to the subject property or the use of the grant money. The agreement shall require the grantee to purchase and maintain insurance on behalf of directors, officers, and employees of the grantee against any personal liability or accountability by reason of actions taken while acting within the scope of their authority. The administering agency shall be immune from civil or criminal liability resulting from acts or omissions of the grantee and the grantee's agents, employees, or assigns.

5. Require the grantee to return any portion of the grant money received that is not necessary to the purchase of the land, or to the cost of the improvements, renovations, and personalty, for which the grant was awarded.

(d) The administering agency may:

1. Require that, during any term or period of construction, or until such time as the grant money is fully and properly spent according to the bill appropriating the grant, the grantee obtain a blanket fidelity bond, in the amount of the grant, issued by a company authorized and licensed to do business in this state, which will reimburse the administering

agency in the event that anyone handling the grant moneys either misappropriates or absconds with the grant moneys. All employees handling the grant moneys must be covered by the bond.

2. Include any other term or condition the administering agency deems reasonable and necessary for the effective and efficient administration of the grant.

3. Modify any condition required by this subsection, provided the administering agency deems that such modification is necessary in order to best effectuate the purpose of the grant and provided the bill appropriating the grant, or applicable law, does not otherwise require.

(e) The agreement must provide that the administering agency shall execute a satisfaction of the agreement in recordable form upon full compliance by the grantee with the terms of the agreement.

Section 36. Subsection (11) is added to section 11.45, Florida Statutes, to read:

11.45 Definitions; duties; audits; reports.—

(11) In addition to any other provision of law granting access to records and accounts, the Auditor General may, pursuant to his or her own authority granted in this subsection or at the direction of the Legislative Auditing Committee, conduct audits of any direct-support organization or citizen-support organization authorized by law. Independent audits of direct-support organizations and citizen-support organizations conducted by certified public accountants shall be performed in accordance with rules adopted by the Auditor General.

Section 37. Section 11.90, Florida Statutes, is created to read:

11.90 Legislative Budgeting Commission.—

(1) There is created a standing joint committee of the Legislature designated the Legislative Budgeting Commission, composed of 14 members as follows: 7 members of the Senate appointed by the President of the Senate, to include the Chairman of the Senate Budget Committee or its successor, and 7 members of the House of Representatives appointed by the Speaker of the House of Representatives, to include the Chairman of the Fiscal Responsibility Council or its successor. The terms of members shall be for 2 years and shall run from the organization of one Legislature to the organization of the next Legislature. Vacancies occurring during the interim period shall be filled in the same manner as the original appointment. The members of the committee shall elect a chair and vice chair. During the 2-year term, a member of each house shall serve as chair for 1 year.

(2) The Legislative Budget Commission shall be governed by joint rules of the Senate and the House of Representatives which shall remain in effect until repealed or amended by concurrent resolution.

(3) The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or upon call of the chairman. A quorum shall consist of a majority of members from each house, plus one additional member from either house. Action by the commission requires a majority vote of the members present of each house.

(4) The commission may conduct its meetings through teleconferences or other similar means.

(5) The commission will be jointly staffed by the appropriations committees of the House of Representatives and the Senate. During even-numbered years, the Senate will serve as lead staff, and during odd-numbered years, the House of Representatives will serve as lead staff.

Section 38. Subsection (2) of section 120.65, Florida Statutes, is amended to read:

120.65 Administrative law judges.—

(2) The director has the right to appeal actions by the Executive Office of the Governor that affect amendments to the division's approved operating budget or any personnel actions pursuant to chapter 216 to the Administration Commission, which shall decide such issue by majority vote. The appropriations committees may advise the Administration Commission on the issue. If the President of the Senate and the Speaker of the House of Representatives object in writing to the effects of the appeal, the appeal may be affirmed by the affirmative vote of two-thirds of the commission members present. ~~The failure of the Executive Office of the Governor to act on a request for action by the director within 21 days after receiving a written request constitutes approval of the request.~~

Section 39. Subsection (3) of section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(3) The administrator shall cause an actuarial study of the system to be made at least once every 2 years and shall report the results of such study to the Legislature by February 1 prior to the next legislative session.

~~(a)~~ The study shall, at a minimum, conform to the requirements of s. 112.63, with the following exceptions and additions:

(a)~~1.~~ The valuation of plan assets shall be based on a 5-year averaging methodology such as that specified in the United States Department of Treasury Regulations, 26 C.F.R. s. 1.412(c)(2)-1, or a similar accepted approach designed to attenuate fluctuations in asset values.

(b)~~2.~~ The study shall include a narrative explaining the changes in the covered group over the period between actuarial valuations and the impact of those changes on actuarial results.

(c)~~3.~~ When substantial changes in actuarial assumptions have been made, the study shall reflect the results of an actuarial assumption as of the current date based on the assumptions utilized in the prior actuarial report.

(d)~~4.~~ The study shall include an analysis of the changes in actuarial valuation results by the factors generating those changes. Such analysis shall reconcile the current actuarial valuation results with those results from the prior valuation.

(e)~~5.~~ The study shall include measures of funding status and funding progress designed to facilitate the assessment of trends over several actuarial valuations with respect to the overall solvency of the system. Such measures shall be adopted by the division and shall be used consistently in all actuarial valuations performed on the system.

~~(b) The Florida Retirement System Actuarial Assumption Conference which is hereby created shall by consensus develop official information with respect to the economic and noneconomic assumptions and funding methods of the Florida Retirement System necessary to perform the study. Such information shall include: an analysis of the actuarial assumptions and actuarial methods and a determination of whether changes to the assumptions or methods need to be made due to experience changes or revised future forecasts. The members of the conference shall include the Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees. The Executive Office of the Governor shall have the responsibility of presiding over the sessions of the conference. The State Board of Administration and the Division of Retirement shall be participants, as defined in s. 216.134, in the conference.~~

Section 40. Subsection (2) of section 186.002, Florida Statutes, is amended to read:

186.002 Findings and intent.—

(2) It is the intent of the Legislature that:

(a) The state planning process provide direction for the delivery of governmental services, a means for defining and achieving the specific goals *and objectives* of the state, and a method for evaluating the accomplishment of those goals *and objectives*.

(b) The state comprehensive plan shall provide basic policy direction to all levels of government regarding the orderly social, economic, and physical growth of the state.

(c) *Long-range program* ~~State agency strategic~~ plans shall be effectively coordinated to ensure the establishment of appropriate agency priorities and facilitate the orderly, positive management of agency activities consistent with the public interest. It is also intended that the implementation of state and regional plans enhance the quality of life of the citizens of the state.

(d) The state planning process shall be informed and guided by the experience of public officials at all levels of government. In preparing any plans or proposed revisions or amendments required by this chapter, the Governor shall consider the experience of and information provided by local governments in their evaluation and appraisal reports pursuant to s. 163.3191.

(e) All agencies and levels of government involved in the integrated planning process shall provide sufficient opportunities for meaningful public participation in the preparation, implementation, evaluation, and revision of all plans and programs.

Section 41. Section 186.003, Florida Statutes, is amended to read:

186.003 Definitions.—As used in ss. 186.001-186.031 and 186.801-186.901, the term:

(1) "Executive Office of the Governor" means the Office of Planning and Budgeting of the Executive Office of the Governor.

(2) "Goal" means the long-term end toward which programs and activities are ultimately directed.

(3) "Objective" means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

(4) "Policy" means the way in which programs and activities are conducted to achieve an identified goal.

(5) "Regional planning agency" means the regional planning council created pursuant to ss. 186.501-186.515 to exercise responsibilities under ss. 186.001-186.031 and 186.801-186.901 in a particular region of the state.

(6) "State agency" *or "agency"* means *any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter, "state agency" or "agency" includes state attorneys, public defenders, the Capital Collateral Regional Counsels, the Justice Administrative Commission, and the Public Service Commission.* ~~each executive department, the Fish and Wildlife Conservation Commission, the Parole Commission, and the Department of Military Affairs.~~

~~(7) "State agency strategic plan" means the statement of priority directions that an agency will take to carry out its mission within the context of the state comprehensive plan and within the context of any other statutory mandates and authorizations given to the agency, pursuant to ss. 186.021-186.022.~~

(7)~~(8)~~ "State comprehensive plan" means the state planning document required in s. 19, Art. III of the State Constitution and published as ss. 187.101 and 187.201.

Section 42. Section 186.021, Florida Statutes, is amended to read:

186.021 *Long-range program* ~~State agency strategic~~ plans.— *Pursuant to s. 216.013, each state agency shall develop a long-range program plan on an annual basis. The plan shall provide the framework and context for designing and interpreting the agency budget request. The plan will be developed through careful examination and justification of agency functions and their associated costs. It shall be used by the agency to implement the state's goals and objectives. Indicators shall be developed to measure service and activity performance.*

~~(1) A state agency strategic plan shall be a statement of the priority directions an agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and authorizations given to the agency. Each state agency strategic plan must identify infrastructure needs, capital improvement needs, and information resources management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed $500,000 in total cost over a 1-year period, except for those projects that are a continuation of hardware or software maintenance or software licensing agreements, or that are for desktop replacement that is similar to the technology currently in use. Each agency strategic plan shall specify those objectives against which will be judged the agency's achievement of its goals and the goals of the state comprehensive plan. The state agency strategic plan shall be consistent with and shall further the goals of the state comprehensive plan.~~

~~(2) A state agency strategic plan shall be developed with a 5-year outlook and shall provide the strategic framework within which an agency's legislative budget request is developed. An agency's budget shall be designed to further the agency's strategic plan.~~

~~(3) All amendments, revisions, or updates to a state agency strategic plan shall be prepared in the same manner as the original and shall be prepared as needed because of changes in the state comprehensive plan or changes in the statutory authority and responsibility of the agency.~~

~~(4) The Department of Environmental Protection, with regard to the plan required by s. 373.036, and the state land planning agency, with regard to the plan defined in s. 380.031(17), shall prepare revisions to such plans no later than 6 months after the adoption of revisions to the growth management portion of the state comprehensive plan or by June 1 of each even-numbered year, whichever is later.~~

~~(5) Notwithstanding the provisions of this section and ss. 186.009 and 186.022, the short-range component of the Florida Transportation Plan and annual performance report developed pursuant to s. 339.155 shall serve as the state agency strategic plan and annual performance report for the Department of Transportation.~~

Section 43. Section 186.022, Florida Statutes, is amended to read:

186.022 *Information resource* ~~State agency~~ strategic plans~~; preparation, form, and review~~.—

~~(1) Beginning in 1992, 3 months prior to the annual submission of its final agency legislative budget request pursuant to s. 216.023(1), each state agency shall prepare and submit its agency strategic plan to the Executive Office of the Governor. Prior to the submission of its agency strategic plan to the Governor, each agency shall hold public workshops on the proposed agency strategic plan, and shall allow at least a 21-day period for public comment. At a minimum, adequate public notice must be assured by publication of notice of the hearing and comment period in the Florida Administrative Weekly. Public participation must be further encouraged through procedures and instructions.~~

~~(2) Each agency strategic plan must be in a form and manner prescribed in written instructions prepared by the Executive Office of the Governor after consultation with the President of the Senate and the Speaker of the House of Representatives. Each agency strategic plan must identify the specific legislative authority necessary to implement the provisions of the plan. An agency may only implement those portions of its strategic plan that are consistent with existing statutory or constitutional authority and for which funding, if needed, is available consistent with the provisions of chapter 216. An agency's budget request prescribed in s. 216.023(1) shall identify the financial resources necessary to further the provisions of the agency's strategic plan. Performance measures, as defined in s. 216.011 and proposed by the agency pursuant to s. 216.0166(1), must be consistent with the objectives in the draft agency strategic plan and shall represent 1-year implementation efforts necessary to meet the 5-year agency strategic plan objectives. State agency strategic plans shall be amended by the agency, as necessary, to ensure consistency with the legislative actions prior to the effective date of the agency strategic plan.~~

~~(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written~~

~~instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include:~~

~~(a) The findings of the Technology Review Workgroup as to the consistency of the information resources management portion of agency strategic plans with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council; and~~

~~(b) The findings and recommendations of the Criminal and Juvenile Justice Information Systems Council's review with respect to public safety system strategic information resources management issues.~~

~~Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions. However, any required revisions relating to information resources management needs identified in the agency strategic plans are subject to the notice and review procedures set forth in s. 216.177 and must be approved by the Administration Commission for the executive branch and the Chief Justice for the judicial branch.~~

~~(4) The state agency shall, within 30 days of the return of its state agency strategic plan, incorporate all revisions required by the Governor, or shall petition the Administration Commission to resolve any disputes regarding the consistency of the state agency strategic plan or the revisions recommended by the Governor with the state comprehensive plan or the written instructions. The Administration Commission shall resolve any disputes within 60 days of the petition.~~

~~(5) Any differences between state agencies regarding the programs, policies, or strategic plans of such agencies shall be mediated by the Executive Office of the Governor.~~

~~(6) Each agency shall transmit copies of its strategic plan and all written comments on its plan to the President of the Senate and the Speaker of the House of Representatives not later than 30 days prior to the next regular session of the Legislature.~~

~~(7) Agency strategic plans developed pursuant to this chapter are not rules and therefore are not subject to the provisions of chapter 120.~~

~~(8) Each agency shall submit by September 1 of each year an annual performance report to the Executive Office of the Governor, with copies to the President of the Senate, the Speaker of the House of Representatives, the Auditor General, and the Office of Program Policy Analysis and Government Accountability. The purpose of this report is to evaluate the attainment of the agency objectives in the agency strategic plan and the performance measures approved by the Legislature pursuant to s. 216.0166(3) and established in the General Appropriations Act or implementing legislation for the General Appropriations Act for the previous fiscal year. In addition, each state agency must include a one-page summary of all moneys that were expended or encumbered by the agency, or for which the agency was otherwise responsible, during the preceding fiscal year and an estimate of such moneys projected by the agency for the current fiscal year. All such expenditures and estimates of such expenditures must be divided by program and expressed in line items by unit costs for each output measure approved pursuant to s. 216.0166(3) for those agencies and programs operating under performance-based program budgeting and for major services and products for those agencies and programs operating under traditional line-item budgeting. Unit cost totals must equal the total amount of moneys that were expended or projected to be expended by each agency and must include expenditures or projected expenditures of state funds by subordinate governmental entities and contractors, as applicable. Moneys that agencies receive but are not responsible for, such as reversions or pass-throughs to entities over which the agency has no authority or responsibility, shall be shown in separate line items and expressed in total amounts only. At the regular session immediately following the submission of the agency performance report, the Legislature shall reduce in the General Appropriations Act for the ensuing fiscal year, by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year, the funding of each state agency that fails to submit the report required by this subsection. All reports must be submitted in the form and manner prescribed by the instructions prepared pursuant to subsection (2) and s. 216.0235(3).~~

~~(9)~~ By *June* ~~March~~ 1 of each year, the Geographic Information Board, the Financial Management Information Board, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall each develop *and submit an information resource* ~~a~~ strategic plan *to the Executive Office of the Governor in a form and manner prescribed in written instructions prepared by the Executive Office of the Governor in consultation with the legislative appropriation committees. The Executive Office of the Governor shall review the strategic plan and may provide comments within 30 days. In its review, the Executive Office of the Governor shall consider all comments and findings of the Technology Review Workgroup as to whether the plan is consistent with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council. If revisions are required, boards and councils have 30 days to incorporate those revisions and return the plan to the Executive Office of the Governor.* ~~following the general statutory requirements that are applicable to agencies pursuant to s. 186.021(1), (2), and (3). The strategic plan shall be subject to the requirements, and the review and approval processes, set forth in subsections (2) through (8), with the following exceptions:~~

~~(a) The Executive Office of the Governor, after consultation with the President of the Senate and the Speaker of the House of Representatives, may prescribe a specific format and content for the strategic plans of coordinating boards and councils.~~

~~(b) The time periods for review and return of any required strategic plan revisions, incorporation of such revisions by the boards or councils, and resolution of disputes shall be established by the Executive Office of the Governor, after consultation with the President of the Senate and the Speaker of the House of Representatives.~~

Section 44. Subsection (1) of section 186.901, Florida Statutes, is amended to read:

186.901 Population census determination.—

(1) The *Office of Economic and Demographic Research shall annually provide to the* Executive Office of the Governor~~, either through its own resources or by contract, shall produce~~ population estimates of local governmental units as of April 1 of each year, utilizing accepted statistical practices. The population of local governments *provided by the Office of Economic and Demographic Research*~~, as determined by the Executive Office of the Governor,~~ shall apply to any revenue-sharing formula with local governments under the provisions of ss. 218.20-218.26, part II of chapter 218. *The Office of Economic and Demographic Research shall additionally provide the Executive Office of the Governor population estimates* for municipal annexations or consolidations occurring during the period April 1 through February 28, *and* the Executive Office of the Governor shall ~~determine the population count of the annexed areas as of April 1 and~~ include *these estimates* ~~such~~ in its certification to the Department of Revenue for the annual revenue-sharing calculation.

Section 45. Section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—Whenever there exists in any fund provided for by s. 215.32 a deficiency which would render such fund insufficient to meet its just requirements, and there shall exist in the other funds in the State Treasury moneys which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds, ~~the Administration Commission, with the concurrence of~~ the Governor~~,~~ may order a temporary transfer of moneys from one fund to another in order to meet temporary deficiencies in a particular fund without resorting to the necessity of borrowing money and paying interest thereon. The fund from which any money is temporarily transferred shall be repaid the amount transferred from it not later than the end of the fiscal year in which such transfer is made, the date of repayment to be specified in the order of the *Governor* ~~Administration Commission~~.

Section 46. Subsection (1) of section 215.22, Florida Statutes, is amended to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the deduction required by s. 215.20(1):

(a) Student financial aid or prepaid tuition receipts.

(b) Trust funds administered by the Department of the Lottery.

(c) Departmental administrative assessments for administrative divisions.

(d) Funds charged by a state agency for services provided to another state agency, by a state agency for services provided to the judicial branch, or by the judicial branch for services provided to a state agency.

(e) State, agency, or political subdivision investments by the Treasurer.

(f) Retirement or employee benefit funds.

(g) Self-insurance programs administered by the Treasurer.

(h) Funds held for the payment of citrus canker eradication and compensation.

(i) Medicaid, Medicare, or third-party receipts for client custodial care.

(j) Bond proceeds or revenues dedicated for bond repayment, except for the Documentary Stamp Clearing Trust Fund administered by the Department of Revenue.

(k) Trust funds administered by the Department of Education.

(l) Trust funds administered by the Department of Transportation.

(m) Trust funds administered by the Department of Agriculture and Consumer Services.

(n) The Motor Vehicle License Clearing Trust Fund.

(o) The Solid Waste Management Trust Fund.

(p) The Coconut Grove Playhouse Trust Fund.

(q) The Communications Working Capital Trust Fund of the Department of Management Services.

(r) The Camp Blanding Management Trust Fund.

(s) The Indigent Criminal Defense Trust Fund.

(t) That portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee collected pursuant to s. 320.08(1)(d).

(u) The Save the Manatee Trust Fund.

(v) Tobacco Settlement Trust Funds administered by any agency.

Section 47. Paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Comptroller may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Comptroller may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In order to maintain a minimum number of trust funds in the State Treasury, each state agency or the judicial branch may consolidate, if permitted under the terms and conditions of their receipt, the trust funds administered by it; provided, however, the agency or judicial branch employs effectively a uniform system of accounts sufficient to preserve the integrity of such trust funds; and provided, further, that consolidation of trust funds is approved by the *Governor* ~~Administration Commission~~ or the Chief Justice.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and Working Capital Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement Trust Fund; trust funds under the management of the Board of Regents, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Comptroller or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 48. Section 215.3208, Florida Statutes, is amended to read:

215.3208 Trust funds; ~~schedule for termination;~~ legislative review.—

~~(1) Except for those trust funds exempt from automatic termination pursuant to the provisions of s. 19(f)(3), Art. III of the State Constitution, trust funds administered by the following entities shall be reviewed and may be terminated or re-created by the Legislature, as appropriate, during the regular session of the Legislature in the year indicated:~~

~~(a) In 1994:~~

~~1. Department of Corrections.~~

~~2. Department of Highway Safety and Motor Vehicles.~~

~~3. Department of Law Enforcement.~~

~~4. Department of Legal Affairs.~~

~~5. Department of the Lottery.~~

~~6. Department of Management Services.~~

~~7. Department of Military Affairs.~~

~~8. Department of Transportation.~~

~~9. Game and Fresh Water Fish Commission.~~

~~10. Judicial branch.~~

~~11. Justice Administrative Commission.~~

~~12. Parole Commission.~~

~~(b) In 1995:~~

~~1. Department of Agriculture and Consumer Services.~~

~~2. Department of Banking and Finance.~~

~~3. Department of Citrus.~~

~~4. Department of Education.~~

~~5. Department of Environmental Protection.~~

~~6. Department of Revenue.~~

~~7. Executive Office of the Governor.~~

~~8. Florida Public Service Commission.~~

~~(c) In 1996:~~

~~1. Agency for Health Care Administration.~~

~~2. Commission on Ethics.~~

~~3. Department of Business and Professional Regulation.~~

~~4. Department of Children and Family Services.~~

~~5. Department of Commerce.~~

~~6. Department of Community Affairs.~~

~~7. Department of Elderly Affairs.~~

~~8. Department of Health.~~

~~9. Department of Insurance.~~

~~10. Department of Juvenile Justice.~~

~~11. Department of Labor and Employment Security.~~

~~12. Department of State.~~

~~13. Department of Veterans' Affairs.~~

~~14. Legislative branch.~~

~~(2) All other trust funds not administered by the entities listed in subsection (1) and not exempt from automatic termination pursuant to the provisions of s. 19(f)(3), Art. III of the State Constitution shall be reviewed and may be terminated or re-created by the Legislature, as appropriate, during the 1996 Regular Session of the Legislature.~~

(1)~~(3)~~ *In order to implement s. 19(f), Art. III of the State Constitution* ~~For the purposes of this section~~, the Legislature shall review *all state trust funds at least once every 4 years. The schedule for such review may be included in the legislative budget instructions developed pursuant to the requirements of s. 216.023. The Legislature shall review* ~~the~~ trust funds as they are identified by a unique 6-digit code in the Florida Accounting Information Resource Subsystem at a level composed of the 2-digit organization level 1, the 1-digit state fund type 2, and the first three digits of the fund identifier. When a statutorily created trust fund that was in existence on November 4, 1992, has more than one 6-digit code, the Legislature may treat it as a single trust fund for the purposes of this section. The Legislature may also conduct its review concerning accounts within such trust funds.

(2)~~(4)~~(a) When the Legislature terminates a trust fund, the agency or branch of state government that administers the trust fund shall pay any outstanding debts or obligations of the trust fund as soon as practicable, and the Comptroller shall close out and remove the trust fund from the various state accounting systems, using generally accepted accounting principles concerning assets, liabilities, and warrants outstanding.

(b) If the Legislature determines to terminate a trust fund, it may provide for the distribution of moneys in that trust fund. If such a distribution is not provided, the moneys remaining after all outstanding obligations of the trust fund are met shall be deposited in the General Revenue Fund.

Section 49. Paragraph (f) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(f) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of Management Services over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules delegating its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Department of Management Services for other state employees. The Department of Management Services shall retain authority over State University System employees for programs established in ss. 110.116, 110.123, 110.1232, 110.1234, 110.1235, and 110.1238 and in chapters 121, 122, and 238. The board shall adopt only those rules necessary to provide for a coordinated, efficient systemwide program and shall delegate to the universities all authority necessary for implementation of the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. ~~Notwithstanding the provisions of s. 216.181(7),~~ The salary rate controls for positions in budgets under the Board of Regents shall separately delineate the general faculty and all other categories.

Section 50. Section 240.20941, Florida Statutes, is amended to read:

240.20941 Vacant faculty positions.—Notwithstanding the provisions of *s. 216.181(8) and (9)* ~~s. 216.181(7), (8), and (9)~~, and pursuant to the provisions of s. 216.351, actions to reduce positions, rate, or salaries and benefits, excluding salary lapse calculations, taken by the Legislature *or*~~,~~ by the Executive Office of the Governor~~, or by the Administration Commission~~ which relate specifically to vacant positions, and which are applied on a uniform basis to all state employee positions, may affect the positions within the faculty pay plan approved and administered by the Board of Regents only to the extent that they do so by express reference to this section.

Section 51. Subsection (1) of section 240.279, Florida Statutes, is amended to read:

240.279 Working capital trust funds established.—

(1) The Board of Regents, with the approval of the *Legislative Budget* ~~Administration~~ Commission, is hereby authorized to establish in the State Treasury a working capital trust fund for each of the individual institutions in the university system for the purpose of providing central financing and cost controls for certain general services necessary to the operation of all departments of the respective universities, including the auxiliary enterprises.

Section 52. Subsection (2) of section 252.37, Florida Statutes, is amended to read:

252.37 Financing.—

(2) It is the legislative intent that the first recourse be made to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds in coping with a particular disaster *declared by the Governor as a state of emergency* are unreasonably great, she or he may make funds available by transferring and expending moneys appropriated for other purposes, by transferring and expending moneys out of any unappropriated surplus funds, or from the Budget Stabilization Fund or Working Capital Fund. *Following the expiration or termination of the state of emergency, the Governor may process a budget amendment under the notice and review procedures set forth in s. 216.177 to transfer moneys to satisfy the budget authority granted for such emergency.*

Section 53. Section 288.7091, Florida Statutes, is amended to read:

288.7091 Duties of the Florida Black Business Investment Board.—The Florida Black Business Investment Board shall:

(1) Establish certification criteria for black business investment corporations. Certification criteria shall include administrative capacity, fiduciary controls, and, in the case of existing black business investment corporations, solvency and soundness of prior loan decisions;

(2) Develop a memorandum of understanding with Enterprise Florida, Inc., that outlines a strategy for collaboration with the programs and boards of Enterprise Florida, Inc.;

(3) Include in the criteria for loan decisions, occupational forecasting results set forth in *s. 216.136(9)* ~~s. 216.136(10)~~ which target high growth jobs;

(4) 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;

(5) Develop memoranda of understanding with the Departments of Labor and Employment Security, Education, Transportation, and Management Services, as well as the State Board of Regents, detailing efforts of common interest and collaborations to expand black business development;

(6) Intensify efforts to increase the number of the black business enterprises in construction and construction-related projects, focusing on federal, state, and local government financed construction projects; and

(7) Annually, prepare a report detailing the performance of each black business investment corporation, addressing the number of jobs created and/or retained, success and failure rates among loan recipients, and the amount of funds leveraged from other sources.

Section 54. Paragraph (b) of subsection (5) of section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(5)

(b) The State Comptroller each month shall deposit in the State Transportation Trust Fund an amount, drawn from other funds in the State Treasury which are not immediately needed or are otherwise in excess of the amount necessary to meet the requirements of the State Treasury, which when added to such remaining revenues each month will equal one-twelfth of the amount of the anticipated annual revenues to be deposited in the State Transportation Trust Fund under paragraph (a) as estimated by the most recent revenue estimating conference held pursuant to s. 216.136(3). The transfers required hereunder may be suspended by action of the *Legislative Budget* ~~Administration~~ Commission in the event of a significant shortfall of state revenues.

Section 55. Section 337.023, Florida Statutes, is amended to read:

337.023 Sale of building; acceptance of replacement building.—Notwithstanding the provisions of *s. 216.292(4)(b)* ~~s. 216.292(5)(b)~~, if the department sells a building, the department may accept the construction of a replacement building, in response to a request for proposals, totally or partially in lieu of cash, and may do so without a specific legislative appropriation. Such action is subject to the approval of the Executive Office of the Governor, and is subject to the notice, review, and objection procedures under s. 216.177. The replacement building shall be consistent with the current and projected needs of the department as agreed upon by the department and the Department of Management Services.

Section 56. Paragraph (a) of subsection (2) of section 339.135, Florida Statutes, is amended to read:

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

(2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND REQUEST FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.—

(a) The department shall file the legislative budget request in the manner required by chapter 216, setting forth the department's proposed revenues and expenditures for operational and fixed capital outlay needs to accomplish the objectives of the department in the ensuing fiscal year. The right-of-way, construction, preliminary engineering, maintenance, and all grants and aids programs of the department shall be set forth only in program totals. The legislative budget request must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan. The legislative budget request shall be amended to conform to the tentative work program. The department may amend its legislative budget request and the tentative work program based on the most recent ~~revenue estimate by the Transportation~~ estimating conference *estimate of revenues* and the most recent federal aid apportionments.

Section 57. Subsection (3) of section 392.69, Florida Statutes, is amended to read:

392.69 Appropriation, sinking, and maintenance trust funds; additional powers of the department.—

(3) In the execution of its public health program functions, notwithstanding *s. 216.292(4)(b)* ~~s. 216.292(5)(b)~~, the department is hereby authorized to use any sums of money which it may heretofore have saved or which it may hereafter save from its regular operating appropriation, or use any sums of money acquired by gift or grant, or any sums of money it may acquire by the issuance of revenue certificates of the hospital to match or supplement any state or federal funds, or any moneys received by said department by gift or otherwise, for the construction or maintenance of additional facilities or improvement to existing facilities, as the department deems necessary.

Section 58. Section 216.3491, Florida Statutes, is transferred, renumbered as section 215.97, Florida Statutes, and amended to read:

215.97 ~~216.3491~~ Florida Single Audit Act.—

(1) The purposes of the section are to:

(a) Establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects.

(b) Promote sound financial management, including effective internal controls, with respect to state financial assistance administered by nonstate entities.

(c) Promote audit economy and efficiency by relying to the extent possible on already required audits of federal financial assistance provided to nonstate entities.

(d) Provide for identification of state financial assistance transactions in the appropriations act, state accounting records, and recipient organization records.

(e) Promote improved coordination and cooperation within and between affected state agencies *providing* ~~making~~ state *financial assistance* ~~awards~~ and nonstate entities receiving state *assistance* ~~awards~~.

(f) Ensure, to the maximum extent possible, that state agencies monitor, use, and followup on audits of state financial assistance provided to nonstate entities.

(2) Definitions; as used in this section, the term:

(a) "Audit threshold" means the amount to use in determining when a state single audit of a nonstate entity shall be conducted in accordance

with this section. Each nonstate entity that expends a total amount of state *financial assistance* ~~awards~~ equal to or in excess of $300,000 in any fiscal year of such nonstate entity shall be required to have a state single audit for such fiscal year in accordance with the requirements of this section. Every 2 years the Auditor General, after consulting with the Executive Office of the Governor, the Comptroller, and all state agencies that provide state financial assistance to nonstate entities, shall review the amount for requiring audits under this section and may adjust such dollar amount consistent with the purpose of this section.

(b) "Auditing standards" means the auditing standards as stated in the rules of the Auditor General as applicable to for-profit organizations, nonprofit organizations, or local governmental entities.

(c) "Catalog of State Financial Assistance" means a *comprehensive* listing of ~~all major state projects and other~~ state projects. The Catalog of State Financial Assistance shall be issued by the Executive Office of the Governor after conferring with the Comptroller and all state agencies that provide state financial assistance to nonstate entities. The Catalog of State Financial Assistance shall include for each listed state project: the responsible state agency; standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, application and awarding procedures, and other relevant information determined necessary.

(d) "Financial reporting package" means the nonstate entities' financial statements, Schedule of State Financial Assistance, auditor's reports, management letter, auditee's written responses or corrective action plan, correspondence on followup of prior years' corrective actions taken, and such other information determined by the Auditor General to be necessary and consistent with the purposes of this section.

(e) "Federal financial assistance" means financial assistance from federal sources passed through the state and provided to nonstate entities to carry out a federal program. "Federal financial assistance" includes all types of federal assistance as defined in applicable United States Office of Management and Budget circulars.

(f) "For-profit organization" means any organization or *sole proprietor* ~~individual that received a state award~~ but is not a local governmental entity or a nonprofit organization.

(g) "Independent auditor" means an external state or local government auditor or a certified public accountant who meets the independence standards.

(h) "Internal control over state projects" means a process, effected by an entity's management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations.

2. Reliability of financial operations.

3. Compliance with applicable laws and regulations.

(i) "Local governmental entity" means a county agency, municipality, or special district or any other entity (other than a district school board or community college), however styled, which independently exercises any type of governmental function.

(j) "Major state project" means any state project meeting the criteria as stated in the rules of the Executive Office of the Governor. Such criteria shall be established after consultation with the Comptroller and appropriate state agencies that *provide* ~~make~~ state *financial assistance* ~~awards~~ and shall consider the amount of state project expenditures or expenses or inherent risks. Each major state project shall be audited in accordance with the requirements of this section.

(k) "Nonprofit organization" means any corporation, trust, association, cooperative, or other organization that:

1. Is operated primarily for scientific, educational service, charitable, or similar purpose in the public interest;

2. Is not organized primarily for profit;

3. Uses net proceeds to maintain, improve, or expand the operations of the organization; and

4. Has no part of its income or profit distributable to its members, directors, or officers.

(l) "Nonstate entity" means a local governmental entity, nonprofit organization, or for-profit organization that receives ~~a~~ state *resources* ~~award~~.

(m) "Recipient" means a nonstate entity that receives ~~a~~ state *financial assistance* ~~award~~ directly from a state awarding agency.

(n) "Schedule of State Financial Assistance" means a document prepared in accordance with the rules of the Comptroller and included in each financial reporting package required by this section.

~~(o) "State award" means state financial assistance provided to a nonstate entity to carry out a state project.~~

(o)~~(p)~~ "State awarding agency" means the state agency that provided state financial assistance to the nonstate entity ~~for purposes of carrying out a state project~~.

(p)~~(q)~~ "State financial assistance" means financial assistance from state resources, not including federal financial assistance *and state matching*, provided to nonstate entities to carry out a state project. "State financial assistance" includes all types of state assistance as stated in the rules of the Executive Office of the Governor established in consultation with the Comptroller and appropriate state agencies that *provide state financial assistance* ~~make state awards~~. It includes state *financial assistance provided* ~~awards made~~ directly by state awarding agencies or indirectly by recipients of state awards or subrecipients. It does not include procurement contracts~~, under state awards,~~ used to buy goods or services from vendors. Audits of such procurement contracts with vendors are outside of the scope of this section. Also, audits of contracts to operate state-government-owned and contractor-operated facilities are excluded from the audit requirements of this section.

(q)~~(r)~~ "State matching" means state *resources* ~~awards~~ provided to nonstate entities to be used to meet federal financial participation matching requirements of federal programs.

(r)~~(s)~~ "State project" means all state *financial assistance* ~~awards~~ to a nonstate entity assigned a single state project number identifier in the Catalog of State Financial Assistance.

(s)~~(t)~~ "State Projects Compliance Supplement" means a document issued by the Executive Office of the Governor, in consultation with the Comptroller and all state agencies that *provide state financial assistance* ~~make state awards~~. The State Projects Compliance Supplement shall identify ~~each major state project and other~~ state projects, the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.

(t)~~(u)~~ "State project-specific audit" means an audit of one state project *performed* in accordance with the requirements of *subsection (9)* ~~this section~~.

(u)~~(v)~~ "State single audit" means an audit of a nonstate entity's financial statements and state *financial assistance* ~~awards~~. Such audits shall be conducted in accordance with the auditing standards as stated in the rules of the Auditor General.

(v)~~(w)~~ "Subrecipient" means a nonstate entity that receives ~~a~~ state *financial assistance* ~~award~~ through another nonstate entity~~, but does not include an individual who receives state financial assistance through such state awards~~.

(w)~~(x)~~ "Vendor" means a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a state project. These goods or services may be for an organization's own use or for the use of beneficiaries of the state project.

(3) The Executive Office of the Governor shall:

(a) Upon conferring with the Comptroller and all state *awarding* agencies ~~that make state awards~~, adopt rules necessary to provide appropriate guidance to state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance relating to the requirements of this section, including:

1. The types or classes of financial assistance considered to be state financial assistance which would be subject to the requirements of this section. This would include guidance to assist in identifying when the state agency or recipient has contracted with a vendor rather than with a recipient or subrecipient.

2. The criteria for identifying a major state project.

3. The criteria for selecting state projects for audits based on inherent risk.

(b) Be responsible for coordinating the initial preparation and subsequent revisions of the Catalog of State Financial Assistance after consultation with the Comptroller and all state *awarding* agencies ~~that award state financial assistance to nonstate entities~~.

(c) Be responsible for coordinating the initial preparation and subsequent revisions of the State Projects Compliance Supplement, after consultation with the Comptroller and all state *awarding* agencies ~~that award state financial assistance to nonstate entities~~.

(4) The Comptroller shall:

(a) Make enhancements to the state's accounting system to provide for the:

1. Recording of state financial assistance and federal financial assistance appropriations and expenditures ~~as separate categories~~ within the state awarding agencies' operating funds.

2. Recording of state project number identifiers, as provided in the Catalog of State Financial Assistance, for state *financial assistance* ~~awards~~.

3. Establishment and recording of an identification code for each financial transaction, including state agencies' *disbursements* ~~awards~~ of state financial assistance and federal financial assistance, as to the corresponding type or organization that is party to the transaction (e.g., other governmental agencies, nonprofit organizations, and for-profit organizations)*, and disbursements of federal financial assistance, as to whether the party to the transaction is or is not a recipient or subrecipient*.

(b) Upon conferring with the Executive Office of the Governor and all state *awarding* agencies ~~that make state awards~~, adopt rules necessary to provide appropriate guidance to state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance relating to the format for the Schedule of State Financial Assistance.

(c) Perform any inspections, reviews, investigations, or audits of state financial assistance considered necessary in carrying out the Comptroller's legal responsibilities for state financial assistance or to comply with the requirements of this section.

(5) Each state *awarding* agency ~~that makes state awards~~ shall:

(a) Provide ~~for each state award~~ to a recipient information needed by the recipient to comply with the requirements of this section, including:

1. The audit and accountability requirements for state projects as stated in this section and applicable rules of the Executive Office of the Governor, rules of the Comptroller, and rules of the Auditor General.

2. Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project including objectives, restrictions, and other relevant information determined necessary.

3. Information from the State Projects Compliance Supplement, including the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.

(b) Require the recipient, as a condition of receiving state financial assistance, to allow the state awarding agency, the Comptroller, and the Auditor General access to the recipient's records and the recipient's independent auditor's working papers as necessary for complying with the requirements of this section.

(c) Notify the recipient that this section does not limit the authority of the state awarding agency to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any state agency inspector general, the Auditor General, or any other state official.

(d) Be provided one copy of each financial reporting package prepared in accordance with the requirement of this section.

(e) Review the recipient financial reporting package, including the management letters and corrective action plans, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state *financial assistance provided* ~~awards made~~ by the state agency.

(6) As a condition of receiving state financial assistance, each recipient that provides state financial assistance to a subrecipient shall:

(a) Provide ~~for each state award~~ to a subrecipient information needed by the subrecipient to comply with the requirements of this section, including:

1. Identification of the state awarding agency.

2. The audit and accountability requirements for state projects as stated in this section and applicable rules of the Executive Office of the Governor, rules of the Comptroller, and rules of the Auditor General.

3. Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, and other relevant information.

4. Information from the State Projects Compliance Supplement including the significant compliance requirements, eligibility requirements, matching requirements, and suggested audit procedures, and other relevant information determined necessary.

(b) Review the subrecipient audit reports, including the management letters, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state *financial assistance provided* ~~awards made~~ by the state agency.

(c) Perform such other procedures as specified in terms and conditions of the written agreement with the state awarding agency including any required monitoring of the subrecipient's use of state financial assistance through onsite visits, limited scope audits, or other specified procedures.

(d) Require subrecipients, as a condition of receiving state financial assistance, to permit the independent auditor of the recipient, the state awarding agency, the Comptroller, and the Auditor General access to the subrecipient's records and the subrecipient's independent auditor's working papers as necessary to comply with the requirements of this section.

(7) Each recipient or subrecipient of state financial assistance shall *comply* ~~obtain an audit that complies~~ with the following:

(a) Each nonstate entity that receives state *financial assistance* ~~awards~~ and meets audit threshold requirements, in any fiscal year of the nonstate entity, as stated in the rules of the Auditor General, shall have a state single audit conducted for such fiscal year in accordance with the requirements of this act and with additional requirements established in rules of the Executive Office of the Governor, rules of the

Comptroller, and rules of the Auditor General. If only one state project is involved in a nonstate entity's fiscal year, the nonstate entity may elect to *have* ~~require~~ only a state project-specific ~~compliance~~ audit of the state project for that fiscal year.

(b) Each nonstate entity that receives state *financial assistance* ~~awards~~ and does not meet the threshold requirements, in any fiscal year of the nonstate entity, as stated in this law or the rules of the Auditor General is exempt for such fiscal year from the state single audit requirements of this section. However, such nonstate entity must meet terms and conditions specified in the written agreement with the state awarding agency.

(c) Regardless of the amount of the state *financial assistance* ~~award~~, the provisions of this section do not exempt a nonstate entity from compliance with provisions of law relating to maintaining records concerning state *financial assistance* ~~awards~~ to such nonstate entity or allowing access and examination of those records by the state awarding agency, the Comptroller, or the Auditor General.

(d) Audits conducted pursuant to this section shall be performed annually.

(e) Audits conducted pursuant to this section shall be conducted by independent auditors in accordance with auditing standards as stated in rules of the Auditor General.

(f) Upon completion of the audit as required by this section, a copy of the recipient's financial reporting package shall be filed with the state awarding agency and the Auditor General. Upon completion of the audit as required by this section, a copy of the subrecipient's financial reporting package shall be filed with the recipient that provided the state financial assistance. The financial reporting package shall be filed in accordance with the rules of the Auditor General.

(g) All financial reporting packages prepared pursuant to the requirements of this section shall be available for public inspection.

(h) If an audit conducted pursuant to this section discloses any significant audit findings relating to state financial assistance, including material noncompliance with individual ~~major~~ state project compliance requirements or reportable conditions in internal controls of the nonstate entity, the nonstate entity shall submit as part of the audit package to the state awarding agency a plan for corrective action to eliminate such audit findings or a statement describing the reasons that corrective action is not necessary.

(i) An audit conducted in accordance with this section is in addition to any audit of federal awards required by the federal Single Audit Act and other federal laws and regulations. To the extent that such federally required audits provide the state awarding agency with information it requires to carry out its responsibilities under state law or other guidance, a state agency shall rely upon and use that information.

(j) Unless prohibited by law, the cost of audits pursuant to this section are allowable charges to state projects. However, any charges to state projects should be limited to those incremental costs incurred as a result of the audit requirements of this section in relation to other audit requirements. The nonstate entity should allocate such incremental costs to all state projects for which it expended state financial assistance.

(k) Audit costs may not be charged to state projects when audits required by this section have not been made or have been made but not in accordance with this section. If a nonstate entity fails to have an audit conducted consistent with this section, state awarding agencies may take appropriate corrective action to enforce compliance.

(l)~~(j)~~ This section does not prohibit the state awarding agency from including terms and conditions in the written agreement which require additional assurances that state *financial assistance meets* ~~awards meet~~ the applicable requirements of laws, regulations, and other compliance rules.

(m)~~(k)~~ A state awarding agency that provides state *financial assistance* ~~awards~~ to nonstate entities and conducts or arranges for audits of state *financial assistance* ~~awards~~ that are in addition to the audits conducted under this act shall, consistent with other applicable law, arrange for funding the full cost of such additional audits.

(8) The independent auditor when conducting a state single audit of recipients or subrecipients shall:

(a) Determine whether the nonstate entity's financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles.

(b) Determine whether state *financial assistance* ~~awards~~ shown on the Schedule of State Financial Assistance *is* ~~are~~ presented fairly in all material respects in relation to the nonstate entity's financial statements taken as a whole.

(c) With respect to internal controls pertaining to each major state project:

1. Obtain an understanding of internal controls;

2. Assess control risk;

3. Perform tests of controls unless the controls are deemed to be ineffective; and

4. Determine whether the nonstate entity has internal controls in place to provide reasonable assurance of compliance with the provisions of laws~~, regulations,~~ and ~~other~~ rules pertaining to state *financial assistance* ~~awards~~ that have a material effect on each major state project.

(d) Determine whether each major state project complied with the provisions of laws, rules, and guidelines as identified in the State Projects Compliance Supplement, or otherwise identified by the state awarding agency, which have a material effect on each major state project. When major state projects are less than 50 percent of the nonstate entity's total expenditures for all state *financial assistance* ~~awards~~, the auditor shall select and test additional state projects as major state projects as necessary to achieve audit coverage of at least 50 percent of the expenditures for all state *financial assistance provided* ~~awards~~ to the nonstate entity. Additional state projects needed to meet the 50-percent requirement may be selected on an inherent risk basis as stated in the rules of the Executive Office of the Governor.

(e) Report on the results of any audit conducted pursuant to this section in accordance with the rules of the Executive Office of the Governor, rules of the Comptroller, and rules of the Auditor General. Audit reports shall include summaries of the auditor's results regarding the nonstate entity's financial statements; Schedule of State Financial Assistance; internal controls; and compliance with laws, rules, and *guidelines* ~~other compliance guidance~~.

(f) Issue a management letter as prescribed in the rules of the Auditor General.

(g) Upon notification by the nonstate entity, make available the working papers relating to the audit conducted pursuant to the requirements of this section to the state awarding agency, the Comptroller, or the Auditor General for review or copying.

(9) The independent auditor, when conducting a state project-specific audit of recipients or subrecipients, shall:

(a) Determine whether the nonstate entity's schedule of state financial assistance is presented fairly in all material respects in conformity with stated accounting policies.

(b) Obtain an understanding of internal control and perform tests of internal control over the state project consistent with the requirements of a major state project.

(c) Determine whether or not the auditee has complied with applicable provisions of laws, rules, and guidelines as identified in the State Projects Compliance Supplement, or otherwise identified by the state awarding agency, which could have a direct and material effect on the state project.

(d) Report on the results of a state project-specific audit consistent with the requirements of the state single audit and issue a management letter as prescribed in the rules of the Auditor General.

(e) Upon notification by the nonstate entity, make available the working papers relating to the audit conducted pursuant to the requirements of this section to the state awarding agency, the Comptroller, or the Auditor General for review or copying.

(10)~~(9)~~ The Auditor General shall:

(a) Have the authority to audit state financial assistance provided to any nonstate entity when determined necessary by the Auditor General or when directed by the Legislative Auditing Committee.

(b) Adopt rules that state the auditing standards that independent auditors are to follow for audits of nonstate entities required by this section.

(c) Adopt rules that describe the contents and the filing deadlines for the financial reporting package.

(d) Provide technical advice upon request of the Comptroller, Executive Office of the Governor, and state agencies relating to financial reporting and audit responsibilities contained in this section.

(e) Be provided one copy of each financial reporting package prepared in accordance with the requirements of this section.

(f) Perform ongoing reviews of a sample of financial reporting packages filed pursuant to the requirements of this section to determine compliance with the reporting requirements of this section and applicable rules of the Executive Office of the Governor, rules of the Comptroller, and rules of the Auditor General.

Section 59. *Section 216.331, Florida Statutes, is transferred and renumbered as section 215.965, Florida Statutes.*

Section 60. *Section 216.3505, Florida Statutes, is transferred and renumbered as section 215.966, Florida Statutes.*

Section 61. *Sections 27.38, 27.60, 216.001, 216.0154, 216.0162, 216.0166, 216.0172, 216.0235, 216.0315, 216.091, 216.111, 216.281, and 216.286, Florida Statutes, are repealed.*

Section 62. This act shall take effect July 1, 2000, and shall apply to preparation of the state budget beginning with fiscal year 2001-2002.

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 state budgetary process; revising procedures used in submitting and reviewing requests for state funds; amending s. 216.011, F.S.; revising, deleting, and adding definitions; creating s. 216.013, F.S.; requiring agencies to submit long-range program plans; amending s. 216.015, F.S.; revising legislative findings; amending s. 216.0152, F.S.; changing the date for publishing a certain report; amending s. 216.0158, F.S.; revising procedures for determination of facility needs; amending s. 216.016, F.S.; requiring additional information in the Governor's recommended budget; amending s. 216.023, F.S.; prescribing procedures for submitting agency budget requests to the Legislature; amending s. 216.031, F.S.; revising procedures relating to legislative budget requests; amending s. 216.044, F.S.; revising procedures relating to budget evaluation by the Department of Management Services; amending s. 216.0446, F.S.; revising procedures relating to review of information resources management needs; amending s. 216.052, F.S.; providing procedure for submitting community budget requests; amending s. 216.081, F.S.; revising the schedule for submission of data relating to the judicial and legislative branches; amending s. 216.131, F.S.; revising procedures relating to public hearings; amending s. 216.133, F.S.; revising, deleting, and adding definitions; amending s. 216.134, F.S.; revising procedures to be used by estimating conferences; amending s. 216.136, F.S.; revising duties of the Economic Estimating Conference; abolishing the Transportation Estimating Conference; creating the Self-Insurance Estimating Conference and the Florida Retirement System Actuarial Assumption Conference; amending s. 216.141, F.S.; revising provisions relating to the planning and budgeting system; amending s. 216.162, F.S.; revising procedures relating to furnishing legislators with copies of the Governor's recommended budget; amending s. 216.163, F.S.; revising provisions relating to form and content of the Governor's recommended budget; amending s. 216.177, F.S.; revising provisions relating to appropriation act statements of intent and to required notices of budgetary action; amending s. 216.178, F.S.; requiring additional notice before the vote on an appropriations act; revising duties of the Governor with respect to statements of costs of state debts and obligations; amending s. 216.179, F.S.; prohibiting reinstatement by a state agency of vetoed appropriations administratively; amending s. 216.181, F.S.; revising procedures relating to approved budgets for operations and fixed capital outlay; revising restrictions on increases on salary rate; prescribing procedures with respect to nonoperating budgets; deleting obsolete provisions; creating s. 216.1825, F.S.; requiring zero-based budgeting reviews; providing for use of zero-based budgeting principles; amending s. 216.183, F.S.; revising provisions relating to development of charts of accounts; amending s. 216.192, F.S.; revising procedures relating to release of appropriations; amending s. 216.195, F.S.; defining the term "impoundment" for purposes of impoundment of funds; amending s. 216.212, F.S.; revising duties of the Executive Office of the Governor and the Office of the Comptroller with respect to budgets for federal funds; creating s. 216.216, F.S.; prescribing procedures to be used with respect to funds subject to a court settlement negotiated by the state; amending s. 212.221, F.S.; revising procedures to be used in the event of budget deficits; amending s. 216.251, F.S.; revising procedures relating to salary appropriations for certain employees; amending s. 216.262, F.S.; revising provisions relating to increases in authorized positions; defining the term "perquisites" for purposes of limiting the furnishing thereof; amending s. 216.271, F.S.; defining the term "revolving fund"; amending s. 216.292, F.S.; revising provisions relating to limits on and procedures for transfers of appropriations; creating s. 216.348, F.S.; providing conditions for receipt of certain grants and aids appropriations by certain nonprofit entities; providing definitions; providing for an affidavit of nonprofit status; providing for an agreement between the administering agency and the nonprofit entity; providing minimum requirements for the agreement; providing that the nonprofit entity continue operation of the property for the purposes set forth in the grant; providing for repayment of grant moneys received under certain conditions; providing for the adoption of an accounting system and providing for audit; providing for liability insurance and exempting the administering agency from liability; providing permissive conditions of the agreement; providing for a satisfaction of the agreement; amending s. 11.45, F.S.; prescribing duties of the Auditor General with respect to direct-support and citizen support organizations; creating s. 11.90, F.S.; creating the Legislative Budget Commission; amending s. 120.65, F.S.; deleting 21-day time limitation on action by the Executive Office of the Governor; amending s. 121.031, F.S.; deleting provisions relating to the Florida Retirement System Actuarial Assumption Conference; amending s. 186.002, F.S.; changing "state agency strategic" plan to "long-range program" plan; amending s. 186.003, F.S.; redefining the term "state agency"; amending s. 186.021, F.S.; requiring each state agency to develop a long-range program plan annually; amending s. 186.022, F.S.; requiring submission of information resource strategic plans; amending s. 186.901, F.S.; revising provisions relating to production of population estimates; amending s. 215.18, F.S.; providing authority for the Governor to approve transfers between funds to avoid deficits; amending s. 215.22, F.S.; exempting Tobacco Settlement Trust Funds from service charge to general revenue; amending s. 215.32, F.S.; authorizing the Governor to combine trust funds under certain conditions; amending ss. 215.3208, 240.209, 240.20941, 240.279, 252.37, 288.7091, 320.20, 337.023, 339.135, 376.15, 392.69, F.S., to conform terminology and references to changes made by the act; transferring, renumbering, and amending s. 216.3491, F.S.; providing for the Florida Single Audit Act; renumbering s. 216.331, F.S., relating to disbursement of state moneys; renumbering s. 216.3505, F.S., relating to refinancing of bonds; repealing s. 216.001, F.S., relating to definitions; repealing s. 216.0154, F.S., relating to assessment of trends and conditions affecting need for capital facilities; repealing s. 216.0162, F.S., relating to monitoring and evaluation of capital facilities planning and budgeting;

repealing s. 216.0166, F.S., relating to submission of performance-based budget requests, programs, and performance measures; repealing s. 216.0172, F.S., relating to the schedule for submission of performance-based program budgets; repealing s. 216.0235, F.S., relating to furnishing of performance-based legislative program budget requests; repealing s. 216.0315, F.S., relating to budgets of state agencies that have international programs; repealing s. 216.091, F.S., relating to statements by the Comptroller; repealing s. 216.111, F.S., relating to financial statements and schedules and other reports; repealing s. 216.281, F.S., relating to construction of terms; repealing s. 216.286, F.S., relating to release of funds under the Florida Employment Opportunity Act; providing applicability; providing an effective date.

On motion by Rep. Pruitt, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 2377. The vote was:

Session Vote Sequence: 601

Yeas—117

The Chair	Crow	Jones	Ritter
Albright	Detert	Kelly	Rojas
Alexander	Dockery	Kilmer	Rubio
Andrews	Edwards	Kosmas	Russell
Argenio	Effman	Kyle	Ryan
Argenziano	Eggelletion	Lacasa	Sanderson
Arnall	Farkas	Lawson	Sembler
Bainter	Fasano	Lee	Smith, C.
Ball	Feeney	Levine	Smith, K.
Barreiro	Fiorentino	Littlefield	Sobel
Bense	Flanagan	Logan	Sorensen
Betancourt	Frankel	Lynn	Spratt
Bilirakis	Fuller	Maygarden	Stafford
Bitner	Futch	Melvin	Stansel
Bloom	Garcia	Merchant	Starks
Boyd	Gay	Miller, J.	Suarez
Bradley	Goode	Miller, L.	Sublette
Bronson	Goodlette	Minton	Trovillion
Brown	Gottlieb	Morroni	Tullis
Brummer	Green, C.	Murman	Turnbull
Bucher	Greene, A.	Ogles	Villalobos
Bullard	Greenstein	Patterson	Wallace
Bush	Hafner	Peaden	Wasserman Schultz
Byrd	Harrington	Posey	Waters
Casey	Hart	Prieguez	Wiles
Chestnut	Henriquez	Pruitt	Wilson
Constantine	Heyman	Putnam	Wise
Cosgrove	Hill	Rayson	
Crady	Jacobs	Reddick	
Crist	Johnson	Ritchie	

Nays—None

Votes after roll call:
Yeas—Roberts

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1206, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Policy, Commerce and Economic Opportunities and Senator Kirkpatrick—

CS for CS for SB 1206—A bill to be entitled An act relating to labor and employment security; repealing s. 20.171, F.S., relating to the authority and organizational structure of the Department of Labor and Employment Security; providing for transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims to the Department of Insurance; providing an exception; providing for transfer of certain workers' compensation medical services positions to the Agency for Health Care Administration; providing for transfer of certain functions of the Division of Workforce and Employment Opportunities of the Department of Labor and Employment Security relating to labor organizations, child labor laws, and migrant and farm labor registration to the Department of Insurance; providing for transfer of other workplace regulation functions to the Department of Insurance; providing for transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Insurance and the Agency for Health Care Administration; providing exceptions relating to hiring and salary requirements; amending s. 20.13, F.S.; providing for a Division of Workers' Compensation in the Department of Insurance; creating a Bureau of Workplace Regulation and a Bureau of Workplace Safety within the Division of Workers' Compensation of the Department of Insurance; providing for a type two transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; providing an exception; providing for transfer of unemployment appeals referees to the Unemployment Appeals Commission; requiring a contract for the Department of Revenue to provide unemployment tax collection services; providing for transfer of the Office of Information Systems from the Department of Labor and Employment Security to the Department of Management Services; providing an exception for certain portions of the office to be transferred to the Agency for Workforce Innovation; providing for a type two transfer of the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services; creating the Florida Task Force on Workplace Safety; prescribing membership of the task force; providing a purpose for the task force; providing for staffing, administration, and information sharing; requiring a report; authorizing the Division of Workers' Compensation to establish time-limited positions related to workplace safety; authorizing the division to establish permanent positions upon completion of the task force report; providing for transfer of certain records and property; providing for termination of the task force; amending s. 39 of ch. 99-240, Laws of Florida; providing for the transfer of the Division of Blind Services to the Department of Management Services rather than the Department of Education; revising the effective date of such transfer; providing legislative intent on the transfer of functions of the Department of Labor and Employment Security; providing for reemployment assistance to dislocated department employees; providing for hiring preferences for such employees; providing for the transfer of certain records and funds; creating the Labor and Employment Security Transition Team; prescribing membership of the transition team; providing for staffing; requiring reports; providing for the termination of the transition team; authorizing the transition team to use unexpended funds to settle certain claims; requiring the transition team to approve certain personnel hirings and transfers; requiring the submission of a budget amendment to allocate resources of the Department of Labor and Employment Security; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of this act; requiring the Department of Revenue to notify businesses relating to the transfer of unemployment compensation tax responsibilities; amending s. 287.012, F.S.; revising a definition to conform to the transfer of the Minority Business Advocacy and Assistance Office to the Department of Management Services; amending s. 287.0947, F.S.; providing for the Florida Advisory Council on Small and Minority Business Development to be created within the Department of Management Services; amending s. 287.09451, F.S.; reassigning the Minority Business Advocacy and Assistance Office to the Department of Management Services; conforming provisions; amending s. 20.15, F.S.; establishing the Division of Occupational Access and Opportunity within the Department of Education; providing that the Occupational Access and Opportunity Commission is the director of the division; requiring the department to assign certain powers, duties, responsibilities, and functions to the division; excepting from appointment by the Commissioner of Education members of the commission, the Florida Rehabilitation Council, and the Florida Independent Living Council; amending s. 120.80, F.S.; providing that

hearings on certain vocational rehabilitation determinations by the Occupational Access and Opportunity Commission need not be conducted by an administrative law judge; amending s. 413.011, F.S.; revising the internal organizational structure of the Division of Blind Services; requiring the division to implement the provisions of a 5-year plan; requiring the division to contract with community-based rehabilitation providers for the delivery of certain services; revising references to blind persons; requiring the Division of Blind Services to issue recommendations to the Legislature on a method of privatizing the Business Enterprise Program; providing definitions for the terms "community-based rehabilitation provider," "council," "plan," and "state plan"; renaming the Advisory Council for the Blind; revising the membership and functions of the council to be consistent with federal law; requiring the council to prepare a 5–year strategic plan; requiring the council to coordinate with specified entities; deleting provisions providing for the Governor to resolve funding disagreements between the division and the council; directing that meetings be held in locations accessible to individuals with disabilities; amending s. 413.014, F.S.; requiring the Division of Blind Services to report on use of community–based providers to deliver services; amending s. 413.034, F.S.; revising the membership of the Commission for Purchase from the Blind or Other Severely Handicapped to conform to transfer of the Division of Blind Services and renaming of the Division of Vocational Rehabilitation; amending ss. 413.051, 413.064, 413.066, 413.067, 413.345, F.S.; conforming departmental references to reflect the transfer of the Division of Blind Services to the Department of Management Services; expressing the intent of the Legislature that the provisions of this act relating to blind services not conflict with federal law; providing procedures in the event such conflict is asserted; amending s. 413.82, F.S.; providing definitions for the terms "community rehabilitation provider," "plan," and "state plan"; conforming references; amending s. 413.83, F.S.; specifying that appointment of members to the commission is subject to Senate confirmation; revising composition of and appointments to the commission; eliminating a requirement that the Rehabilitation Council serve the commission; authorizing the commission to establish an advisory council composed of representatives from not–for–profit organizations under certain conditions; clarifying the entitlement of commission members to reimbursement for certain expenses; amending s. 413.84, F.S.; designating the commission as the director of the Division of Occupational Access and Opportunity; specifying responsibilities of the commission; authorizing the commission to make administrative rules; authorizing the commission to hire a division director; revising time for implementation of the 5-year plan prepared by the commission; expanding the authority of the commission to contract with the corporation; removing a requirement for federal approval to contract with a direct-support organization; authorizing the commission to appear on its own behalf before the Legislature; amending s. 413.85, F.S.; eliminating limitations on the tax status of the Occupational Access and Opportunity Corporation; specifying that the corporation is not an agency for purposes of certain government procurement laws; applying provisions relating to waiver of sovereign immunity to the corporation; providing that the board of directors of the corporation be composed of no fewer than seven and no more than 15 members and that a majority of its members be members of the commission; authorizing the corporation to hire certain individuals employed by the Division of Vocational Rehabilitation; providing for a lease agreement governing such employees; prescribing terms of such lease agreement; amending s. 413.86, F.S.; conforming an organizational reference; creating s. 413.865, F.S.; requiring coordination between vocational rehabilitation and other workforce activities; requiring development of performance measurement methodologies; amending s. 413.87, F.S.; conforming provision to changes made in the act; amending s. 413.88, F.S.; conforming provision to changes made in the act; amending s. 413.89, F.S.; designating the department the state agency effective July 1, 2000, and the commission the state agency effective October 1, 2000, for purposes of federal law; deleting an obsolete reference; authorizing the department and the commission to provide for continued administration during the time between July 1, 2000, and October 1, 2000; amending s. 413.90, F.S.; deleting provision relating to designation of an administrative entity; designating a state agency and state unit for specified purposes; transferring certain components of the Division of Vocational Rehabilitation to the Department of Education; requiring a reduction in positions; providing for a budget amendment; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Education; amending s. 413.91, F.S.; deleting reference to designated administrative entity; requiring the commission to assure that all contractors maintain quality control and are fit to undertake responsibilities; amending s. 413.92, F.S.; specifying entities answerable to the Federal Government in the event of a conflict with federal law; repealing s. 413.93, F.S., relating to the designated state agency under federal law; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; amending s. 440.15, F.S.; providing for the agency to participate in the establishment and use of a uniform permanent impairment rating schedule; amending s. 440.491, F.S.; providing for agency oversight of workers' compensation rehabilitation providers; amending s. 440.207, F.S.; conforming a departmental reference; amending s. 440.385, F.S.; deleting obsolete provisions; conforming departmental references relating to the Florida Self–Insurance Guaranty Association, Inc.; amending s. 440.44, F.S.; conforming provisions; amending s. 440.4416, F.S.; reassigning the Workers' Compensation Oversight Board to the Department of Insurance; amending s. 440.45, F.S.; reassigning the Office of the Judges of Compensation Claims to the Department of Insurance; amending s. 440.49, F.S.; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending ss. 215.311, 413.091, 440.102, 440.125, 440.25, 440.525, and 440.59, F.S.; conforming agency references to reflect the transfer of programs from the Department of Labor and Employment Security to the Department of Management Services and the Department of Insurance; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Department of Management Services rather than the Department of Labor and Employment Security; conforming provisions; providing for the transfer of the Unemployment Appeals Commission to the Department of Management Services by a type two transfer; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Department of Management Services; conforming the definition of "division" to the transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; amending s. 443.151, F.S.; providing for unemployment compensation appeals referees to be appointed by the Unemployment Appeals Commission; requiring the Department of Management Services to provide facilities to the appeals referees and the commission; requiring the Division of Unemployment Compensation to post certain notices in one–stop career centers; amending s. 443.171, F.S.; conforming duties of the Division of Unemployment Compensation and appointment of the Unemployment Compensation Advisory Council to reflect program transfer to the Agency for Workforce Innovation; conforming cross-references; amending s. 443.211, F.S.; conforming provisions; authorizing the Unemployment Appeals Commission to approve payments from the Employment Security Administration Trust Fund; providing for use of funds in the Special Employment Security Administration Trust Fund by the Unemployment Appeals Commission and the Agency for Workforce Innovation; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 447.203, F.S.; clarifying the definition of professional employee; amending s. 447.205, F.S.; conforming provisions to reflect the transfer of the Public Employees Relations Commission to the Department of Management Services and deleting obsolete provisions; amending s. 447.208, F.S.; clarifying the procedure for appeals, charges, and petitions; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for the Public Employees Relations Commission to share registration information with the Department of Insurance; amending s. 447.307,

F.S.; authorizing the commission to modify existing bargaining units; amending s. 447.503, F.S.; specifying procedures when a party fails to appear for a hearing; amending s. 447.504, F.S.; authorizing the commission to stay certain procedures; providing for the transfer of the commission to the Department of Management Services by a type two transfer; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; requiring the Department of Revenue to report on disbursement and cost-allocation of unemployment compensation funds; requiring the Department of Revenue to conduct a feasibility study on privatization of unemployment compensation activities; authorizing the Department of Labor and Employment Security to offer a voluntary reduction–in–force payment to certain employees; requiring a plan to meet specified criteria; providing for legislative review; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; providing for severability; providing a conditional effective date.

—was read the first time by title.

REPRESENTATIVE RAYSON IN THE CHAIR

On motion by Rep. Gay, the rules were suspended and the bill was read the second time by title.

Representative(s) Gay and Hart offered the following:

(Amendment Bar Code: 650087)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Section 20.171, Florida Statutes, is repealed effective January 1, 2001.*

Section 2. *(1) Effective July 1, 2000, the Division of Workers' Compensation and the Office of the Judges of Compensation Claims are 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 Department of Insurance, except that 29 full-time equivalent positions, and the associated salaries and benefits and expenses funding, related to oversight of medical services in workers' compensation provider relations, dispute and complaint resolution, program evaluation, data management, and carrier compliance and review, are 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 Health Care Administration.*

(2) Effective July 1, 2000, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Division of Workforce and Employment Opportunities related to the regulation of labor organizations under chapter 447, Florida Statutes; the administration of child labor laws under chapter 450, Florida Statutes; and the administration of migrant labor and farm labor laws under chapter 450, Florida Statutes, are 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 Bureau of Workplace Regulation in the Division of Workers' Compensation of the Department of Insurance.

(3) Effective July 1, 2000, any other powers, duties, functions, rules, records, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Labor and Employment Security, not otherwise transferred by this act, relating to workplace regulation and enforcement, including, but not limited to, those under chapter 448, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the department to the Bureau of Workplace Regulation in the Division of Workers' Compensation of the Department of Insurance.

(4)(a) Effective July 1, 2000, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsections (1), (2), and (3) are transferred as provided in section 20.06(2), Florida Statutes, to the Division of Workers' Compensation and the Office of the Judges of Compensation Claims. The Department of Insurance, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed for administrative support of the programs within the Division of Workers' Compensation and the Office of the Judges of Compensation Claims as transferred to the Department of Insurance. The number of administrative support positions that the Department of Insurance determines are needed shall not exceed the number of administrative support positions that prior to the transfer were authorized to the Department of Labor and Employment Security for this purpose. Upon transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims, the number of required administrative support positions as determined by the Department of Insurance shall also be transferred to the Department of Insurance. The Department of Insurance may transfer and reassign positions as deemed necessary to effectively integrate the activities of the Division of Workers' Compensation. Appointments to time–limited positions under this act and authorized positions under this section may be made without regard to the provisions of 60K-3, 4 and 17, Florida Administrative Code.

(b) Effective July 1, 2000, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (1) to the Agency for Health Care Administration are transferred as provided in section 20.06(2), Florida Statutes, to the Agency for Health Care Administration.

Section 3. Subsection (2) of section 20.13, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(2) The following divisions of the Department of Insurance are established:

(a) Division of Insurer Services.

(b) Division of Insurance Consumer Services.

(c) Division of Agents and Agencies Services.

(d) Division of Rehabilitation and Liquidation.

(e) Division of Risk Management.

(f) Division of State Fire Marshal.

(g) Division of Insurance Fraud.

(h) Division of Administration.

(i) Division of Treasury.

(j) Division of Legal Services.

(k) Division of Workers' Compensation.

(7)(a) A Bureau of Workplace Regulation is created within the Division of Workers' Compensation.

(b) A Bureau of Workplace Safety is created within the Division of Workers' Compensation.

Section 4. *Effective October 1, 2000, 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. 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 Agency for Workforce Innovation, 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 transferred from the Agency for Workforce Innovation to 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.*

Section 5. *Effective October 1, 2000, the Office of Information Systems 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 Department of Management Services, except that all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the office related to workforce information systems planning are transferred effective October 1, 2000, by a type two transfer as defined in section 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.*

Section 6. *Effective July 1, 2000, the Minority Business Advocacy and Assistance Office 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 Department of Management Services.*

Section 7. *(1) Effective upon this act becoming a law, the Florida Task Force on Workplace Safety is established within the Department of Insurance. All members of the task force shall be appointed prior to July 15, 2000, and the task force shall hold its first meeting by August 15, 2000. The task force shall be composed of 15 members as follows:*

(a) Five members appointed by the governor, one of whom must be a representative of a statewide business organization, one of whom must be a representative of organized labor, and three of whom must be from private-sector businesses. The Governor shall name one of the appointees under this paragraph as chair of the task force;

Four members appointed by the President of the Senate, one of whom must be a representative of a statewide business organization, one of whom must be a representative of organized labor, and two of whom must be from private-sector businesses;

(c) Four members appointed by the Speaker of the House of Representatives, one of whom must be a representative of a statewide business organization, one of whom must be a representative of organized labor, and two of whom must be from private–sector businesses;

(d) One member appointed from the private–sector by the Insurance Commissioner; and

(e) The president of Enterprise Florida, Inc., or his or her designee from the organization.

The Insurance Commissioner or the commissioner's designee from the Department of Insurance shall serve as an ex officio nonvoting member of the task force.

(2) The purpose of the task force is to develop findings and issue recommendations on innovative ways in which the state may employ state or federal resources to reduce the incidence of employee accidents, occupational diseases, and fatalities compensable under the workers' compensation law. The task force shall address issues including, but not limited to:

(a) Alternative organizational structures for the delivery of workplace safety assistance services to businesses following the repeal of the Division of Safety of the Department of Labor and Employment Security under chapter 99–240, Laws of Florida;

(b) The extent to which workplace safety assistance services are or may be provided through private–sector sources;

(c) The potential contribution of workplace safety assistance services to a reduction in workers' compensation rates for employers;

(d) Differences in the workplace safety needs of businesses based upon the size of the businesses and the nature of the businesses;

(e) Differences in the workplace safety needs of private–sector employers and public–sector employers;

(f) The relationship between federal and state workplace safety activities; and

(g) The impact of workplace safety and workers' compensation on the economic development efforts of the state.

(3) The task force shall be located in the Department of Insurance, and staff of the department shall serve as staff for the task force.

(4) Members of the task force shall serve without compensation but will be entitled to per diem and travel expenses pursuant to section 112.061, Florida Statutes, while in the performance of their duties.

(5) The task force may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the task force all relevant information and assistance on any matter within their knowledge or control.

(6) The task force shall submit a report and recommendations to the Governor, the Insurance Commissioner, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2001. The report shall include recommendations on the organizational structure, mission, staffing structure and qualifications, and funding level for the Bureau of Workplace Safety within the Division of Workers' Compensation of the Department of Insurance. The report also shall include any specific recommendations for legislative action during the 2001 Regular Session of the Legislature.

(7)(a) During fiscal year 2000–2001, the Division of Workers' Compensation of the Department of Insurance is authorized to establish 60 time–limited positions on July 1, 2000, which shall be responsible for the 21(d) federal grant from the Occupational Safety and Health Administration, federal grants from the U.S. Bureau of Labor Statistics for statistical research, and for the core responsibilities under a program for enforcement of safety and health regulations in the public sector.

(b) After the Task Force on Workplace Safety has issued its report and recommendations, the Division of Workers' Compensation may eliminate the 60 time–limited positions and establish and classify permanent positions as authorized in the fiscal year 2000–2001 General Appropriations Act, or seek a budget amendment as provided in chapter 216, Florida Statutes, to implement the recommendations of the task force.

(c) All records, property, and equipment of the Division of Safety of the Department of Labor and Employment Security, repealed under

chapter 99–240, Laws of Florida, shall be transferred to the Bureau of Workplace Safety of the Division of Workers' Compensation of the Department of Insurance for the bureau to retain, use, and maintain during the deliberations of the task force.

(8) The task force shall terminate upon submission of its report.

Section 8. Effective upon this act becoming a law, section 39 of chapter 99-240, Laws of Florida, is amended to read:

Section 39. Effective *October 1, 2000* ~~January 1, 2001~~, the Division of Blind Services is transferred by a type two transfer as defined in section *20.06(2)* ~~20.06(5)~~, Florida Statutes, from the Department of Labor and Employment Security to the Department of *Management Services* ~~Education~~. *Effective October 1, 2000, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions of the department's Division of Blind Services are transferred by a type two transfer, as provided in s. 20.06(2), to the Division of Blind Services in the Department of Management Services.*

Section 9. Section 440.565, Florida Statutes, is created to read:

440.565 Workplace safety.—

(1) The division shall have the authority to adopt rules for the purpose of assuring safe working conditions for all workers by authorizing the enforcement of effective standards, assisting and encouraging employers to maintain safe working conditions, and by providing for education and training in the field of safety. For public sector employers, the division may by rule adopt subparts C through T and subpart Z of 29 C.F.R. part 1910; subparts C through Z of 29 C.F.R. part 1926; subparts A through D, subpart I, and subpart M of 29 C.F.R. part 1928; subparts A through G of 29 C.F.R. part 1917; subparts A through L and subpart Z of 29 C.F.R. part 1915; subparts A through J of 29 C.F.R. part 1918, as revised July 1, 1993, provided that 29 C.F.R. s. 1910.156 applies to volunteer firefighters and fire departments operated by the state or political subdivisions; the National Fire Protection Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert Safety System) (1992 edition); and ANSI A 10.4-1990.

(2) The provisions of chapter 440 which pertain to workplace safety shall be applicable to the division.

(3) All references to the Assistant Secretary of the Occupational Safety and Health Administration and to the Director of the National Institute for Occupational Safety and Health and their authorized representatives in the adopted federal Occupational Safety and Health Administration standards shall, for purposes of this section, mean the Director of the Division of Workers' Compensation of the Department of Insurance or his or her authorized representatives.

Section 10. Section 255.552, Florida Statutes, is amended to read:

255.552 Asbestos management program.—The Secretary of *Management Services* ~~Labor and Employment Security~~ shall establish an asbestos management program and select an asbestos program administrator. The asbestos program administrator shall maintain centralized records in Tallahassee of all public building surveys, operation and maintenance plans, and abatement projects. The asbestos program administrator shall select regional asbestos program managers who shall review and approve and comment on all public building survey reports, operation and maintenance plans, and abatement specifications for public buildings. The regional asbestos program managers shall oversee all abatement work performed in public buildings and shall review and approve and comment on all postabatement inspection reports. Additionally, the regional asbestos program managers shall oversee training of maintenance and custodial workers and building supervisors in all public buildings in which an operation and maintenance plan is administered. Training shall be on the safe cleaning and handling of asbestos-containing materials. Instructional material for such training shall be developed by the Department of *Management Services* ~~Labor and Employment Security~~. This section does not apply to those structures identified in s. 255.5535.

Section 11. Subsection (2) of section 252.937, Florida Statutes, is amended to read:

252.937 Department powers and duties.—

(2) To ensure that this program is self-supporting, the department shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and shall provide necessary funding to local emergency planning committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources subject to this part shall enter into a memorandum of understanding with the department which specifically outlines how each agency's staff, facilities, materials, and services will be utilized to support implementation. At a minimum, these agencies and programs include: the Department of Environmental Protection's Division of Air Resources Management and Division of Water Resource Management, and the Department of *Insurance's* ~~Labor and Employment Security's~~ Division of *Workers' Compensation* ~~Safety~~. It is the Legislature's intent to implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.

Section 12. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—The Department of Insurance shall approve rating plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to rules adopted by the Division of Workers' Compensation ~~of the Department of Labor and Employment Security~~ or implement a safety program approved by the division ~~of Safety pursuant to rules adopted by the Division of Safety of the Department of Labor and Employment Security~~ or implement both a drug-free workplace program and a safety program. The division ~~of Safety~~ may by rule require that the client of a help supply services company comply with the essential requirements of a workplace safety program as a condition for receiving a premium credit. The plans must take effect January 1, 1994, must be actuarially sound, and must state the savings anticipated to result from such drug-testing and safety programs.

Section 13. Section 440.57, Florida Statutes, is created to read: *440.57 Transfer of Administrative Rules.—The administrative rules of the Department of Labor and Employment Security pertaining to the function of the Division of Safety which are in effect immediately before July 1, 2000, and are being transferred and revived pursuant to this act, shall continue in effect as rules of the Division of Workers' Compensation, Bureau of Workplace Safety, until specifically amended by the Department of Insurance.*

Section 14. *(1) It is the intent of the Legislature that the transfer of responsibilities from the Department of Labor and Employment Security to other units of state government as prescribed by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to the employees of the department. To that end, the Legislature believes that a transition period during which the activities of the department can be systematically reduced and the activities of the other applicable units of state government can be strategically increased is appropriate and warranted.*

(2) The Department of Labor and Employment Security and the Department of Management Services shall provide coordinated reemployment assistance to employees of the Department of Labor and Employment Security who are dislocated as a result of this act. The state Workforce Development Board, the regional workforce boards, and staff of the one–stop career centers shall provide assistance to the departments in carrying out the provisions of this section.

(3) The state and its political subdivisions shall give preference in the appointment and the retention of employment to employees of the Department of Labor and Employment Security who are dislocated as a result of this act. Furthermore, for those positions for which an

examination is used to determine the qualifications for entrance into employment with the state or its political subdivisions, 10 points shall be added to the earned ratings of any employee of the Department of Labor and Employment Security who is dislocated as a result of this act if such person has obtained a qualifying score on the examination for the position. Preference is considered to have expired once such person has been employed by any state agency or any agency of a political subdivision of the state.

(4)(a) There is created the Labor and Employment Security Transition Team, which will be responsible for coordinating and overseeing actions necessary to ensure the timely, comprehensive, efficient, and effective implementation of the provisions of this act, as well as implementation of any statutory changes to the Department of Labor and Employment Security's provision of workforce placement and development services through the Division of Workforce and Employment Opportunities. By February 1, 2001, the transition team shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report on the transition of the Department of Labor and Employment Security. The report shall include any recommendations on legislative action necessary during the 2001 Regular Session of the Legislature to address substantive or technical issues related to the department's transition. The transition team shall terminate on May 15, 2001.

(b) The transition team shall consist of the following members:

1. The Governor or the Governor's designee, who shall serve as chair of the transition team and who shall convene meetings of the transition team;

2. The Secretary of Labor and Employment Security or the secretary's designee;

3. The Secretary of Management Services or the secretary's designee;

4. The Commissioner of Insurance or the commissioner's designee;

5. The executive director of the Department of Revenue or the executive director's designee;

6. The director of the Agency for Workforce Innovation or the director's designee;

7. The president of Workforce Florida, Inc., or the president's designee;

8. The Chief Information Officer for the State; and

9. Any other members as deemed necessary by and appointed by the Governor.

(c) Staff of the Office of Policy and Budget in the Executive Office of the Governor shall serve as staff for the transition team. In addition, each member of the transition team shall appoint appropriate staff members from the organization that he or she represents to serve as liaisons to the transition team and to assist the transition team as necessary. Each member of the transition team shall be responsible for ensuring that the organization that he or she represents cooperates fully in the implementation of this act.

(d) Between the date this act becomes a law and January 1, 2001, the transition team shall submit bimonthly to the President of the Senate and the Speaker of the House of Representatives brief status reports on the progress and on any significant problems in implementing this act.

(5) The transfer of any programs, activities, and functions under this act shall include the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such programs, activities, and functions. Any surplus records and unexpended balances of appropriations, allocations, or other funds not so transferred shall be transferred to the Department of Management Services for proper disposition. The Department of Management Services shall become the custodian of any property of the Department of Labor and Employment Security which is not otherwise transferred for the purposes of chapter 273, Florida Statutes. The Department of Management Services is authorized to permit the use of such property by organizations as necessary to implement the provisions of this act.

(6) The transition team, in conjunction with the Office of the Attorney General, may use any unexpended balances of the Department of Labor and Employment Security to settle any claims or leases, pay out personnel annual leave or sick leave, or close out other costs owed by the department, regardless of whether such costs relate to federal, state, or local governments; department employees; or the private sector. Any remaining balances of the department shall be transferred as directed by this act or by budget amendment.

(7) The transition team shall monitor any personnel plans of the Department of Labor and Employment Security and any implementation activities of the department required by this act. The department shall not fill a vacant position or transfer an employee laterally between any divisions or other units of the department without the approval of the transition team.

(8) The transition team may submit proposals to the Governor and recommend budget amendments to ensure the effective implementation of this act, maintenance of federal funding, and continuation of services to customers without interruption. Prior to October 1, 2000, the transition team, through the Office of Policy and Budget, shall prepare a budget amendment to allocate the resources of the Office of the Secretary, Office of Administrative Services, Division of Unemployment Compensation, and other resources of the Department of Labor and Employment Security not otherwise transferred by this act. The allocation of resources under this budget amendment must provide for the maintenance of the department until January 1, 2001, in order to complete activities related to the dissolution of the department and must reserve any remaining funds or positions.

(9) This section shall take effect upon this act becoming a law.

Section 15. *To expedite the acquisition of goods and services for implementing the provisions of this act, the Department of Revenue, the Department of Insurance, the Department of Management Services, and the Agency for Workforce Innovation are exempt from the provisions of chapter 287, Florida Statutes, when contracting for the purchase or lease of goods or services under this act. This section shall take effect upon this act becoming a law and shall expire January 1, 2001.*

Section 16. *To expedite the leasing of facilities for implementing the provisions of this act, the Department of Revenue, the Department of Insurance, the Department of Management Services, and the Agency for Workforce Innovation are exempt from the requirements of any state laws relating to the leasing of space, including, but not limited to, the requirements imposed by section 255.25, Florida Statutes, and any rules adopted under such laws, provided, however, that all leases entered into under this act through January 1, 2001, must be submitted for approval to the Department of Management Services at the earliest practicable time. This section shall take effect upon this act becoming a law and shall expire January 1, 2001.*

Section 17. *Notwithstanding the provisions of chapter 120, Florida Statutes, to the contrary, the Department of Revenue, the Department of Insurance, the Department of Management Services, and the Agency for Workforce Innovation are authorized to develop emergency rules relating to and in furtherance of the orderly implementation of the provisions of this act. These emergency rules shall be valid for a period of 270 days after the effective date of this act.*

Section 18. *(1) The Department of Revenue shall develop and issue notification to all businesses registered with the Department of Labor and Employment Security for the purpose of paying unemployment compensation tax imposed pursuant to chapter 443, Florida Statutes. Such notification shall include, but not be limited to, information on the transfer of responsibilities from the Department of Labor and Employment Security to the Department of Revenue and other agencies relating to unemployment compensation activities.*

(2) The Department of Revenue is authorized to issue any notices, forms, documents, or publications relating to the unemployment compensation tax which the Division of Unemployment Compensation of

the Department of Labor and Employment Security was authorized to issue or publish under chapter 443, Florida Statutes, prior to the transfer of any responsibilities under this act.

(3) The Department of Revenue is authorized to determine the most efficient and effective method for administering, collecting, enforcing, and auditing the unemployment compensation tax in consultation with the businesses that pay such tax and consistent with the provisions of chapter 443, Florida Statutes.

Section 19. Effective October 1, 2000, subsection (19) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(19) "Office" means the Minority Business Advocacy and Assistance Office of the Department of *Management Services* ~~Labor and Employment Security~~.

Section 20. Effective October 1, 2000, subsection (1) of section 287.0947, Florida Statutes, is amended to read:

287.0947 Florida Council on Small and Minority Business Development; creation; membership; duties.—

(1) On or after October 1, *2000* ~~1996~~, the secretary of the Department of *Management Services* ~~Labor and Employment Security~~ may create the Florida Advisory Council on Small and Minority Business Development with the purpose of advising and assisting the secretary in carrying out the secretary's duties with respect to minority businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of 19 persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703(3), considering also gender and nationality subgroups, and shall consist of the following:

(a) Four members consisting of representatives of local and federal small and minority business assistance programs or community development programs.

(b) Eight members composed of representatives of the minority private business sector, including certified minority business enterprises and minority supplier development councils, among whom at least two shall be women and at least four shall be minority persons.

(c) Two representatives of local government, one of whom shall be a representative of a large local government, and one of whom shall be a representative of a small local government.

(d) Two representatives from the banking and insurance industry.

(e) Two members from the private business sector, representing the construction and commodities industries.

(f) The chairperson of the Florida Black Business Investment Board or the chairperson's designee.

A candidate for appointment may be considered if eligible to be certified as an owner of a minority business enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the secretary, in the manner of the original appointment.

Section 21. Effective October 1, 2000, subsections (2) and (3) and paragraph (h) of subsection (4) of section 287.09451, Florida Statutes, are amended to read:

287.09451 Minority Business Advocacy and Assistance Office; powers, duties, and functions.—

(2) The Minority Business Advocacy and Assistance Office is established within the Department of *Management Services* ~~Labor and Employment Security~~ to assist minority business enterprises in becoming suppliers of commodities, services, and construction to state government.

(3) The *Secretary of the Department of Management Services* ~~secretary~~ shall appoint an executive director for the Minority Business Advocacy and Assistance Office, who shall serve at the pleasure of the secretary.

(4) The Minority Business Advocacy and Assistance Office shall have the following powers, duties, and functions:

(h) To develop procedures to investigate complaints against minority business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, that may include visits to worksites or business premises, and to refer all information on businesses suspected of misrepresenting minority status to the Department of *Management Services* ~~Labor and Employment Security~~ for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the Department of *Management Services* ~~Labor and Employment Security~~ shall refer the matter to the office of the Attorney General, Department of Legal Affairs, for prosecution.

Section 22. Effective upon this act becoming a law, subsections (3), (4), and (6) of section 20.15, Florida Statutes, are amended and paragraph (d) is added to subsection (5) of that section to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(a) Division of Community Colleges.

(b) Division of Public Schools and Community Education.

(c) Division of Universities.

(d) Division of Workforce Development.

(e) Division of Human Resource Development.

(f) Division of Administration.

(g) Division of Financial Services.

(h) Division of Support Services.

(i) Division of Technology.

(j) Division of Occupational Access and Opportunity.

(4) DIRECTORS.—The Board of Regents is the director of the Division of Universities, *the Occupational Access and Opportunity Commission is the director of the Division of Occupational Access and Opportunity,* and the State Board of Community Colleges is the director of the Division of Community Colleges, pursuant to chapter 240. The directors of all other divisions shall be appointed by the commissioner subject to approval by the state board.

(5) POWERS AND DUTIES.—The State Board of Education and the Commissioner of Education:

(d) Shall assign to the Division of Occupational Access and Opportunity such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of its programs, including, but not limited to, vocational rehabilitation and independent living services to persons with disabilities which services are funded under the Rehabilitation Act of 1973, as amended, except:

1. Those duties specifically assigned to the Division of Blind Services of the Department of Management Services;

2. Those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551;

3. Those duties concerning physical facilities in chapter 235;

4. Those duties assigned to the State Board of Community Colleges in chapter 240; and

5. Those duties assigned to the Division of Workforce Development in chapter 239.

Effective October 1, 2000, the Occupational Access and Opportunity Commission shall assume all responsibilities necessary to be the designated state agency for purposes of compliance with the Rehabilitation Act of 1973, as amended.

(6) COUNCILS AND COMMITTEES.—Notwithstanding anything contained in law to the contrary, the Commissioner of Education shall appoint all members of all councils and committees of the Department of Education, except the Board of Regents, the State Board of Community Colleges, the community college district boards of trustees, the Postsecondary Education Planning Commission, the Education Practices Commission, the Education Standards Commission, the State Board of Independent Colleges and Universities, *the Occupational Access and Opportunity Commission, the Florida Rehabilitation Council, the Florida Independent Living Council,* and the State Board of Nonpublic Career Education.

Section 23. Subsection (16) is added to section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(16) OCCUPATIONAL ACCESS AND OPPORTUNITY COMMISSION.—Notwithstanding s. 120.57(1)(a), hearings concerning determinations by the Occupational Access and Opportunity Commission on eligibility, plans of services, or closure need not be conducted by an administrative law judge assigned by the division. The commission may choose to contract with another appropriate resource in these matters.

Section 24. Effective October 1, 2000, section 413.011, Florida Statutes, is amended to read:

413.011 Division of Blind Services, internal organizational structure; *Florida Rehabilitation* ~~Advisory~~ Council for ~~the~~ Blind *Services*.—

(1) The internal organizational structure of the Division of Blind Services shall be designed for the purpose of ensuring the greatest possible efficiency and effectiveness of services to the blind and to be consistent with chapter 20. The Division of Blind Services shall ~~plan, supervise, and~~ carry out the following activities *under planning and policy guidance from the Florida Rehabilitation Council for Blind Services*:

(a) Implement the provisions of the 5-year strategic plan prepared by the council under paragraph (3)(a) to provide services to individuals who are blind.

(b)~~(a)~~ Recommend personnel as may be necessary to carry out the purposes of this section.

(c)~~(b)~~ Cause to be compiled and maintained a complete register of *individuals in the state who are* ~~the~~ blind ~~in the state~~, which shall describe the condition, cause of blindness, and capacity for education and industrial training, with such other facts as may seem to the division to be of value. Any information in the register of *individuals who are* ~~the~~ blind which, when released, could identify an individual is confidential and exempt from the provisions of s. 119.07(1).

(d)~~(c)~~ Inquire into the cause of blindness, inaugurate preventive measures, and provide for the examination and treatment of *individuals who are* ~~the~~ blind, or those threatened with blindness, for the benefit of such persons, and shall pay therefor, including necessary incidental expenses.

(e)~~(d)~~ *Contract with community-based rehabilitation providers, to the maximum extent allowable under federal law, to assist individuals who are blind in obtaining* ~~Aid the blind in finding~~ employment, teach them trades and occupations within their capacities, assist them in disposing of products made by them in home industries, assist them in obtaining funds for establishing enterprises where federal funds reimburse the state, and do such things as will contribute to the efficiency of self-support of *individuals who are* ~~the~~ blind.

(f)~~(e)~~ Establish one or more training schools and workshops for the employment of suitable *individuals who are* blind ~~persons~~; make expenditures of funds for such purposes; receive moneys from sales of commodities involved in such activities and from such funds make payments of wages, repairs, insurance premiums and replacements of equipment. All of the activities provided for in this section may be carried on in cooperation with private workshops for *individuals who are* ~~the~~ blind, except that all tools and equipment furnished by the division shall remain the property of the state.

(g)~~(f)~~ *Contract with community-based rehabilitation providers, to the maximum extent allowable under federal law, to* provide special services and benefits for *individuals who are* ~~the~~ blind *in order to assist them in* ~~for~~ developing their social life through community activities and recreational facilities.

(h)~~(g)~~ Undertake such other activities as may ameliorate the condition of ~~blind~~ citizens of this state *who are blind*.

(i)~~(h)~~ Cooperate with other agencies, public or private, especially the Division of the Blind and Physically Handicapped of the Library of Congress and the Division of Library and Information Services of the Department of State, to provide library service to *individuals who are* ~~the~~ blind and *individuals who have other disabilities* ~~other handicapped persons~~ as defined in federal law and regulations in carrying out any or all of the provisions of this law.

(j)~~(i)~~ Recommend contracts and agreements with federal, state, county, municipal and private corporations, and individuals.

(k)~~(j)~~ Receive moneys or properties by gift or bequest from any person, firm, corporation, or organization for any of the purposes herein set out, but without authority to bind the state to any expenditure or policy except such as may be specifically authorized by law. All such moneys or properties so received by gift or bequest as herein authorized may be disbursed and expended by the division upon its own warrant for any of the purposes herein set forth, and such moneys or properties shall not constitute or be considered a part of any legislative appropriation made by the state for the purpose of carrying out the provisions of this law.

(l)~~(k)~~ Prepare and make available to *individuals who are* ~~the~~ blind, in braille and on electronic recording equipment, Florida Statutes chapters 20, 120, 121, and 413, in their entirety.

(m)~~(l)~~ Adopt by rule procedures *necessary to comply with any plans prepared by the council* for providing vocational rehabilitation services for *individuals who are* ~~the~~ blind.

(n)~~(m)~~ Adopt by rule forms and instructions to be used by the division in its general administration.

(o) Recommend to the Legislature a method to privatize the Business Enterprise Program established under s. 413.051 by creating a not-for-profit entity. The entity shall conform to requirements of the federal Randolph Sheppard Act and shall be composed of blind licensees with expertise in operating business enterprises. The division shall submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as well as to the appropriate substantive committees of the Legislature, by January 1, 2001.

(2) As used in this section:

(a) "Act," unless the context indicates otherwise, means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797*, as amended*.

(b) "Blind" or "blindness" means the condition of any person for whom blindness is a disability as defined by the Rehabilitation Act of 1973, 29 U.S.C. s. 706(8)(b).

(c) "Community-based rehabilitation provider" means a provider of services in a community setting to individuals who are blind.

(d) "Council" means the Florida Rehabilitation Council for Blind Services.

(e)~~(c)~~ "Department" means the Department of *Management Services* ~~Labor and Employment Security~~.

(f) "Plan" means the 5-year strategic plan developed by the council under paragraph (3)(a).

(g) "State plan" means the state plan for vocational rehabilitation required by the federal Rehabilitation Act of 1973, as amended.

(3) There is ~~hereby~~ created in the department the *Florida Rehabilitation* ~~Advisory~~ Council for ~~the~~ Blind *Services. The council shall be established in accordance with the act and must include at least four representatives of private–sector businesses that are not providers of vocational rehabilitation services. Members of the council shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061.* ~~to assist the division in the planning and development of statewide rehabilitation programs and services, to recommend improvements to such programs and services, and to perform the functions provided in this section.~~

~~(a) The advisory council shall be composed of:~~

~~1. At least one representative of the Independent Living Council, which representative may be the chair or other designee of the council;~~

~~2. At least one representative of a parent training and information center established pursuant to s. 631(c)(9) of the Individuals with Disabilities Act, 20 U.S.C. s. 1431(c)(9);~~

~~3. At least one representative of the client assistance program established under the act;~~

~~4. At least one vocational rehabilitation counselor who has knowledge of and experience in vocational rehabilitation services for the blind, who shall serve as an ex officio nonvoting member of the council if the counselor is an employee of the department;~~

~~5. At least one representative of community rehabilitation program service providers;~~

~~6. Four representatives of business, industry, and labor;~~

~~7. At least one representative of a disability advocacy group representing individuals who are blind;~~

~~8. At least one parent, family member, guardian, advocate, or authorized representative of an individual who is blind, has multiple disabilities, and either has difficulties representing himself or herself or is unable, due to disabilities, to represent himself or herself;~~

~~9. Current or former applicants for, or recipients of, vocational rehabilitation services; and~~

~~10. The director of the division, who shall be an ex officio member of the council.~~

(a)~~(b)~~ Members of the council shall be appointed by the Governor, who shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals who have disabilities, and organizations interested in those individuals.

~~(c) A majority of council members shall be persons who are:~~

~~1. Blind; and~~

~~2. >Not employed by the division.~~

~~(d) The council shall select a chair from among its membership.~~

~~(e) Each member of the council shall serve for a term of not more than 3 years, except that:~~

~~1. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term; and~~

~~2. The terms of service of the members initially appointed shall be, as specified by the Governor, for such fewer number of years as will provide for the expiration of terms on a staggered basis.~~

~~(f) No member of the council may serve more than two consecutive full terms.~~

~~(g) Any vacancy occurring in the membership of the council shall be filled in the same manner as the original appointment. A vacancy does not affect the power of the remaining members to execute the duties of the council.~~

(b)~~(h)~~ In addition to the other functions specified in *the act* ~~this section~~, the council shall:

1. Review, analyze, and advise the division regarding the performance of the responsibilities of the division under Title I of the act, particularly responsibilities relating to:

a. Eligibility, including order of selection;

b. The extent, scope, and effectiveness of services provided; and

c. Functions performed by state agencies that affect or potentially affect the ability of individuals who are blind to achieve rehabilitation goals and objectives under Title I.

2. Advise the department and the division~~,~~ and, at the discretion of the department or division, assist in the preparation of applications, the state plan *as required by federal law*, the strategic plan, and amendments to the plans, reports, needs assessments, and evaluations required by Title I.

3. Prepare by March 1, 2001, for implementation by the division by July 1, 2001, subject to approval by the Federal Government, a 5–year strategic plan to provide services to individuals who are blind. The council must consult with stakeholders and conduct public hearings as part of the development of the plan. The plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The council annually shall make amendments to the plan, which also must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must provide for the maximum use of community–based rehabilitation providers for the delivery of services and a corresponding reduction in the number of state employees in the division to the minimum number necessary to carry out the functions required under this section. The plan also must provide for 90 percent of the funds provided for services to individuals who are blind to be used for direct customer services.

4.~~3.~~ To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:

a. The functions performed by state agencies and other public and private entities responsible for performing functions for individuals who are blind.

b. Vocational rehabilitation services:

(I) Provided or paid for from funds made available under the act or through other public or private sources.

(II) Provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals who are blind.

5.~~4.~~ Prepare and submit an annual report on the status of vocational rehabilitation services for *individuals who are* ~~the~~ blind in the state to the Governor and the Commissioner of the Rehabilitative Services Administration, established under s. 702 of the act, and make the report available to the public.

6.~~5.~~ Coordinate with other councils within the state, including the Independent Living Council, the advisory panel established under s.

613(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State Planning Council described in s. 124 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s. 6024, and the state mental health planning council established under s. 1916(e) of the Public Health Service Act, 42 U.S.C. 300X-4(e), *the Occupational Access and Opportunity Commission, and the state Workforce Development Board under the federal Workforce Investment Act*.

7.~~6.~~ Advise the department and division and provide for coordination and the establishment of working relationships among the department, the division, the Independent Living Council, and centers for independent living in the state.

8.~~7.~~ Perform such other functions consistent with the purposes of the act as the council determines to be appropriate that are comparable to functions performed by the council.

(c)~~(i)~~1. The council shall prepare, in conjunction with the division, a plan for the provision of such resources, including such staff and other personnel, as may be necessary to carry out the functions of the council. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

2. If there is a disagreement between the council and the division in regard to the resources necessary to carry out the functions of the council as set forth in this section, the disagreement shall be resolved by the Governor.

3. The council shall, consistent with law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions.

4. While assisting the council in carrying out its duties, staff and other personnel shall not be assigned duties by the division or any other state agency or office that would create a conflict of interest.

(d)~~(j)~~ No council member shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under state law.

(e)~~(k)~~ The council shall convene at least four meetings each year. These meetings shall occur in such places as the council deems necessary to conduct council business. The council may conduct such forums or hearings as the council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the public. *To the maximum extent possible, the meetings shall be held in locations that are accessible to individuals with disabilities.* The council shall make a report of each meeting which shall include a record of its discussions and recommendations, all of which reports shall be made available to the public.

(f) Members of the commission may rely on and are subject to the provisions of s. 413.273.

Section 25. Effective October 1, 2000, section 413.014, Florida Statutes, is amended to read:

413.014 Community-based rehabilitation *providers* ~~programs~~.—*The 5-year plan prepared under s. 413.011(3)(a)3. shall require* the Division of Blind Services *to* ~~shall~~ enter into cooperative agreements with community-based rehabilitation *providers* ~~programs~~ to be the service providers for the blind citizens of their communities. *State employees, however, shall provide all services that may not be delegated under federal law*. The division shall, as rapidly as feasible, increase the amount of such services provided by community-based rehabilitation *providers* ~~programs~~. The goal shall be to decrease the amount of such services provided by division employees and to increase to the maximum extent allowed by federal law the amount of such services provided through cooperative agreements with community-based service providers. The division shall seek, to the maximum extent allowed by federal and state law and regulation, all available federal funds for such purposes. Funds and in-kind matching contributions from community and private sources shall be used to maximize federal funds. Unless prohibited by federal law or regulation, the share of the federal vocational rehabilitation grant apportioned for services to the blind shall be not less than 17 percent. *By December 31 of each year, the division shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a status report on its progress on increasing the amount of services provided by community–based rehabilitation providers as required by this section. The report shall include recommendations on reductions in the number of division employees based upon increased use of community–based rehabilitation providers.*

Section 26. Effective October 1, 2000, subsection (1) of section 413.034, Florida Statutes, is amended to read:

413.034 Commission established; membership.—

(1) There is created within the Department of Management Services the Commission for Purchase from the Blind or Other Severely Handicapped, to be composed of the secretary of the Department of Management Services; the director of the Division of *Occupational Access and Opportunity* ~~Vocational Rehabilitation~~ of the Department of *Education* ~~Labor and Employment Security~~, who shall be an ex officio member with voting rights; the director of the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~; and four members to be appointed by the Governor, which four members shall be an executive director of a nonprofit agency for the blind, an executive director of a nonprofit agency for other severely handicapped persons, a representative of private enterprise, and a representative of other political subdivisions. All appointed members shall serve for terms of 4 years. Appointed commission members shall serve subject to confirmation by the Senate.

Section 27. Effective October 1, 2000, paragraph (a) of subsection (2) and subsection (3) of section 413.051, Florida Statutes, are amended to read:

413.051 Eligible blind persons; operation of vending stands.—

(2) As used in this section:

(a) "Blind licensee" means any *person who is* blind *and who is* ~~person~~ trained and licensed by the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~ to operate a vending stand.

(3) Blind licensees shall be given the first opportunity to participate in the operation of vending stands on all state properties acquired after July 1, 1979, when such facilities are operated under the supervision of the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~.

Section 28. Effective October 1, 2000, section 413.064, Florida Statutes, is amended to read:

413.064 Rules.—The Department of *Management Services* ~~Labor and Employment Security~~ shall adopt all necessary rules pertaining to the conduct of a solicitation for the benefit of *individuals who are* blind ~~persons~~, including criteria for approval of an application for a permit for such solicitation.

Section 29. Effective October 1, 2000, section 413.066, Florida Statutes, is amended to read:

413.066 Revocation of permit.—Any failure on the part of a person or organization holding a permit under the provisions of ss. 413.061-413.068 to comply with the law or with all rules promulgated by the Department of *Management Services* ~~Labor and Employment Security~~ as authorized by s. 413.064 constitutes a ground for revocation of the permit by the Division of Blind Services.

Section 30. Effective October 1, 2000, section 413.067, Florida Statutes, is amended to read:

413.067 Penalty.—Any person who violates the provisions of ss. 413.061-413.068 or any rule promulgated by the Department of *Management Services* ~~Labor and Employment Security~~ pursuant

thereto commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 31. *Effective October 1, 2000,* subsection (1) of section 413.395, Florida Statutes, is amended to read:

413.395 Florida Independent Living Council.—

(1) There is created the Florida Independent Living Council to assist the division and the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~, as well as other state agencies and local planning and administrative entities assisted under Title VII of the act, in the expansion and development of statewide independent living policies, programs, and concepts and to recommend improvements for such programs and services. The council shall function independently of the division and, unless the council elects to incorporate as a not-for-profit corporation, is assigned to the division for administrative purposes only. The council may elect to be incorporated as a Florida corporation not for profit and, upon such election, shall be assisted in the incorporation by the division for the purposes stated in this section. The appointed members of the council may constitute the board of directors for the corporation.

Section 32. *It is the intent of the Legislature that the provisions of this act relating to services for individuals who are blind not conflict with any federal statute or implementing regulation governing federal grant–in–aid programs administered by the Division of Blind Services or the Florida Rehabilitation Council for Blind Services. Whenever such a conflict is asserted by the U.S. Department of Education or other applicable agency of the Federal Government, the council shall submit to the U.S. Department of Education or other applicable federal agency a request for a favorable policy interpretation of the conflicting portions of such statute or regulation. If the request is approved, as certified in writing by the Secretary of the U.S. Department of Education or the head of the other applicable federal agency, the council or the division is authorized to adjust the plan as necessary to achieve conformity with federal statutes or regulations. Before adjusting the plan, the council or the division shall provide to the President of the Senate and the Speaker of the House of Representatives an explanation and justification of the position of the council or division and shall outline all feasible alternatives that are consistent with this act. These alternatives may include the state supervision of local service agencies by the council or the division if the agencies are designated by the Governor.*

Section 33. Effective upon this act becoming a law, section 413.82, Florida Statutes, is amended to read:

413.82 Definitions.—As used in ss. 413.81-413.93, the term:

(1) "Commission" means the Commission on Occupational Access and Opportunity.

(2) "Community rehabilitation provider" means a provider of services in a community setting to people with disabilities.

(3)~~(2)~~ "Corporation" means the Occupational Access and Opportunity Corporation.

(4)~~(3)~~ "Division" means the Division of *Occupational Access and Opportunity* ~~Vocational Rehabilitation~~.

(5) "Plan" means the plan required by ss. 413.81-413.93.~~(4) "Office" means the Executive Office of the Governor.~~

(6)~~(5)~~ "*State* plan" means the state plan for vocational rehabilitation required by *Title I of* the federal Rehabilitation Act of 1973, as amended~~, and ss. 413.81-413.93~~.

(7)~~(6)~~ "Region" means a service area for a regional workforce development board established by the Workforce Development Board.

Section 34. Effective upon this act becoming a law, subsections (2), (3), (6), (7), (8), and (10) of section 413.83, Florida Statutes, are amended to read:

413.83 Occupational Access and Opportunity Commission; creation; purpose; membership.—

(2) The commission shall consist of 16 *voting* members, *including 15 members* appointed, as provided *in this section* ~~herein~~, by the Governor, the President of the Senate, and the Speaker of the House of Representatives, *and four ex-officio, nonvoting members.* ~~The commission must contain a minimum of 50 percent representation from the private sector.~~ *Appointment of members is subject to confirmation by the Senate. The membership of the commission may not include more than two individuals who are, or are employed by, community rehabilitation providers who contract to provide vocational rehabilitation services to individuals who qualify for the program.* The members of the commission shall include:

(a) The Commissioner of Education, or his or her designee~~, who shall serve as chair~~;

(b) Eight employers from the private sector, three of whom shall be appointed by the Governor for a term of 4 years, three of whom shall be appointed by the President of the Senate for a term of 4 years, and two of whom shall be appointed by the Speaker of the House of Representatives for a term of 4 years;

(c) An individual who is a consumer of vocational rehabilitation services, who shall be appointed by the Governor for a term of 4 years;

(d) A community rehabilitation provider who contracts to provide vocational rehabilitation services to individuals who qualify for the program and who shall be appointed by the Governor for a term of 4 years;

(e) Five representatives of business, workforce development, education, state government, local government, a consumer advocate group, or a community organization, three of whom shall be appointed by the Governor for a term of 4 years, one of whom shall be appointed by the President of the Senate for a term of 4 years, and one of whom shall be appointed by the Speaker of the House of Representatives for a term of 4 years; and

(f) As exofficio, nonvoting members:

1. The executive director or his or her designee from the Advocacy Center for Persons with Disabilities;

2. The chair of the Florida Rehabilitation Council;

3. The chair of the Council for Independent Living; and

4. The chair of the Commission for the Purchase from the Blind or Other Severely Handicapped.

~~(b) The chair of the Florida Rehabilitation Council;~~

~~(c) The chair of the Council for Independent Living;~~

~~(d) The chair of the Commission for the Purchase from the Blind or Other Severely Handicapped;~~

~~(e) A community rehabilitation provider who contracts to provide vocational rehabilitation services to individuals who qualify for the program, who shall be appointed by the Governor for a term of 4 years;~~

~~(f) A representative from the Advocacy Center for Persons With Disabilities, who shall be appointed by the President of the Senate for a term of 4 years;~~

~~(g) A consumer of vocational rehabilitation services, who shall be appointed by the Speaker of the House of Representatives for a term of 4 years; and~~

~~(h) Other individuals with disabilities and representatives of business, workforce development, education, state government, local government, consumer advocate groups, employers of individuals with disabilities, or community organizations.~~

(3) *By September 1, 2000, after receiving recommendations from the commission, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall consult together and take actions necessary to bring the membership of the commission into compliance with the requirements of this section. In taking such action, initial terms*

shall be staggered as necessary to ensure that the terms of no more than one–fourth of the commission's total appointed membership shall expire in any 1-year period. ~~Initially, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint as members meeting the qualifications contained in paragraph (2)(h), one member for a term of 3 years, one member for a term of 2 years, and one member for a term of 1 year. Thereafter,~~ After receiving recommendations from the commission, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall appoint all members for terms of 4 years. Any vacancy shall be filled by appointment by the original appointing authority for the unexpired portion of the term by a person who possesses the proper qualifications for the vacancy.

(6) The Governor shall name the chair of the commission from its appointed members. The commission shall biennially elect one of its members as vice chair, who shall preside in the absence of the chair. Neither the chair, nor the vice chair, may be a provider of client services funded through the commission.

(7) The Rehabilitation Council created by s. 413.405 ~~shall serve the commission and~~ shall continue to perform its designated duties, *with the commission as the designated state vocational rehabilitation agency*. ~~The commission shall consider the recommendations made by the council.~~

(8) The commission may appoint advisory committees that the commission considers appropriate, which may include members from outside the commission to study special problems or issues and advise the commission on those subjects. *The commission shall establish an advisory council composed of representatives from not-for-profit organizations that have submitted a resolution requesting membership and have had the request approved by the commission.* ~~Any existing advisory board, commission, or council may seek to become an official advisory committee to the commission by submitting to the commission a resolution requesting affiliation and having the request approved by the commission.~~ The commission shall establish the operating procedures of the committees.

(10) The members of the commission *may rely on and are subject to the provisions of* ~~are entitled to be reimbursed for reasonable and necessary expenses of attending meetings and performing commission duties, including per diem and travel expenses, and for personal care attendants and interpreters needed by members during meetings, as provided in~~ s. 413.273.

Section 35. Effective upon this act becoming a law, section 413.84, Florida Statutes, is amended to read:

413.84 Powers and duties.—The commission:

(1) Effective July 1, 2000, shall serve as the director of the Division of Occupational Access and Opportunity of the Department of Education.

(2) Is responsible for establishing policy, planning, and quality assurance for the programs assigned and funded to the division, including, but not limited to, vocational rehabilitation and independent living services to persons with disabilities which services are funded under the federal Rehabilitation Act of 1973, as amended, in a coordinated, efficient, and effective manner. The Occupational Access and Opportunity Commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it. Such rules and policies shall be submitted to the State Board of Education for approval. If any rule is not disapproved by the State Board of Education within 45 days after its receipt by the State Board of Education, the rule shall be filed immediately with the Department of State. Effective October 1, 2000, rules adopted by the commission do not require approval by the State Board of Education.

(3) Shall, in consultation with the Commissioner of Education, hire a division director to be responsible to the commission for operation and maintenance of the programs assigned and funded to the division.

(4)~~(1)~~ Shall, no later than *January* ~~July~~ 1, *2001* ~~2000~~, after consulting with stakeholders and holding public hearings, develop and implement a 5-year plan to promote occupational access and opportunities for Floridians with disabilities~~, and to fulfill the federal plan requirements~~. The plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The commission may make amendments annually to the plan, which must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by the first of January.

(a) The plan must explore the use of Individual Training Accounts, as described in the federal Workforce Act of 1998, Pub. L. No. 105-220, for eligible clients. If developed, these accounts must be distributed under a written memorandum of understanding with One-Stop Career Center operators.

(b) The plan must include an emergency response component to address economic downturns.

(c) The plan must designate an administrative entity that will support the commission's work; provide technical assistance, training, and capacity-building assistance; help raise additional federal, state, and local funds; and promote innovative contracts that upgrade or enhance direct services to Floridians with disabilities.

(d) The plan must require that the commission enter into cooperative agreements with community-based rehabilitation programs *by workforce region* to be the service providers for the program; however, state ~~career service~~ employees shall provide all services *that may not be delegated under* ~~mandated by~~ federal law. The commission shall, as rapidly as is feasible, increase the amount of such services provided by community-based rehabilitation programs. The plan must incorporate, to the maximum extent allowed by federal and state law and regulation, all available funds for such purposes. Funds and in-kind contributions from community and private sources shall be used to enhance federal and state resources.

(e) The plan must include recommendations regarding specific performance standards and measurable outcomes, and must outline procedures for monitoring *operations of* the *commission, the corporation, the division,* ~~commission's~~ and *all providers of services under contract to the commission's* ~~designated administrative entity's~~ operations to ensure that performance data is maintained and supported by records of such entities. The commission shall consult with the Office of Program Policy Analysis and Government Accountability in the establishment of performance standards, measurable outcomes, and monitoring procedures.

(5)~~(2)~~ Notwithstanding the provisions of part I of chapter 287, shall contract, no later than July 1, 2000, with the *corporation* ~~administrative entity designated in the plan~~ to execute the services, functions, and programs prescribed in the plan. The commission shall serve as contract administrator. ~~If approved by the federal Department of Education, the administrative entity may be a direct-support organization.~~ The commission shall define the terms of the contract.

(6)~~(3)~~ Shall work with the employer community to better define, address, and meet its business needs with qualified Floridians with disabilities.

(7)~~(4)~~ Is responsible for the prudent use of all public and private funds provided for the commission's use, ensuring that the use of all funds is in accordance with all applicable laws, bylaws, and contractual requirements.

(8)~~(5)~~ Shall develop an operational structure to carry out the plan developed by the commission.

(9)~~(6)~~ May appear on its own behalf before *the Legislature,* boards, commissions, departments, or other agencies of municipal, county, state, or Federal Government.

(10)~~(7)~~ In the performance of its duties, may undertake or commission research and studies.

(11)~~(8)~~ Shall develop a budget, which is in keeping with the plan, for the operation and activities of the commission and functions of its

designated administrative entity. The budget shall be submitted to the Governor for inclusion in the Governor's budget recommendations.

(12)~~(9)~~ May assign staff from the ~~office or~~ division to assist in implementing the provisions of this act relating to the Occupational Access and Opportunity Commission.

Section 36. Effective upon this act becoming a law, subsections (1), (3), and (4) of section 413.85, Florida Statutes, are amended to read:

413.85 Occupational Access and Opportunity Corporation; use of property; board of directors; duties; audit.—

(1) ESTABLISHMENT.—If the commission elects to *contract with the corporation to provide services* ~~designate a direct-support organization as its administrative entity~~, such organization shall be designated the Occupational Access and Opportunity Corporation:

(a) Which is a corporation not for profit, as defined in *s. 501(c)* ~~s. 501(c)(6)~~ of the Internal Revenue Code of 1986, as amended, and is incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) Which is organized and operated exclusively to *carry out such activities and tasks as the commission assigns through contract.* ~~request, receive, hold, invest, and administer property and to manage and make expenditures for the operation of the activities, services, functions, and programs of the provisions of this act relating to the Occupational Access and Opportunity Commission.~~

(c) Which the commission, after review, has certified to be operating in a manner consistent with the policies and goals of the commission and the plan.

(d) Which shall not be considered an agency for the purposes of chapters 120, ~~and~~ 216*, and 287*; ss. 255.25 and 255.254, relating to leasing of buildings; ss. 283.33 and 283.35, relating to bids for printing; s. 215.31; and parts IV through VIII of chapter 112.

(e) Which shall be subject to the provisions of chapter 119, relating to public records;~~, and~~ the provisions of chapter 286, relating to public meetings*; and the provisions of s. 768.28 as a corporation primarily acting as an instrumentality of this state.*

(3) BOARD OF DIRECTORS.—The board of directors of the corporation shall be composed of *no fewer than 7 and no more than 15 members appointed by the commission, and a majority of its members must be members of the commission* ~~15 members, appointed by the commission from its own membership~~. The vice chair of the commission shall serve as chair of the corporation's board of directors.

(4) POWERS AND DUTIES.—The corporation, in the performance of its duties:

(a) May make and enter into contracts and assume such other functions as are necessary to carry out the provisions of the plan and the corporation's contract with the commission which are not inconsistent with this or any other provision of law.

(b) May develop a program to leverage the existing federal and state funding and to provide upgraded or expanded services to Floridians with disabilities *if directed by the commission.*

(c) May commission and adopt, in cooperation with the commission, an official business name and logo to be used in all promotional materials directly produced by the corporation.

(d) The corporation shall establish cooperative and collaborative memoranda of understanding with One-Stop Career Center operators to increase, upgrade, or expand services to Floridians with disabilities who are seeking employment and self-sufficiency.

(e) The corporation is encouraged to hire any individual who, as of June 30, 2000, is employed by the Division of Vocational Rehabilitation.

Section 37. Effective upon this act becoming a law, section 413.86, Florida Statutes, is amended to read:

413.86 Public-private partnerships.—The Division of *Occupational Access and Opportunity* ~~Vocational Rehabilitation~~ will enter into local public-private partnerships to the extent that it is beneficial to increasing employment outcomes for persons with disabilities and ensuring their full involvement in the comprehensive workforce investment system.

Section 38. Effective upon this act becoming law, section 413.865, Florida Statutes, is created to read:

413.865 Coordination with workforce system.—

(1) The Occupational Access and Opportunity Commission, the Division of Occupational Access and Opportunity, the corporation, and community–based service providers shall coordinate and integrate their planning, programs, and services with the planning, programs, and services of Workforce Florida, Inc., the Agency for Workforce Innovation, regional workforce boards, and one–stop center operators to ensure that persons with disabilities can easily receive all intended and available federal, state, and local program services.

(2) These public and private partners shall work together to ensure and provide continuity of service to persons with disabilities throughout the state, as well as to provide consistent and upgraded services to persons with disabilities throughout the state.

(3) These public and private partners shall work together to ensure that Florida's design and implementation of the federal Workforce Investment Act:

(a) Integrates these partners in the One–Stop Delivery System through memorandums of understanding;

(b) Includes qualified and eligible providers of services to persons with disabilities in consumer reports to promote choice;

(c) Develops, using the Untried Worker Placement and Employment Incentive Act, a tailored Individual Training Account design for persons with disabilities; and

(d) Provides electronic access for persons with disabilities to workforce development services.

(4) These partners, with resources under their control or by budget amendment, shall establish the collaboration prescribed by this section. The Commission and Workforce Florida, Inc., may adopt a joint agreement that commits, contracts, redirects, and obligates resources under their control to support the strategy detailed in this section.

(5) The commission, in cooperation with its public and private partners, shall be responsible for developing and implementing comprehensive performance measurement methodologies to monitor and evaluate the progress of the commission and its public and private partners in meeting the statutory responsibilities for providing services to individuals with disabilities. These methodologies shall include, but are not limited to, measures to evaluate the performance of community rehabilitation providers who contract with the commission. The commission shall emphasize integration with performance measurement methodologies of the state's workforce development system.

Section 39. Effective upon this act becoming a law, subsection (2) of section 413.87, Florida Statutes, is amended to read:

413.87 Annual audit.—

(2) The corporation shall provide to the commission a quarterly report that:

(a) Updates its progress and impact in creating employment and increasing the personal income of individuals with disabilities;

(b) Provides detailed, unaudited financial statements of sources and uses of public and private funds;

(c) Measures progress towards annual goals and objectives set forth in the *contract* ~~commission's plan~~;

(d) Reviews all pertinent research findings and training efforts; and

(e) Provides other measures of accountability as requested by the commission.

Section 40. Effective upon this act becoming a law, section 413.88, Florida Statutes, is amended to read:

413.88 Annual report of the Occupational Access and Opportunity Commission; audits.—

(1) Before January 1 of each year, the commission shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a complete and detailed report setting forth for itself and its designated administrative entity:

(a) Its operations and accomplishments during the fiscal year.

(b) Its business and operational plan.

(c) The assets and liabilities of the *corporation* ~~designated administrative entity~~ at the end of its most recent fiscal year.

(d) A copy of the annual financial and compliance audit.

(2) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the commission or *the corporation* ~~its designated administrative entity~~.

Section 41. Effective upon this act becoming a law, section 413.89, Florida Statutes, is amended to read:

413.89 State vocational rehabilitation plan; preparation and submittal; administration.—*Effective July 1, 2000, the Department of Education is the designated state agency and the Division of Occupational Access and Opportunity is the designated state unit for purposes of compliance with the federal Rehabilitation Act of 1973, as amended. Effective October 1, 2000,* ~~Upon appointment,~~ the Occupational Access and Opportunity Commission is *the designated state agency for purposes of compliance with the Rehabilitation Act of 1973, as amended, and* authorized to prepare and submit the federally required state vocational rehabilitation plan and to serve as the governing authority of programs administered by the commission, including, but not limited to: administering the state's plan under the Rehabilitation Act of 1973, as amended; receiving federal funds as the state vocational rehabilitation agency; directing the expenditure of legislative appropriations for rehabilitative services through its designated administrative entity or other agents; and, if necessary, making any changes to the plan that the commission considers necessary to maintain compliance with the federal Rehabilitation Act of 1973, as amended, and implementing such changes in order to continue to qualify and maintain federal funding support. During the period of time between *July 1, 2000, and October 1, 2000, the department and* ~~the appointment of the commission and the designation of the administrative entity,~~ the commission ~~and the division~~ may, by agreement, provide for continued administration consistent with federal and state law.

Section 42. Effective upon this act becoming a law, section 413.90, Florida Statutes, is amended to read:

413.90 *Designated State Agency and Designated State Unit* ~~Designation of administrative entity~~.—*Effective July 1, 2000,* ~~The division must comply with the transitional direction of the plan. If the commission designates an administrative entity other than the division,~~ all powers, duties, and functions of and all related records, *personnel,* property, and equipment and all contractual rights, obligations of, and unexpended balances of appropriations and other funds or allocations of the ~~division's~~ component programs of *the Division of Vocational Rehabilitation of* the Department of Labor and Employment Security shall be transferred to the *Division of Occupational Access and Opportunity of the Department of Education by a type two transfer, as defined in s. 20.06(2)* ~~commission as provided in the plan, pursuant to s. 20.06(2)~~. *The commission and the Department of Education, in establishing the Division of Occupational Access and Opportunity, may advertise for, fill, lateral, or transfer no more than 700 positions. These positions may be filled initially by former employees of the Division of Vocational Rehabilitation. By October 1, 2000, the division shall reduce the number of positions to no more than 300. Notwithstanding the provisions of s. 110.227, if a layoff becomes necessary with respect to the Division of Occupational Access and Opportunity, the competitive area identified for such layoff shall not include any other division of the Department of Education. If at any time during the fiscal year unforeseen transition activities occur in moving service delivery from division employees to community rehabilitation providers and create situations negatively affecting client services, and the remedy to those temporary situations would require more than 300 positions, the division may request a budget amendment to reestablish positions. The request must provide full justification for the continuation and include the number of positions and duration of time required. Effective July 1, 2000, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions of the Division of Vocational Rehabilitation are transferred as provided in s. 20.06(2), to the Division of Occupational Access and Opportunity at the Department of Education. Appointments to positions under this act and authorized positions under this section may be made without regard to the provisions of 60K-3, 4 and 17, Florida Administrative Code.* The Department of Labor and Employment Security shall assist the commission in carrying out the intent of this chapter and achieving an orderly transition. The Office of Planning and Budget shall submit the necessary budget amendments to the Legislature in order to bring the budget into compliance with the plan.

Section 43. Effective upon this act becoming a law, section 413.91, Florida Statutes, is amended to read:

413.91 Service providers; quality assurance and fitness for responsibilities.—The Occupational Access and Opportunity Commission shall assure that *all contractors* ~~the designated administrative entity~~ and providers of direct service maintain an internal system of quality assurance, have proven functional systems, and are subject to a due-diligence inquiry for their fitness to undertake service responsibilities regardless of whether a contract for services is competitively or noncompetitively procured.

Section 44. Effective upon this act becoming a law, section 413.92, Florida Statutes, is amended to read:

413.92 Conflict of laws.—It is the intent of the Legislature that the provisions of this act relating to the Occupational Access and Opportunity Commission not conflict with any federal statute or implementing regulation governing federal grant-in-aid programs administered by the division or the commission. Whenever such a conflict is asserted by the applicable agency of the Federal Government, *until October 1, 2000, the department, and after October 1, 2000, the* commission shall submit to the federal Department of Education, or other applicable federal agency, a request for a favorable policy interpretation of the conflicting portions. If the request is approved, as certified in writing by the secretary of the federal Department of Education, or the head of the other applicable federal agency, the commission or the division is authorized to make the adjustments in the plan which are necessary for achieving conformity to federal statutes and regulations. Before making such adjustments, the commission or the division shall provide to the President of the Senate and the Speaker of the House of Representatives an explanation and justification of the position of the division or the commission and shall outline all feasible alternatives that are consistent with this section. These alternatives may include the state supervision of local service agencies by the commission or the division if the agencies are designated by the Governor.

Section 45. *Effective upon this act becoming a law, section 413.93, Florida Statutes, is repealed.*

Section 46. Subsections (11) and (13) of section 440.02, Florida Statutes, are amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(11) "Department" means the Department of *Insurance* ~~Labor and Employment Security~~.

(13) "Division" means the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 47. Subsection (1) of section 440.207, Florida Statutes, is amended to read:

440.207 Workers' compensation system guide.—

(1) The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ shall educate all persons providing or receiving benefits pursuant to this chapter as to their rights and responsibilities under this chapter.

Section 48. Subsections (2), (4), (5), (6), (9), and (10); paragraph (c) of subsection (3); and paragraph (a) of subsection (8) of section 440.385, Florida Statutes, are amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(2) BOARD OF DIRECTORS.—The board of directors of the association shall consist of nine persons and shall be organized as established in the plan of operation. ~~With respect to initial appointments, the Secretary of Labor and Employment Security shall, by July 15, 1982, approve and appoint to the board persons who are experienced with self-insurance in this state and who are recommended by the individual self-insurers in this state required to become members of the association pursuant to the provisions of paragraph (1)(a). In the event the secretary finds that any person so recommended does not have the necessary qualifications for service on the board and a majority of the board has been appointed, the secretary shall request the directors thus far approved and appointed to recommend another person for appointment to the board.~~ Each director shall serve for a 4-year term and may be reappointed. Appointments ~~other than initial appointments~~ shall be made by the *Insurance Commissioner and Treasurer* ~~Secretary of Labor and Employment Security~~ upon recommendation of members of the association. Any vacancy on the board shall be filled for the remaining period of the term in the same manner as appointments other than initial appointments are made. Each director shall be reimbursed for expenses incurred in carrying out the duties of the board on behalf of the association.

(3) POWERS AND DUTIES.—

(c)1. To the extent necessary to secure funds for the payment of covered claims and also to pay the reasonable costs to administer them, the Department of *Insurance* ~~Labor and Employment Security~~, upon certification of the board of directors, shall levy assessments based on the annual normal premium each employer would have paid had the employer not been self-insured. Every assessment shall be made as a uniform percentage of the figure applicable to all individual self-insurers, provided that the assessment levied against any self-insurer in any one year shall not exceed 1 percent of the annual normal premium during the calendar year preceding the date of the assessment. Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan. Each employer so assessed shall have at least 30 days' written notice as to the date the assessment is due and payable. The association shall levy assessments against any newly admitted member of the association so that the basis of contribution of any newly admitted member is the same as previously admitted members, provision for which shall be contained in the plan of operation.

2. If, in any one year, funds available from such assessments, together with funds previously raised, are not sufficient to make all the payments or reimbursements then owing, the funds available shall be prorated, and the unpaid portion shall be paid as soon thereafter as sufficient additional funds become available.

3. No state funds of any kind shall be allocated or paid to the association or any of its accounts except those state funds accruing to the association by and through the assignment of rights of an insolvent employer.

(4) INSOLVENCY FUND.—Upon the adoption of a plan of operation ~~or the adoption of rules by the Department of Labor and Employment Security~~ pursuant to subsection (5), there shall be created an Insolvency Fund to be managed by the association.

(a) The Insolvency Fund is created for purposes of meeting the obligations of insolvent members incurred while members of the association and after the exhaustion of any bond, as required under this chapter. However, if such bond, surety, or reinsurance policy is payable to the Florida Self-Insurers Guaranty Association, the association shall commence to provide benefits out of the Insolvency Fund and be reimbursed from the bond, surety, or reinsurance policy. The method of operation of the Insolvency Fund shall be defined in the plan of operation as provided in subsection (5).

(b) The department shall have the authority to audit the financial soundness of the Insolvency Fund annually.

(c) The department may offer certain amendments to the plan of operation to the board of directors of the association for purposes of assuring the ongoing financial soundness of the Insolvency Fund and its ability to meet the obligations of this section.

(d) The department actuary may make certain recommendations to improve the orderly payment of claims.

(5) PLAN OF OPERATION.— ~~By September 15, 1982,~~ The board of directors shall *use* ~~submit to the Department of Labor and Employment Security~~ a ~~proposed~~ plan of operation for the administration of the association and the Insolvency Fund.

(a) The purpose of the plan of operation shall be to provide the association and the board of directors with the authority and responsibility to establish the necessary programs and to take the necessary actions to protect against the insolvency of a member of the association. In addition, the plan shall provide that the members of the association shall be responsible for maintaining an adequate Insolvency Fund to meet the obligations of insolvent members provided for under this act and shall authorize the board of directors to contract and employ those persons with the necessary expertise to carry out this stated purpose.

~~(b) The plan of operation, and any amendments thereto, shall take effect upon approval in writing by the department. If the board of directors fails to submit a plan by September 15, 1982, or fails to make required amendments to the plan within 30 days thereafter, the department shall promulgate such rules as are necessary to effectuate the provisions of this subsection. Such rules shall continue in force until modified by the department or superseded by a plan submitted by the board of directors and approved by the department.~~

(b)~~(c)~~ All member employers shall comply with the plan of operation.

(c)~~(d)~~ The plan of operation shall:

1. Establish the procedures whereby all the powers and duties of the association under subsection (3) will be performed.

2. Establish procedures for handling assets of the association.

3. Establish the amount and method of reimbursing members of the board of directors under subsection (2).

4. Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent employer shall be deemed notice to the association or its agent, and a list of such claims shall be submitted periodically to the association or similar organization in another state by the receiver or liquidator.

5. Establish regular places and times for meetings of the board of directors.

6. Establish procedures for records to be kept of all financial transactions of the association and its agents and the board of directors.

7. Provide that any member employer aggrieved by any final action or decision of the association may appeal to the department within 30 days after the action or decision.

8. Establish the procedures whereby recommendations of candidates for the board of directors shall be submitted to the department.

9. Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(d)~~(c)~~ The plan of operation may provide that any or all of the powers and duties of the association, except those specified under subparagraphs *(c)1.* ~~(d)1.~~ and 2., be delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association or its equivalent in two or more states. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation of powers or duties under this subsection shall take effect only with the approval of both the board of directors and the department and may be made only to a corporation, association, or organization which extends protection which is not substantially less favorable and effective than the protection provided by this section.

(6) POWERS AND DUTIES OF DEPARTMENT OF *INSURANCE* ~~LABOR AND EMPLOYMENT SECURITY~~.—

(a) The department shall:

1. Notify the association of the existence of an insolvent employer not later than 3 days after it receives notice of the determination of insolvency.

2. Upon request of the board of directors, provide the association with a statement of the annual normal premiums of each member employer.

(b) The department may:

1. Require that the association notify the member employers and any other interested parties of the determination of insolvency and of their rights under this section. Such notification shall be by mail at the last known address thereof when available; but, if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

2. Suspend or revoke the authority of any member employer failing to pay an assessment when due or failing to comply with the plan of operation to self-insure in this state. As an alternative, the department may levy a fine on any member employer failing to pay an assessment when due. Such fine shall not exceed 5 percent of the unpaid assessment per month, except that no fine shall be less than $100 per month.

3. Revoke the designation of any servicing facility if the department finds that claims are being handled unsatisfactorily.

(8) PREVENTION OF INSOLVENCIES.—To aid in the detection and prevention of employer insolvencies:

(a) Upon determination by majority vote that any member employer may be insolvent or in a financial condition hazardous to the employees thereof or to the public, it shall be the duty of the board of directors to notify the Department of *Insurance* ~~Labor and Employment Security~~ of any information indicating such condition.

(9) EXAMINATION OF THE ASSOCIATION.—The association shall be subject to examination and regulation by the Department of *Insurance* ~~Labor and Employment Security~~. No later than March 30 of each year, the board of directors shall submit a financial report for the preceding calendar year in a form approved by the department.

(10) IMMUNITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member employer, the association or its agents or employees, the board of directors, or the Department of *Insurance* ~~Labor and Employment Security~~ or its representatives for any action taken by them in the performance of their powers and duties under this section.

Section 49. Subsection (6) of section 440.44, Florida Statutes, is amended to read:

440.44 Workers' compensation; staff organization.—

(6) SEAL.—The division, the judges of compensation claims, and the Chief Judge shall have a seal upon which shall be inscribed the words "State of Florida Department of *Insurance* ~~Labor and Employment~~ Security—Seal."

Section 50. Subsections (1) and (3) of section 440.4416, Florida Statutes, are amended to read:

440.4416 Workers' Compensation Oversight Board.—

(1) There is created within the Department of *Insurance* ~~Labor and Employment Security~~ the Workers' Compensation Oversight Board. The board shall be composed of the following members, each of whom has knowledge of, or experience with, the workers' compensation system:

(a) Six members selected by the Governor, none of whom shall be a member of the Legislature at the time of appointment, consisting of the following:

1. Two representatives of employers.

2. Four representatives of employees, one of whom must be a representative of an employee's union whose members are covered by workers' compensation pursuant to this chapter.

(b) Three members selected by the President of the Senate, none of whom shall be members of the Legislature at the time of appointment, consisting of:

1. A representative of employers who employs at least 10 employees in Florida for which workers' compensation coverage is provided pursuant to this chapter, and who is a licensed general contractor actively engaged in the construction industry in this state.

2. A representative of employers who employs fewer than 10 employees in Florida for which workers' compensation coverage is provided pursuant to this chapter.

3. A representative of employees.

(c) Three members selected by the Speaker of the House of Representatives, none of whom shall be members of the Legislature at the time of appointment, consisting of:

1. A representative of employers who employs fewer than 10 employees in Florida and who is a licensed general contractor actively engaged in the construction industry in this state for which workers' compensation coverage is provided pursuant to this chapter.

2. A representative of employers who employs at least 10 employees in Florida for which workers' compensation coverage is provided pursuant to this chapter.

3. A representative of employees.

(d) Additionally, the Insurance Commissioner ~~and the secretary of the Department of Labor and Employment Security~~ shall be *a* nonvoting ex officio *member* ~~members~~.

(e) The original appointments to the board shall be made on or before January 1, 1994. Vacancies in the membership of the board shall be filled in the same manner as the original appointments. Except as to ex officio members of the board, three appointees of the Governor, two appointees of the President of the Senate, and two appointees of the Speaker of the House of Representatives shall serve for terms of 2 years, and the remaining appointees shall serve for terms of 4 years. Thereafter, all members shall serve for terms of 4 years; except that a vacancy shall be filled by appointment for the remainder of the term. The board shall have an organizational meeting on or before March 1,

1994, the time and place of such meeting to be determined by the Governor.

(f) Each member is accountable to the Governor for proper performance of his or her duties as a member of the board. The Governor may remove from office any member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or for pleading guilty or nolo contendere to, or having been adjudicated guilty of, a first degree misdemeanor or a felony.

(g) A vacancy shall occur upon failure of a member to attend four consecutive meetings of the board or 50 percent of the meetings of the board during a 12-month period, unless the board by majority votes to excuse the absence of such member.

(3) EXECUTIVE DIRECTOR; EXPENSES.—

(a) The board shall appoint an executive director to direct and supervise the administrative affairs and general management of the board who shall be subject to the provisions of part IV of chapter 110. The executive director may employ persons and obtain technical assistance as authorized by the board and shall attend all meetings of the board. Board employees shall be exempt from part II of chapter 110.

(b) In addition to per diem and travel expenses authorized by s. 112.061, board members shall receive compensation of $50 for each full day allocable to business of the board. The board shall promulgate procedures defining "business" for purposes of receiving compensation. Such procedures shall require each member to maintain time records and submit such records to the executive director on a monthly basis. Failure to timely file such monthly record shall extinguish the member's entitlement to compensation for the subject period. Travel outside this state shall be approved by the *Insurance Commissioner and Treasurer* ~~secretary of the department~~. Expenses associated with the administration of this section shall be appropriated and paid for from the trust fund created by s. 440.50.

Section 51. Subsection (1) of section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(1) There is hereby created the Office of the Judges of Compensation Claims within the Department of *Insurance* ~~Labor and Employment Security~~. The Office of the Judges of Compensation Claims shall be headed by a Chief Judge. The Chief Judge shall be appointed by the Governor for a term of 4 years from a list of three names submitted by the statewide nominating commission created under subsection (2). The Chief Judge must possess the same qualifications for appointment as a judge of compensation claims, and the procedure for reappointment of the Chief Judge will be the same as for reappointment of a judge of compensation claims. The office shall be a separate budget entity and the Chief Judge shall be its agency head for all purposes. The Department of *Insurance* ~~Labor and Employment Security~~ shall provide administrative support and service to the office to the extent requested by the Chief Judge but shall not direct, supervise, or control the Office of the Judges of Compensation Claims in any manner, including, but not limited to, personnel, purchasing, budgetary matters, or property transactions. The operating budget of the Office of the Judges of Compensation Claims shall be paid out of the Workers' Compensation Administration Trust Fund established in s. 440.50.

Section 52. Paragraph (e) of subsection (9) of section 440.49, Florida Statutes, is amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(9) SPECIAL DISABILITY TRUST FUND.—

(e) The Department of *Insurance* ~~Labor and Employment Security~~ or administrator shall report annually on the status of the Special Disability Trust Fund. The report shall update the estimated undiscounted and discounted fund liability, as determined by an independent actuary, change in the total number of notices of claim on file with the fund in addition to the number of newly filed notices of claim, change in the number of proofs of claim processed by the fund, the fee revenues refunded and revenues applied to pay down the liability of the fund, the average time required to reimburse accepted claims, and the average administrative costs per claim. The department or administrator shall submit its report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

Section 53. Effective October 1, 2000, section 215.311, Florida Statutes, is amended to read:

215.311 State funds; exceptions.—The provisions of s. 215.31 shall not apply to funds collected by and under the direction and supervision of the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~ as provided under ss. 413.011, 413.041, and 413.051; however, nothing in this section shall be construed to except from the provisions of s. 215.31 any appropriations made by the state to the division.

Section 54. Effective October 1, 2000, subsection (1) of section 413.091, Florida Statutes, is amended to read:

413.091 Identification cards.—

(1) The Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~ is hereby empowered to issue identification cards to persons known to be blind or partially sighted, upon the written request of such individual.

Section 55. Subsection (3) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.—

(a) One time only, prior to testing, an employer shall give all employees and job applicants for employment a written policy statement which contains:

1. A general statement of the employer's policy on employee drug use, which must identify:

a. The types of drug testing an employee or job applicant may be required to submit to, including reasonable-suspicion drug testing or drug testing conducted on any other basis.

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report to a medical review officer the use of prescription or nonprescription medications to a medical review officer both before and after being tested.

5. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications as developed by the Agency for Health Care Administration shall be available to employers through the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~.

6. The consequences of refusing to submit to a drug test.

7. A representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs.

8. A statement that an employee or job applicant who receives a positive confirmed test result may contest or explain the result to the

medical review officer within 5 working days after receiving written notification of the test result; that if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the employer; and that a person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

9. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil action brought pursuant to this section.

10. A list of all drugs for which the employer will test, described by brand name or common name, as applicable, as well as by chemical name.

11. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission or applicable court.

12. A statement notifying employees and job applicants of their right to consult with a medical review officer for technical information regarding prescription or nonprescription medication.

(b) An employer not having a drug-testing program shall ensure that at least 60 days elapse between a general one-time notice to all employees that a drug-testing program is being implemented and the beginning of actual drug testing. An employer having a drug-testing program in place prior to July 1, 1990, is not required to provide a 60-day notice period.

(c) An employer shall include notice of drug testing on vacancy announcements for positions for which drug testing is required. A notice of the employer's drug-testing policy must also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy must be made available for inspection by the employees or job applicants of the employer during regular business hours in the employer's personnel office or other suitable locations.

Section 56. Subsection (1) of section 440.125, Florida Statutes, is amended to read:

440.125 Medical records and reports; identifying information in employee medical bills; confidentiality.—

(1) Any medical records and medical reports of an injured employee and any information identifying an injured employee in medical bills which are provided to the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ pursuant to s. 440.13 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided by this chapter.

Section 57. Paragraph (a) of subsection (11) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(11) AUDITS BY DIVISION; JURISDICTION.—

(a) The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ may investigate health care providers to determine whether providers are complying with this chapter and with rules adopted by the division, whether the providers are engaging in overutilization, and whether providers are engaging in improper billing practices. If the division finds that a health care provider has improperly billed, overutilized, or failed to comply with division rules or the requirements of this chapter it must notify the provider of its findings and may determine that the health care provider may not receive payment from the carrier or may impose penalties as set forth in subsection (8) or other sections of this chapter. If the health care provider has received payment from a carrier for services that were improperly billed or for overutilization, it must return those payments to the carrier. The division may assess a penalty not to exceed $500 for each overpayment that is not refunded within 30 days after notification of overpayment by the division or carrier.

Section 58. Paragraph (f) of subsection (4) and paragraph (b) of subsection (5) of section 440.25, Florida Statutes, are amended to read:

(4)

(f) Each judge of compensation claims is required to submit a special report to the Chief Judge in each contested workers' compensation case in which the case is not determined within 14 days of final hearing. Said form shall be provided by the Chief Judge and shall contain the names of the judge of compensation claims and of the attorneys involved and a brief explanation by the judge of compensation claims as to the reason for such a delay in issuing a final order. The Chief Judge shall compile these special reports into an annual public report to the Governor, the *Insurance Commissioner* ~~Secretary of Labor and Employment Security~~, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.

(5)

(b) An appellant may be relieved of any necessary filing fee by filing a verified petition of indigency for approval as provided in s. 57.081(1) and may be relieved in whole or in part from the costs for preparation of the record on appeal if, within 15 days after the date notice of the estimated costs for the preparation is served, the appellant files with the judge of compensation claims a copy of the designation of the record on appeal, and a verified petition to be relieved of costs. A verified petition filed prior to the date of service of the notice of the estimated costs shall be deemed not timely filed. The verified petition relating to record costs shall contain a sworn statement that the appellant is insolvent and a complete, detailed, and sworn financial affidavit showing all the appellant's assets, liabilities, and income. Failure to state in the affidavit all assets and income, including marital assets and income, shall be grounds for denying the petition with prejudice. The division shall promulgate rules as may be required pursuant to this subsection, including forms for use in all petitions brought under this subsection. The appellant's attorney, or the appellant if she or he is not represented by an attorney, shall include as a part of the verified petition relating to record costs an affidavit or affirmation that, in her or his opinion, the notice of appeal was filed in good faith and that there is a probable basis for the District Court of Appeal, First District, to find reversible error, and shall state with particularity the specific legal and factual grounds for the opinion. Failure to so affirm shall be grounds for denying the petition. A copy of the verified petition relating to record costs shall be served upon all interested parties, including the division and the Office of the General Counsel, Department of *Insurance* ~~Labor and Employment Security~~, in Tallahassee. The judge of compensation claims shall promptly conduct a hearing on the verified petition relating to record costs, giving at least 15 days' notice to the appellant, the division, and all other interested parties, all of whom shall be parties to the proceedings. The judge of compensation claims may enter an order without such hearing if no objection is filed by an interested party within 20 days from the service date of the verified petition relating to record costs. Such proceedings shall be conducted in accordance with the provisions of this section and with the workers' compensation rules of procedure, to the extent applicable. In the event an insolvency petition is granted, the judge of compensation claims shall direct the division to pay record costs and filing fees from the Workers' Compensation Trust Fund pending final disposition of the costs of appeal. The division may transcribe or arrange for the transcription of the record in any proceeding for which it is ordered to pay the cost of the record. In the event the insolvency petition is denied, the judge of compensation claims may enter an order requiring the petitioner to reimburse the division for costs incurred in opposing the petition, including investigation and travel expenses.

Section 59. Section 440.525, Florida Statutes, is amended to read:

440.525 Examination of carriers.~~—Beginning July 1, 1994,~~ The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ may examine each carrier as often as is warranted to ensure that carriers are fulfilling their obligations under the law, and shall examine each carrier not less frequently than once every 3 years. The examination must cover the preceding 3 fiscal years of the carrier's operations and must commence within 12 months after

the end of the most recent fiscal year being covered by the examination. The examination may cover any period of the carrier's operations since the last previous examination.

Section 60. Subsections (1) and (2) of section 440.59, Florida Statutes, are amended to read:

440.59 Reporting requirements.—

(1) The Department of *Insurance* ~~Labor and Employment Security~~ shall annually prepare a report of the administration of this chapter for the preceding calendar year, including a detailed statement of the receipts of and expenditures from the fund established in s. 440.50 and a statement of the causes of the accidents leading to the injuries for which the awards were made, together with such recommendations as the department considers advisable. On or before September 15 of each year, the department shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation.

(2) The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ shall complete on a quarterly basis an analysis of the previous quarter's injuries which resulted in workers' compensation claims. The analysis shall be broken down by risk classification, shall show for each such risk classification the frequency and severity for the various types of injury, and shall include an analysis of the causes of such injuries. The division shall distribute to each employer and self-insurer in the state covered by the Workers' Compensation Law the data relevant to its workforce. The report shall also be distributed to the insurers authorized to write workers' compensation insurance in the state.

Section 61. Effective January 1, 2001, subsections (1), (4), and (5) of section 443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—

(1) There is created within the Department of *Management Services* ~~Labor and Employment Security~~ an Unemployment Appeals Commission, hereinafter referred to as the "commission." The commission shall consist of a chair and two other members to be appointed by the Governor, subject to confirmation by the Senate. Not more than one appointee must be a person who, on account of previous vocation, employment, or affiliation, is classified as a representative of employers; and not more than one such appointee must be a person who, on account of previous vocation, employment, or affiliation, is classified as a representative of employees.

(a) The chair shall devote his or her entire time to commission duties and shall be responsible for the administrative functions of the commission.

(b) The chair shall have the authority to appoint a general counsel and such other personnel as may be necessary to carry out the duties and responsibilities of the commission.

(c) The chair shall have the qualifications required by law for a judge of the circuit court and shall not engage in any other business vocation or employment. Notwithstanding any other provisions of existing law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of $100 for each day they are engaged in the work of the commission. The chair and other members shall also be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(4) The property, personnel, and appropriations relating to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the Department of *Management Services* ~~Labor and Employment Security~~.

(5) The commission shall not be subject to control, supervision, or direction by the Department of *Management Services* ~~Labor and Employment Security~~ in the performance of its powers and duties under this chapter.

Section 62. *Effective October 1, 2000, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Unemployment Appeals Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Management Services.*

Section 63. Effective October 1, 2000, subsections (12), (15), and (22) of section 443.036, Florida Statutes, are amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(12) COMMISSION.—"Commission" means the Unemployment Appeals Commission ~~of the Department of Labor and Employment Security~~.

(15) *AGENCY* ~~DIVISION~~.—*"Agency"* ~~"Division"~~ means the *Agency for Workforce Innovation* ~~Division of Unemployment Compensation of the Department of Labor and Employment Security~~.

(22) EMPLOYMENT OFFICE.—"Employment office" means a free public employment office or branch thereof operated by this or any other state*, or a duly authorized agent thereof*, as a part of a state-controlled system of public employment offices or by a federal agency charged with the administration of an unemployment compensation program or free public employment offices.

Section 64. Subsection (1) of section 443.091, Florida Statutes, is amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual shall be eligible to receive benefits with respect to any week only if the *agency* ~~division~~ finds that:

(a) She or he has made a claim for benefits with respect to such week in accordance with such rules as the division may prescribe.

(b) She or he has registered for work at, and thereafter continued to report *as instructed by* ~~at,~~ the *agency* ~~division, which shall be responsible for notification of the Division of Jobs and Benefits~~ in accordance with such rules as the *agency* ~~division~~ may prescribe; except that the *agency* ~~division~~ may, by rule not inconsistent with the purposes of this law, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs; but no such rule shall conflict with s. 443.111(1).

(c)1. She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, the division shall develop criteria to determine a claimant's ability to work and availability for work.

2. Notwithstanding any other provisions in this section, no otherwise eligible individual shall be denied benefits for any week because she or he is in training with the approval of the division, nor shall such individual be denied benefits with respect to any week in which she or he is in training with the approval of the division by reason of the application of provisions in subparagraph 1. relating to availability for work, or the provisions of s. 443.101(2) relating to failure to apply for, or refusal to accept, suitable work. Training may be approved by the division in accordance with criteria prescribed by rule. A claimant's eligibility during approved training is contingent upon satisfying eligibility conditions prescribed by rule.

3. Notwithstanding any other provision of this chapter, an individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined to be ineligible or disqualified for benefits with respect to her or his enrollment in such training or because of leaving work which is not suitable employment to

enter such training. For the purposes of this subparagraph, the term "suitable employment" means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are not less than 80 percent of the worker's average weekly wage as determined for purposes of the Trade Act of 1974, as amended.

4. Notwithstanding any other provision of this section, an otherwise eligible individual shall not be denied benefits for any week by reason of the application of subparagraph 1. because she or he is before any court of the United States or any state pursuant to a lawfully issued summons to appear for jury duty.

(d) She or he participates in reemployment services, such as job search assistance services, whenever the individual has been determined, pursuant to a profiling system established by rule of the division, to be likely to exhaust regular benefits and to be in need of reemployment services.

(e) She or he has been unemployed for a waiting period of 1 week. No week shall be counted as a week of unemployment for the purposes of this subsection:

1. Unless it occurs within the benefit year which includes the week with respect to which she or he claims payment of benefits.

2. If benefits have been paid with respect thereto.

3. Unless the individual was eligible for benefits with respect thereto as provided in this section and s. 443.101 except for the requirements of this subsection and of s. 443.101(5).

(f) She or he has been paid wages for insured work equal to 1.5 times her or his high quarter wages during her or his base period, except that an unemployed individual is not eligible to receive benefits if the base period wages are less than $3,400. As amended by this act, this paragraph applies only to benefit years beginning on or after July 1, 1996.

Section 65. Effective January 1, 2001, paragraph (a) of subsection (4) and subsection (8) of section 443.151, Florida Statutes, are amended to read:

443.151 Procedure concerning claims.—

(4) APPEALS.—

(a) Appeals referees.—The *agency* ~~division~~ shall appoint one or more impartial salaried appeals referees selected in accordance with s. 443.171(4) to hear and decide appealed or disputed claims. Such appeals referees shall have such qualifications as may be established by the Department of Management Services upon the advice and consent of the *agency* ~~division~~. No person shall participate on behalf of the *agency* ~~division~~ as an appeals referee in any case in which she or he is an interested party. The *agency* ~~division~~ may designate alternates to serve in the absence or disqualification of any appeals referee upon a temporary basis and pro hac vice which alternate shall be possessed of the same qualifications required of appeals referees. The *Department of Management Services and the agency* ~~division~~ shall provide the commission and the appeals referees with proper facilities and assistance for the execution of their functions.

(8) BILINGUAL REQUIREMENTS.—

(a) Based on the estimated total number of households in a county which speak the same non-English language, a single-language minority, the *agency* ~~division~~ shall provide printed bilingual instructional and educational materials in the appropriate language in those counties in which 5 percent or more of the households in the county are classified as a single-language minority.

(b) The *agency* ~~division~~ shall ensure that *one-stop career centers* ~~jobs and benefits offices~~ and appeals bureaus in counties subject to the requirements of paragraph (c) prominently post notices in the appropriate languages that translators are available in those *centers* ~~offices~~ and bureaus.

(c) Single-language minority refers to households which speak the same non-English language and which do not contain an adult fluent in English. The *agency* ~~division~~ shall develop estimates of the percentages of single-language minority households for each county by using data made available by the United States Bureau of the Census.

Section 66. Effective January 1, 2001, subsections (1), (5), and (7) of section 443.171, Florida Statutes, are amended to read:

443.171 *Agency* ~~Division~~ and commission; powers and duties; rules; advisory council; records and reports.—

(1) POWERS AND DUTIES OF *AGENCY* ~~DIVISION~~.—It shall be the duty of the *agency* ~~division~~ to administer this chapter; and it shall have power and authority to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end. The *agency* ~~division~~ shall determine its own organization and methods of procedure in accordance with the provisions of this chapter. Not later than March 15 of each year, the *agency, in conjunction with the Unemployment Appeals Commission* ~~division, through the Department of Labor and Employment Security~~, shall submit to the Governor a report covering the administration and operation of this chapter during the preceding calendar year and shall make such recommendations for amendment to this chapter as it deems proper.

(5) UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL.—There is created a state Unemployment Compensation Advisory Council to assist the *agency* ~~division~~ in reviewing the unemployment insurance program and to recommend improvements for such program.

(a) The council shall consist of 18 members, including equal numbers of employer representatives and employee representatives who may fairly be regarded as representative because of their vocations, employments, or affiliations, and representatives of the general public.

(b) The members of the council shall be appointed by the *director of the Agency for Workforce Innovation* ~~secretary of the Department of Labor and Employment Security~~. ~~Initially, the secretary shall appoint five members for terms of 4 years, five members for terms of 3 years, five members for terms of 2 years, and three members for terms of 1 year. Thereafter,~~ Members shall be appointed for 4-year terms. A vacancy shall be filled for the remainder of the unexpired term.

(c) The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the division, or at such times as may be prescribed by its rules, but not less than twice a year. The council shall make a report of each meeting, which shall include a record of its discussions and recommendations. The division shall make such reports available to any interested person or group.

(d) Members of the council shall serve without compensation but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(7) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing such information as the *agency* ~~division~~ may prescribe. Such records shall be open to inspection and be subject to being copied by the *agency* ~~division~~ at any reasonable time and as often as may be necessary. The *agency* ~~division~~ or an appeals referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, deemed necessary for the effective administration of this chapter. However, a state or local governmental agency performing intelligence or counterintelligence functions need not report an employee if the head of such agency has determined that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. Information revealing the employing unit's or individual's identity thus obtained from the employing unit or from any individual pursuant to the administration of this chapter, shall, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, be held confidential and exempt from the provisions of s. 119.07(1). Such information shall

be available only to public employees *or their duly authorized agents* in the performance of their public duties, including employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program and the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ in its administration of the qualified defense contractor tax refund program authorized by *s. 288.1045* ~~s. 288.104~~, the qualified target industry business tax refund program authorized by s. 288.106. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission or any employee of the *agency* ~~division~~, or any other person receiving confidential information, who violates any provision of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the *agency* ~~division~~ may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and the *agency* ~~division~~ is authorized to charge therefor such reasonable fee as the *agency* ~~division~~ may by rule prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the *agency* ~~division~~ for copies provided under this subsection shall be deposited to the credit of the Employment Security Administration Trust Fund.

Section 67. Subsection (1) of section 443.1715, Florida Statutes, is amended to read:

443.1715 Disclosure of information; confidentiality.—

(1) RECORDS AND REPORTS.—Information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual pursuant to the administration of this chapter, and any determination revealing such information, must, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, be held confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be made available only to public employees *or their duly authorized agents* in the performance of their public duties, including employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program and the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ in its administration of the qualified defense contractor tax refund program authorized by s. 288.104. Except as otherwise provided by law, public employees receiving such information must retain the confidentiality of such information. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission or any employee of the *agency* ~~division~~, or any other person receiving confidential information, who violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the *agency* ~~division~~ may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and may furnish to any claimant copies of any report previously submitted by such claimant, upon the request of such claimant, and the *agency* ~~division~~ is authorized to charge therefor such reasonable fee as the *agency* ~~division~~ may by rule prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the *agency* ~~division~~ for copies as provided in this subsection must be deposited to the credit of the Employment Security Administration Trust Fund.

Section 68. Subsections (1), (2), (4), (6), (7), and (8) of section 443.1716, Florida Statutes, are amended, and subsection (11) is added to said section, to read:

443.1716 Authorized electronic access to employer information.—

(1) Notwithstanding any other provisions of this chapter, the *Agency for Workforce Innovation may* ~~Department of Labor and Employment Security shall~~ contract with one or more consumer-reporting agencies to provide creditors with secured electronic access to employer-provided information relating to the quarterly wages report submitted in accordance with the state's unemployment compensation law. Such access is limited to the wage reports for the preceding 16 calendar quarters.

(2) Creditors must obtain written consent from the credit applicant. Any such written consent from the credit applicant must be signed and must include the following:

(a) Specific notice that the individual's wage and employment history information will be released to a consumer-reporting agency.~~;~~

(b) Notice that such release is made for the sole purpose of reviewing a specific application for credit made by the individual.~~;~~

(c) Notice that the files of the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ containing wage and employment history information submitted by the individual or his or her employers may be accessed.~~; and~~

(d) A listing of the parties authorized to receive the released information.

(e) Notice that the consent to disclose is voluntary and not required by law and that refusal to consent to disclosure of state wage and employment information shall not be a basis for denial of credit.

(4) Should any consumer-reporting agency or creditor violate any provision of this section, the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ shall, upon 30 days' written notice to the consumer-reporting agency, terminate the contract established between the *Agency for Workforce Innovation* ~~department~~ and the consumer-reporting agency resulting from this section.

(6) The *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ shall establish minimum audit, security, net-worth, and liability-insurance standards, technical requirements, and any other terms and conditions considered necessary in the discretion of the state agency to safeguard the confidentiality of the information released under this section and to otherwise serve the public interest. The *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ shall also include, in coordination with any necessary state agencies, necessary audit procedures to ensure that these *terms and conditions* ~~rules~~ are followed.

(7) In contracting with one or more consumer-reporting agencies under this section, any revenues generated by such contract must be used to pay the entire cost of providing access to the information. Further, in accordance with federal regulations, any additional revenues generated by the *Agency for Workforce Innovation* ~~department~~ or the state under this section must be paid into the *agency's* ~~department's~~ trust fund for the administration of the unemployment compensation system.

(8) The *Agency for Workforce Innovation* ~~department~~ may not provide wage and employment history information to any consumer-reporting agency before the consumer-reporting agency or agencies under contract with the *Agency for Workforce Innovation* ~~department~~ pay all development and other startup costs incurred by the state in connection with the design, installation, and administration of technological systems and procedures for the electronic-access program.

(11) The wage information suppled to the creditor must be provided, upon request, to the credit applicant in accordance with the fair credit reporting laws of this state and the United States.

Section 69. Effective January 1, 2001, subsections (1) and (2) of section 443.211, Florida Statutes, are amended to read:

443.211 Employment Security Administration Trust Fund; appropriation; reimbursement.—

(1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury a special fund to be known as the "Employment Security Administration Trust Fund." All moneys that are deposited into this fund remain continuously available

~~to the division~~ for expenditure in accordance with the provisions of this chapter and do not lapse at any time and may not be transferred to any other fund. All moneys in this fund which are received from the Federal Government or any agency thereof or which are appropriated by this state for the purposes described in ss. 443.171 and 443.181, except money received under s. 443.191(5)(c), must be expended solely for the purposes and in the amounts found necessary by the authorized cooperating federal agencies for the proper and efficient administration of this chapter. The fund shall consist of all moneys appropriated by this state; all moneys received from the United States or any agency thereof; all moneys received from any other source for such purpose; any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency; any amounts received pursuant to any surety bond or insurance policy or from other sources for losses sustained by the Employment Security Administration Trust Fund or by reason of damage to equipment or supplies purchased from moneys in such fund; and any proceeds realized from the sale or disposition of any such equipment or supplies which may no longer be necessary for the proper administration of this chapter. Notwithstanding any provision of this section, all money requisitioned and deposited in this fund under s. 443.191(5)(c) remains part of the Unemployment Compensation Trust Fund and must be used only in accordance with the conditions specified in s. 443.191(5). All moneys in this fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. Such moneys must be secured by the depositary in which they are held to the same extent and in the same manner as required by the general depositary law of the state, and collateral pledged must be maintained in a separate custody account. All payments from the Employment Security Administration Trust Fund must be approved by the *agency, the commission,* ~~division,~~ or by a duly authorized agent and must be made by the Treasurer upon warrants issued by the Comptroller. Any balances in this fund do not lapse at any time and must remain continuously available ~~to the division~~ for expenditure consistent with this chapter.

(2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury a special fund, to be known as the "Special Employment Security Administration Trust Fund," into which shall be deposited or transferred all interest on contributions, penalties, and fines or fees collected under this chapter. Interest on contributions, penalties, and fines or fees deposited during any calendar quarter in the clearing account in the Unemployment Compensation Trust Fund shall, as soon as practicable after the close of such calendar quarter and upon certification of the *agency* ~~division~~, be transferred to the Special Employment Security Administration Trust Fund. However, there shall be withheld from any such transfer the amount certified by the *agency* ~~division~~ to be required under this chapter to pay refunds of interest on contributions, penalties, and fines or fees collected and erroneously deposited into the clearing account in the Unemployment Compensation Trust Fund. Such amounts of interest and penalties so certified for transfer shall be deemed to have been erroneously deposited in the clearing account, and the transfer thereof to the Special Employment Security Administration Trust Fund shall be deemed to be a refund of such erroneous deposits. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury. These moneys shall not be expended or be available for expenditure in any manner which would permit their substitution for, or permit a corresponding reduction in, federal funds which would, in the absence of these moneys, be available to finance expenditures for the administration of the Unemployment Compensation Law. But nothing in this section shall prevent these moneys from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The moneys in this fund, with the approval of the Executive Office of the Governor, shall be used by the *Agency for Workforce Innovation and the Unemployment Appeals Commission,* ~~Division of Unemployment Compensation and the Division of Jobs and Benefits~~ for the payment of costs of administration which are found not to have been properly and validly chargeable against funds obtained from federal sources. All moneys in the Special Employment Security Administration Trust Fund shall be continuously available ~~to the division~~ for expenditure in accordance with the provisions of this chapter and shall not lapse at any time. All payments from the Special Employment Security Administration Trust Fund shall be approved by the *agency* ~~division~~ or by a duly authorized agent thereof and shall be made by the Treasurer upon warrants issued by the Comptroller. The moneys in this fund are hereby specifically made available to replace, as contemplated by subsection (3), expenditures from the Employment Security Administration Trust Fund, established by subsection (1), which have been found by the Bureau of Employment Security, or other authorized federal agency or authority, because of any action or contingency, to have been lost or improperly expended. The Treasurer shall be liable on her or his official bond for the faithful performance of her or his duties in connection with the Special Employment Security Administration Trust Fund.

Section 70. Subsection (3) of section 443.221, Florida Statutes, is amended to read:

443.221 Reciprocal arrangements.—

(3) The administration of this chapter and of other state and federal unemployment compensation and public employment service laws will be promoted by cooperation between this state and such other states and the appropriate federal agencies and therefore the *agency* ~~division~~ is authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or the Federal Government or both in exchanging services, determining and enforcing payment obligations, and making available facilities and information. The *Agency for Workforce Innovation is,* ~~Division of Unemployment Compensation and Division of Jobs and Benefits are each,~~ therefore, authorized to make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other powers provided herein with respect to the administration of this chapter as *deemed* ~~each deems~~ necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law and, in like manner, to accept and utilize information, services, and facilities made available to this state by the agency charged with the administration of any such other unemployment compensation or public employment service law.

Section 71. Paragraphs (b) and (c) of subsection (2), subsection (3), paragraphs (b), (g), and (h) of subsection (4), and paragraphs (b), (c), and (d) of subsection (6) of section 443.231, Florida Statutes, are amended to read:

443.231 Florida Training Investment Program.—The Florida Training Investment Program is designed to extend additional benefit eligibility to dislocated workers throughout Florida who have lost their jobs, have limited marketable skills, and enroll in vocational training intended to lead to employment in a recognized occupation for which there is labor market demand. Pursuant thereto:

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

(b) "Authorized training" means training which meets the following criteria:

1. Claimant must possess the aptitude and skills that can be usefully supplemented by training.

2. The labor market demands for the claimant's present skills must be minimal.

3. The training programs in vocational or technical schools or classes must be designed to prepare the participant for gainful employment in a recognized occupation. Authorized training shall consist of a practical curriculum for development of vocational, rather than avocational, skills. The *agency* ~~division~~ may not approve as training programs, educational or academic programs primarily intended to lead toward a baccalaureate or higher degree. However, a basic education program which is a prerequisite for skilled training or other short-term, vocational-directed academic courses may be approved.

4. There must be reasonable expectations that the claimant will be employable upon completion of the training in the area of the state where the applicant expressed a willingness to work.

5. The training course or school must be approved by the Department of Education or other official government approving agency within the state where the training is being conducted.

6. The *agency* ~~division~~ may approve training programs established under s. 302 of the Job Training Partnership Act for claimants who are dislocated workers.

(c) "Authorized training institution" means a vocational, technical, Job Training Partnership Act, or vocational-directed basic education program or training institution approved by the division to provide authorized training to individuals participating in the Florida Training Investment Program.

(3) LIMITATIONS ON BENEFITS.—Applications will be accepted and considered each fiscal year until all annual funds have been obligated by the *agency* ~~division~~, at which point no further applications will be accepted or considered until the following fiscal year. The total amount of benefits payable statewide under this section shall not exceed $16.5 million per fiscal year.

(4) ELIGIBILITY CRITERIA.—

(b) The applicant must also:

1. Complete such forms as required by the *agency* ~~division~~. The forms promulgated by the *agency* ~~division~~ are exempt from the requirements of chapter 120.

2. Attend all classes for each week of benefits claimed. Absences from class shall result in the ineligibility for benefits for the week in which the absence occurs unless the authorized training institution excuses the absence for good cause as determined by the authorized training institution.

3. Maintain satisfactory progress in the authorized training program, as determined by the authorized training institution.

4. Certify, on forms approved by the *agency* ~~division~~, that the claimant attended all classes during the week of training being claimed or that the claimant was on an approved break. Upon request by the claimant, the authorized training institution shall certify attendance and performance. The claimant shall be responsible for timely furnishing the *agency* ~~division~~ with the required certifications.

5. Possess the qualifications or aptitude required to successfully complete the selected training program.

~~6. Be a resident of Florida.~~

(g) The training sought by an applicant relates to an occupation or skill for which there are or are expected to be in the immediate future reasonable opportunities for employment in a labor market area ~~of this state~~ where the applicant expresses an intention or willingness to seek work. The training must also be planned and scheduled so as to lead to the earliest feasible completion and readiness for employment or reemployment.

(h) That reasonable employment opportunities in occupations for which the claimant is qualified either do not exist or have been substantially diminished in the labor market area making a change in occupation necessary for reemployment in the labor market area. If the applicant has a skill in an occupation with an average wage that is the same or more that the average wage of the occupation from which the applicant is displaced, that applicant will not be eligible for benefits if there are reasonable employment opportunities in the local labor market. The *agency* ~~division~~ may use labor market projections, in conjunction with local job information data, to make a determination of the existence of a reasonable employment opportunity for an occupation.

(6) PROCEDURE.—

(b) Upon approval of an application the *agency* ~~division~~ shall notify both the applicant and the training institution by mail of the applicant's status under this section and shall request the training institution to promptly notify the regular claims reporting office in writing if the participant's attendance or progress should become unsatisfactory.

(c) The *agency* ~~division~~ is required to notify applicants of the determination of eligibility by mail at the claimant's last known address. In addition to the initial approval or denial of the applicant, the *agency* ~~division~~ shall make any further determinations pursuant to s. 443.151(3) and rules 38B-3.016 and 38B-3.017, Florida Administrative Code.

(d) A determination or redetermination will become final unless the claimant files by mail or in person at *a one-stop career center* ~~the local jobs and benefits office~~, an appeal of a determination or redetermination within 20 calendar days after the mailing of the Notice of Determination or Redetermination to the claimant's last known address, or if such notice is not mailed, within 20 calendar days after the date of delivery of such notice. Appeals by mail shall be considered filed when postmarked by the United States Postal Service.

Section 72. Subsection (3) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

(3) The term "*department*" ~~"division"~~ means ~~the Division of Jobs and Benefits of~~ the *Bureau of Workplace Regulation of the Division of Workers' Compensation of the* Department of *Insurance* ~~Labor and Employment Security~~.

Section 73. Subsections (2), (3), and (4) of section 447.04, Florida Statutes, are amended to read:

447.04 Business agents; licenses, permits.—

(2)(a) Every person desiring to act as a business agent in this state shall, before doing so, obtain a license or permit by filing an application under oath therefor with ~~the Division of Jobs and Benefits of~~ the department ~~of Labor and Employment Security~~, accompanied by a fee of $25 and a full set of fingerprints of the applicant taken by a law enforcement agency qualified to take fingerprints. There shall accompany the application a statement signed by the president and the secretary of the labor organization for which he or she proposes to act as agent, showing his or her authority to do so. The *department* ~~division~~ shall hold such application on file for a period of 30 days, during which time any person may file objections to the issuing of such license or permit.

(b) The *department* ~~division~~ may also conduct an independent investigation of the applicant; and, if objections are filed, it may hold, or cause to be held, a hearing in accordance with the requirements of chapter 120. The objectors and the applicant shall be permitted to attend such hearing and present evidence.

(3) After the expiration of the 30-day period, regardless of whether or not any objections have been filed, the *department* ~~division~~ shall review the application, together with all information that it may have, including, but not limited to, any objections that may have been filed to such application, any information that may have been obtained pursuant to an independent investigation, and the results of any hearing on the application. If the *department* ~~division~~, from a review of the information, finds that the applicant is qualified, pursuant to the terms of this chapter, it shall issue such license or permit; and such license or permit shall run for the calendar year for which issued, unless sooner surrendered, suspended, or revoked.

(4) Licenses and permits shall expire at midnight, December 31, but may be renewed by the *department* ~~division~~ on a form prescribed by it; however, if any such license or permit has been surrendered, suspended, or revoked during the year, then such applicant must go through the same formalities as a new applicant.

Section 74. Section 447.041, Florida Statutes, is amended to read:

447.041 Hearings.—

(1) Any person or labor organization denied a license, permit, or registration shall be afforded the opportunity for a hearing by the *department* ~~division~~ in accordance with the requirements of chapter 120.

(2) The *department* ~~division~~ may, pursuant to the requirements of chapter 120, suspend or revoke the license or permit of any business agent or the registration of any labor organization for the violation of any provision of this chapter.

Section 75. Section 447.045, Florida Statutes, is amended to read:

447.045 Information confidential.—Neither the *department* ~~division~~ nor any investigator or employee of the *department* ~~division~~ shall divulge in any manner the information obtained pursuant to the processing of applicant fingerprint cards, and such information is confidential and exempt from the provisions of s. 119.07(1).

Section 76. Section 447.06, Florida Statutes, is amended to read:

447.06 Registration of labor organizations required.—

(1) Every labor organization operating in the state shall make a report under oath, in writing, to ~~the Division of Jobs and Benefits of~~ the department ~~of Labor and Employment Security~~ annually, on or before December 31. Such report shall be filed by the secretary or business agent of such labor organization, shall be in such form as the *department prescribes* ~~division may prescribe~~, and shall show the following facts:

(a) The name of the labor organization;

(b) The location of its office; and

(c) The name and address of the president, secretary, treasurer, and business agent.

(2) At the time of filing such report, it shall be the duty of every such labor organization to pay the *department* ~~division~~ an annual fee therefor in the sum of $1.

Section 77. Section 447.12, Florida Statutes, is amended to read:

447.12 Fees for registration.—All fees collected by ~~the Division of Jobs and Benefits of~~ the department *under this part* ~~of Labor and Employment Security hereunder~~ shall be paid to the Treasurer and credited to the General Revenue Fund.

Section 78. Section 447.16, Florida Statutes, is amended to read:

447.16 Applicability of chapter ~~when effective~~.—Any labor business agent licensed on July 1, 1965, may renew such license each year on forms provided by ~~the Division of Jobs and Benefits of~~ the department ~~of Labor and Employment Security~~ without submitting fingerprints so long as such license or permit has not expired or has not been surrendered, suspended, or revoked. The fingerprinting requirements of this act shall become effective for a new applicant for a labor business agent license immediately upon this act becoming a law.

Section 79. Paragraph (a) of subsection (13) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(13) "Professional employee" means:

(a) Any employee engaged in work *requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education, an apprenticeship, or training in the performance of routine mental or physical processes and* in any two or more of the following categories:

1. Work predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work;

2. Work involving the consistent exercise of discretion and judgment in its performance; *and*

3. Work of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.~~; and~~

~~4. Work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education, an apprenticeship, or training in the performance of routine mental or physical processes.~~

Section 80. Effective October 1, 2000, subsections (1), (3), and (4) of section 447.205, Florida Statutes, are amended to read:

447.205 Public Employees Relations Commission.—

(1) There is hereby created within the Department of *Management Services* ~~Labor and Employment Security~~ the Public Employees Relations Commission, hereinafter referred to as the "commission." The commission shall be composed of a chair and two full-time members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The commissioners shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. ~~Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter,~~ Every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

(3) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of *Management Services* ~~Labor and Employment Security~~.

(4) The property, personnel, and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of *Management Services* ~~Labor and Employment Security~~.

Section 81. Subsections (1) and (3) of section 447.208, Florida Statutes, are amended to read:

447.208 Procedure with respect to certain appeals under s. 447.207.—

(1) Any person filing an appeal*, charge, or petition* pursuant to *subsection (6),* subsection (8), or subsection (9) of s. 447.207 shall be entitled to a hearing pursuant to subsections (4) and (5) of s. 447.503 and in accordance with chapter 120; however, the hearing shall be conducted within 30 days of the filing of an appeal with the commission, unless an extension of time is granted by the commission for good cause or unless the basis for the appeal is an allegation of abuse or neglect under s. 415.1075, in which case the hearing by the Public Employees Relations Commission may not be held until the confirmed report of abuse or neglect has been upheld pursuant to the procedures for appeal in s. 415.1075. Discovery may be granted only upon a showing of

extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. To the extent that chapter 120 is inconsistent with these provisions, the procedures contained in this section shall govern.

(3) With respect to *career service appeal* hearings relating to demotions, suspensions, or dismissals pursuant to the provisions of this section:

(a) Upon a finding that just cause existed for the demotion, suspension, or dismissal, the commission shall affirm the demotion, suspension, or dismissal.

(b) Upon a finding that just cause did not exist for the demotion, suspension, or dismissal, the commission may order the reinstatement of the employee, with or without back pay.

(c) Upon a finding that just cause for disciplinary action existed, but did not justify the severity of the action taken, the commission may, in its limited discretion, reduce the penalty.

(d) The commission is limited in its discretionary reduction of dismissals and suspensions to consider only the following circumstances:

1. The seriousness of the conduct as it relates to the employee's duties and responsibilities.

2. Action taken with respect to similar conduct by other employees.

3. The previous employment record and disciplinary record of the employee.

4. Extraordinary circumstances beyond the employee's control which temporarily diminished the employee's capacity to effectively perform his or her duties or which substantially contributed to the violation for which punishment is being considered.

The agency may present evidence to refute the existence of these circumstances.

(e) Any order of the commission issued pursuant to this subsection may include back pay, if applicable, and an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission sustains the employee. In determining the amount of an attorney's fee, the commission shall consider only the number of hours reasonably spent on the appeal, comparing the number of hours spent on similar Career Service System appeals and the reasonable hourly rate charged in the geographic area for similar appeals, but not including litigation over the amount of the attorney's fee. This paragraph applies to future and pending cases.

Section 82. Subsection (4) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to the *Bureau of Workplace Regulation of the Division of Workers' Compensation* ~~Division of Jobs and Benefits~~ of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 83. Paragraph (b) of subsection (3) of section 447.307, Florida Statutes, is amended to read:

447.307 Certification of employee organization.—

(3)

(b) When an employee organization is selected by a majority of the employees voting in an election, the commission shall certify the employee organization as the exclusive collective bargaining representative of all employees in the unit. Certification is effective upon the issuance of the final order by the commission or, if the final order is appealed, at the time the appeal is exhausted or any stay is vacated by the commission or the court. *A party may petition the commission, pursuant to its established procedures, to modify an existing certification due to changed circumstances, an inadvertent mistake by the commission in the original bargaining unit description, or newly created or deleted jobs, or to recognize a name change of the employee organization.*

Section 84. Paragraph (a) of subsection (5) of section 447.503, Florida Statutes, is amended to read:

447.503 Charges of unfair labor practices.—It is the intent of the Legislature that the commission act as expeditiously as possible to settle disputes regarding alleged unfair labor practices. To this end, violations of the provisions of s. 447.501 shall be remedied by the commission in accordance with the following procedures and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section shall govern:

(5) Whenever the proceeding involves a disputed issue of material fact and an evidentiary hearing is to be conducted:

(a) The commission shall issue and serve upon all parties a notice of hearing before an assigned hearing officer at a time and place specified therein. Such notice shall be issued at least 14 days prior to the scheduled hearing. *If a party fails to appear for the hearing, the hearing officer shall, after waiting a reasonable time, open the record, note the nonappearance, and close the hearing. Thereafter, the hearing may be reconvened only if the party establishes that the failure to appear was due to circumstances beyond his or her control.*

Section 85. Subsection (4) of section 447.504, Florida Statutes, is amended to read:

447.504 Judicial review.—

(4) The commencement of proceedings under this section shall not, unless specifically ordered by the district court of appeal, operate as a stay of the commission's order. *However, the commission may stay determination of the amount of back pay, benefits, or attorney's fees until the court decides the appeal.*

Section 86. *Effective October 1, 2000, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Public Employees Relations Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, to the Department of Management Services.*

Section 87. Subsection (4) of section 450.012, Florida Statutes, is amended to read:

450.012 Definitions.—For the purpose of this chapter, the word, phrase, or term:

(4) "*Department*" ~~"Division"~~ means the *Bureau of Workplace Regulation of the Division of Workers' Compensation* ~~Division of Jobs and Benefits~~ of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 88. Subsection (3) of section 450.061, Florida Statutes, is amended to read:

450.061 Hazardous occupations prohibited; exemptions.—

(3) No minor under 18 years of age, whether such person's disabilities of nonage have been removed by marriage or otherwise, shall be employed or permitted or suffered to work in any place of employment or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such places of employment or occupations may be determined and declared by ~~the Division of Jobs and Benefits of~~ the department ~~of Labor and Employment Security~~ to be hazardous and injurious to the life, health, safety, or welfare of such minor.

Section 89. Paragraph (c) of subsection (5) of section 450.081, Florida Statutes, is amended to read:

450.081 Hours of work in certain occupations.—

(5) The provisions of subsections (1) through (4) shall not apply to:

(c) Minors enrolled in a public educational institution who qualify on a hardship basis such as economic necessity or family emergency. Such determination shall be made by the school superintendent or his or her designee, and a waiver of hours shall be issued to the minor and the employer. The form and contents thereof shall be prescribed by the *department* ~~division~~.

Section 90. Section 450.095, Florida Statutes, is amended to read:

450.095 Waivers.—In extenuating circumstances when it clearly appears to be in the best interest of the child, the *department* ~~division~~ may grant a waiver of the restrictions imposed by the Child Labor Law on the employment of a child. Such waivers shall be granted upon a case-by-case basis and shall be based upon such factors as the *department* ~~division~~, by rule, establishes as determinative of whether such waiver is in the best interest of a child.

Section 91. Subsections (1), (2), and (5) of section 450.121, Florida Statutes, are amended to read:

450.121 Enforcement of Child Labor Law.—

(1) The *department* ~~Division of Jobs and Benefits~~ shall administer this chapter. It shall employ such help as is necessary to effectuate the purposes of this chapter. Other agencies of the state may cooperate with the *department* ~~division~~ in the administration and enforcement of this part. To accomplish this joint, cooperative effort, the *department* ~~division~~ may enter into intergovernmental agreements with other agencies of the state whereby the other agencies may assist the *department* ~~division~~ in the administration and enforcement of this part. Any action taken by an agency pursuant to an intergovernmental agreement entered into pursuant to this section shall be considered to have been taken by the *department* ~~division~~.

(2) It is the duty of the *department* ~~division~~ and its agents and all sheriffs or other law enforcement officers of the state or of any municipality of the state to enforce the provisions of this law, to make complaints against persons violating its provisions, and to prosecute violations of the same. The *department* ~~division~~ and its agents have authority to enter and inspect at any time any place or establishment covered by this law and to have access to age certificates kept on file by the employer and such other records as may aid in the enforcement of this law. A designated school representative acting in accordance with s. 232.17 shall report to the *department* ~~division~~ all violations of the Child Labor Law that may come to his or her knowledge.

(5) The *department* ~~division~~ may adopt rules:

(a) Defining words, phrases, or terms used in the child labor rule or in this part, as long as the word, phrase, or term is not a word, phrase, or term defined in s. 450.012.

(b) Prescribing additional documents that may be used to prove the age of a minor and the procedure to be followed before a person who claims his or her disability of nonage has been removed by a court of competent jurisdiction may be employed.

(c) Requiring certain safety equipment and a safe workplace environment for employees who are minors.

(d) Prescribing the deadlines applicable to a response to a request for records under subsection (2).

(e) Providing an official address from which child labor forms, rules, laws, and posters may be requested and prescribing the forms to be used in connection with this part.

Section 92. Subsections (1), (2), (3), (4), and (5) of section 450.132, Florida Statutes, are amended to read:

450.132 Employment of children by the entertainment industry; rules; procedures.—

(1) Children within the protection of our child labor statutes may, notwithstanding such statutes, be employed by the entertainment industry in the production of motion pictures, legitimate plays, television shows, still photography, recording, publicity, musical and live performances, circuses, and rodeos, in any work not determined by the *department* ~~Division of Jobs and Benefits~~ to be hazardous, or detrimental to their health, morals, education, or welfare.

(2) The *department* ~~Division of Jobs and Benefits~~ shall, as soon as convenient, and after such investigation as to the *department* ~~division~~ may seem necessary or advisable, determine what work in connection with the entertainment industry is not hazardous or detrimental to the health, morals, education, or welfare of minors within the purview and protection of our child labor laws. When so adopted, such rules shall have the force and effect of law in this state.

(3) Entertainment industry employers or agents wishing to qualify for the employment of minors in work not hazardous or detrimental to their health, morals, or education shall make application to the *department* ~~division~~ for a permit qualifying them to employ minors in the entertainment industry. The form and contents thereof shall be prescribed by the *department* ~~division~~.

(4) Any duly qualified entertainment industry employer may employ any minor. However, if any entertainment industry employer employing a minor causes, permits, or suffers such minor to be placed under conditions which are dangerous to the life or limb or injurious or detrimental to the health or morals or education of the minor, the right of that entertainment industry employer and its representatives and agents to employ minors as provided herein shall stand revoked, unless otherwise ordered by the *department* ~~division~~, and the person responsible for such unlawful employment is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Any entertainment industry employer and its agents employing minors hereunder are required to notify the *department* ~~division~~, showing the date of the commencement of work, the number of days worked, the location of the work, and the date of termination.

Section 93. Subsections (2) and (3) of section 450.141, Florida Statutes, are amended to read:

450.141 Employing minor children in violation of law; penalties.—

(2) Any person, firm, corporation, or governmental agency, or agent thereof, that has employed minors in violation of this part, or any rule adopted pursuant thereto, may be subject by the *department* ~~division~~ to fines not to exceed $2,500 per offense. The *department* ~~division~~ shall adopt, by rule, disciplinary guidelines specifying a meaningful range of designated penalties based upon the severity and repetition of the offenses, and which distinguish minor violations from those which endanger a minor's health and safety.

(3) If the *department* ~~division~~ has reasonable grounds for believing there has been a violation of this part or any rule adopted pursuant thereto, it shall give written notice to the person alleged to be in violation. Such notice shall include the provision or rule alleged to be violated, the facts alleged to constitute such violation, and requirements for remedial action within a time specified in the notice. No fine may be levied unless the person alleged to be in violation fails to take remedial action within the time specified in the notice.

Section 94. Paragraph (j) of subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(j) Cooperate with the *regional workforce boards and one-stop career centers* ~~farm labor office of the Florida State Employment Service~~ in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 95. Subsection (2) of section 450.28, Florida Statutes, is amended to read:

450.28 Definitions.—

(2) "*Department*" ~~"Division"~~ means the *Bureau of Workplace Regulation of the* Division of *Workers' Compensation* ~~Jobs and Benefits~~ of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 96. Section 450.30, Florida Statutes, is amended to read:

450.30 Requirement of certificate of registration; education and examination program.—

(1) No person may act as a farm labor contractor until a certificate of registration has been issued to him or her by the *department* ~~division~~ and unless such certificate is in full force and effect and is in his or her possession.

(2) No certificate of registration may be transferred or assigned.

(3) Unless sooner revoked, each certificate of registration, regardless of the date of issuance, shall be renewed on the last day of the birth month following the date of issuance and, thereafter, each year on the last day of the birth month of the registrant. The date of incorporation shall be used in lieu of birthdate for registrants that are corporations. Applications for certificates of registration and renewal thereof shall be on a form prescribed by the *department* ~~division~~.

(4) The *department* ~~division~~ shall provide a program of education and examination for applicants under this part. The program may be provided by the *department* ~~division~~ or through a contracted agent. The program shall be designed to ensure the competency of those persons to whom the *department* ~~division~~ issues certificates of registration.

(5) The *department* ~~division~~ shall require each applicant to demonstrate competence by a written or oral examination in the language of the applicant, evidencing that he or she is knowledgeable concerning the duties and responsibilities of a farm labor contractor. The examination shall be prepared, administered, and evaluated by the *department* ~~division~~ or through a contracted agent.

(6) The *department* ~~division~~ shall require an applicant for renewal of a certificate of registration to retake the examination only if:

(a) During the prior certification period, the division issued a final order assessing a civil monetary penalty or revoked or refused to renew or issue a certificate of registration; or

(b) The *department* ~~division~~ determines that new requirements related to the duties and responsibilities of a farm labor contractor necessitate a new examination.

(7) The *department* ~~division~~ shall charge each applicant a $35 fee for the education and examination program. Such fees shall be deposited in the Crew Chief Registration Trust Fund.

(8) The *department* ~~division~~ may adopt rules prescribing the procedures to be followed to register as a farm labor contractor.

Section 97. Subsections (1), (2), and (4) of section 450.31, Florida Statutes, are amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(1) The *department* ~~division~~ shall not issue to any person a certificate of registration as a farm labor contractor, nor shall it renew such certificate, until:

(a) Such person has executed a written application therefor in a form and pursuant to regulations prescribed by the *department* ~~division~~ and has submitted such information as the *department* ~~division~~ may prescribe.

(b) Such person has obtained and holds a valid federal certificate of registration as a farm labor contractor, or a farm labor contractor employee, unless exempt by federal law.

(c) Such person pays to the *department* ~~division~~, in cash, certified check, or money order, a nonrefundable application fee of $75. Fees collected by the *department* ~~division~~ under this subsection shall be deposited in the State Treasury into the Crew Chief Registration Trust Fund, which is hereby created, and shall be utilized for administration of this part.

(d) Such person has successfully taken and passed the farm labor contractor examination.

(2) The *department* ~~division~~ may revoke, suspend, or refuse to renew any certificate of registration when it is shown that the farm labor contractor has:

(a) Violated or failed to comply with any provision of this part or the rules adopted pursuant to s. 450.36.

(b) Made any misrepresentation or false statement in his or her application for a certificate of registration.

(c) Given false or misleading information concerning terms, conditions, or existence of employment to persons who are recruited or hired to work on a farm.

(4) The *department* ~~division~~ may refuse to issue or renew, or may suspend or revoke, a certificate of registration if the applicant or holder is not the real party in interest in the application or certificate of registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify under this section for a certificate.

Section 98. Subsections (1), (4), (5), (6), (8), (9), and (10) of section 450.33, Florida Statutes, are amended to read:

450.33 Duties of farm labor contractor.—Every farm labor contractor must:

(1) Carry his or her certificate of registration with him or her at all times and exhibit it to all persons with whom the farm labor contractor intends to deal in his or her capacity as a farm labor contractor prior to so dealing and, upon request, to persons designated by the *department* ~~division~~.

(4) Display prominently, at the site where the work is to be performed and on all vehicles used by the registrant for the transportation of employees, a single posting containing a written statement in English and in the language of the majority of the non-English-speaking employees disclosing the terms and conditions of employment in a form prescribed by the *department* ~~division~~ or by the United States Department of Labor for this purpose.

(5) Take out a policy of insurance with any insurance carrier which policy insures such registrant against liability for damage to persons or property arising out of the operation or ownership of any vehicle or vehicles for the transportation of individuals in connection with his or her business, activities, or operations as a farm labor contractor. In no event may the amount of such liability insurance be less than that required by the provisions of the financial responsibility law of this state. Any insurance carrier that is licensed to operate in this state and that has issued a policy of liability insurance to operate a vehicle used to transport farm workers shall notify the *department* ~~division~~ when it intends to cancel such policy.

(6) Maintain such records as may be designated by the *department* ~~division~~.

(8) File, within such time as the *department* ~~division~~ may prescribe, a set of his or her fingerprints.

(9) Produce evidence to the *department* ~~division~~ that each vehicle he or she uses for the transportation of employees complies with the requirements and specifications established in chapter 316, s. 316.620, or Pub. L. No. 93-518 as amended by Pub. L. No. 97-470 meeting Department of Transportation requirements or, in lieu thereof, bears a valid inspection sticker showing that the vehicle has passed the inspection in the state in which the vehicle is registered.

(10) Comply with all applicable statutes, rules, and regulations of the United States and of the State of Florida for the protection or benefit of labor, including, but not limited to, those providing for wages, hours, fair labor standards, social security, workers' compensation, unemployment compensation, child labor, and transportation. The *department* ~~division~~ shall not suspend or revoke a certificate of registration pursuant to this subsection unless:

(a) A court or agency of competent jurisdiction renders a judgment or other final decision that a violation of one of the laws, rules, or regulations has occurred and, if invoked, the appellate process is exhausted;

(b) An administrative hearing pursuant to ss. 120.569 and 120.57 is held on the suspension or revocation and the administrative law judge finds that a violation of one of the laws, rules, or regulations has occurred and, if invoked, the appellate process is exhausted; or

(c) The holder of a certificate of registration stipulates that a violation has occurred or defaults in the administrative proceedings brought to suspend or revoke his or her registration.

Section 99. Section 450.35, Florida Statutes, is amended to read:

450.35 Certain contracts prohibited.—It is unlawful for any person to contract for the employment of farm workers with any farm labor contractor as defined in this act until the labor contractor displays to him or her a current certificate of registration issued by the *department* ~~division~~ pursuant to the requirements of this part.

Section 100. Section 450.36, Florida Statutes, is amended to read:

450.36 Rules and regulations.—The *department* ~~division~~ may adopt rules necessary to enforce and administer this part.

Section 101. Section 450.37, Florida Statutes, is amended to read:

450.37 Cooperation with federal agencies.—The *department* ~~division~~ shall, whenever appropriate, cooperate with any federal agency.

Section 102. Subsections (2), (3), and (4) of section 450.38, Florida Statutes, are amended to read:

450.38 Enforcement of farm labor contractor laws.—

(2) Any person who, on or after June 19, 1985, commits a violation of this part or of any rule adopted thereunder may be assessed a civil penalty of not more than $1,000 for each such violation. Such assessed penalties shall be paid in cash, certified check, or money order and shall be deposited into the General Revenue Fund. The *department* ~~division~~ shall not institute or maintain any administrative proceeding to assess a civil penalty under this subsection when the violation is the subject of a criminal indictment or information under this section which results in a criminal penalty being imposed, or of a criminal, civil, or administrative proceeding by the United States government or an agency thereof which results in a criminal or civil penalty being imposed. The *department* ~~division~~ may adopt rules prescribing the criteria to be used to determine the amount of the civil penalty and to provide notification to persons assessed a civil penalty under this section.

(3) Upon a complaint of the *department* ~~division~~ being filed in the circuit court of the county in which the farm labor contractor may be doing business, any farm labor contractor who fails to obtain a certificate of registration as required by this part may, in addition to such penalties, be enjoined from engaging in any activity which requires the farm labor contractor to possess a certificate of registration.

(4) For the purpose of any investigation or proceeding conducted by the *department* ~~division~~, the secretary of the department or the secretary's designee shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The secretary of the department or the secretary's designee shall exercise this power on the secretary's own initiative.

Section 103. *(1) In anticipation of its assumption of responsibilities from the Department of Labor and Employment Security relating to unemployment compensation, as provided in this act, the Agency for Workforce Innovation shall prepare a report with recommendations on the fiscal management of funds under the Unemployment Compensation Trust Fund and any other funds related to unemployment compensation activities conducted under state or federal law. The report shall include, but not be limited to, an analysis of options and recommendations for distributing unemployment compensation funds to units of state government with responsibilities under the unemployment compensation program and for allocating costs associated with such program and funds. The report and recommendations shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and members of the Labor and Employment Security Transition Team by January 1, 2001.*

(2) This section shall take effect upon this act becoming a law.

Section 104. *Notwithstanding any other provision of law, any binding contract or interagency agreement existing on or before January 1, 2001, between the Department of Labor and Employment Security, or an entity or agent of the department, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement with the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.*

Section 105. Present subsection (3) of section 440.02, Florida Statutes, is redesignated as subsection (4), a new subsection (3) is added to that section and subsequent subsections are redesignated, and subsections (11) and (13) are amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(3) "Agency" means the Agency for Health Care Administration.

(11) "Department" means the Department of *Insurance* ~~Labor and Employment Security~~.

(13) "Division" means the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 106. Subsections (3), (4), (5), (6), (7), (8), (9), (11), (12), and (13) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(a) As a condition to eligibility for payment under this chapter, a health care provider who renders services must be a certified health care provider and must receive authorization from the carrier before providing treatment. This paragraph does not apply to emergency care. The *agency* ~~division~~ shall adopt rules to implement the certification of health care providers. As a one-time prerequisite to obtaining certification, the *agency* ~~division~~ shall require each physician to demonstrate proof of completion of a minimum 5-hour course that covers the subject areas of cost containment, utilization control, ergonomics, and the practice parameters adopted by the *agency* ~~division~~ governing the physician's field of practice. The *agency* ~~division~~ shall coordinate with ~~the Agency for Health Care Administration,~~ the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Chiropractic Association, the Florida Podiatric Medical Association, the Florida Optometric Association, the Florida Dental Association, and other health professional organizations and their respective boards as deemed necessary by the *agency* ~~Agency for Health Care Administration~~ in complying with this subsection. No later than October 1, 1994, the *agency* ~~division~~ shall adopt rules regarding the criteria and procedures for approval of courses and the filing of proof of completion by the physicians.

(b) A health care provider who renders emergency care must notify the carrier by the close of the third business day after it has rendered

such care. If the emergency care results in admission of the employee to a health care facility, the health care provider must notify the carrier by telephone within 24 hours after initial treatment. Emergency care is not compensable under this chapter unless the injury requiring emergency care arose as a result of a work-related accident. Pursuant to chapter 395, all licensed physicians and health care providers in this state shall be required to make their services available for emergency treatment of any employee eligible for workers' compensation benefits. To refuse to make such treatment available is cause for revocation of a license.

(c) A health care provider may not refer the employee to another health care provider, diagnostic facility, therapy center, or other facility without prior authorization from the carrier, except when emergency care is rendered. Any referral must be to a health care provider that has been certified by the *agency* ~~division~~, unless the referral is for emergency treatment.

(d) A carrier must respond, by telephone or in writing, to a request for authorization by the close of the third business day after receipt of the request. A carrier who fails to respond to a written request for authorization for referral for medical treatment by the close of the third business day after receipt of the request consents to the medical necessity for such treatment. All such requests must be made to the carrier. Notice to the carrier does not include notice to the employer.

(e) Carriers shall adopt procedures for receiving, reviewing, documenting, and responding to requests for authorization. Such procedures shall be for a health care provider certified under this section.

(f) By accepting payment under this chapter for treatment rendered to an injured employee, a health care provider consents to the jurisdiction of the *agency* ~~division~~ as set forth in subsection (11) and to the submission of all records and other information concerning such treatment to the *agency* ~~division~~ in connection with a reimbursement dispute, audit, or review as provided by this section. The health care provider must further agree to comply with any decision of the *agency* ~~division~~ rendered under this section.

(g) The employee is not liable for payment for medical treatment or services provided pursuant to this section except as otherwise provided in this section.

(h) The provisions of s. 455.654 are applicable to referrals among health care providers, as defined in subsection (1), treating injured workers.

(i) Notwithstanding paragraph (d), a claim for specialist consultations, surgical operations, physiotherapeutic or occupational therapy procedures, X-ray examinations, or special diagnostic laboratory tests that cost more than $1,000 and other specialty services that the *agency* ~~division~~ identifies by rule is not valid and reimbursable unless the services have been expressly authorized by the carrier, or unless the carrier has failed to respond within 10 days to a written request for authorization, or unless emergency care is required. The insurer shall not refuse to authorize such consultation or procedure unless the health care provider or facility is not authorized or certified or unless an expert medical advisor has determined that the consultation or procedure is not medically necessary or otherwise compensable under this chapter. Authorization of a treatment plan does not constitute express authorization for purposes of this section, except to the extent the carrier provides otherwise in its authorization procedures. This paragraph does not limit the carrier's obligation to identify and disallow overutilization or billing errors.

(j) Notwithstanding anything in this chapter to the contrary, a sick or injured employee shall be entitled, at all times, to free, full, and absolute choice in the selection of the pharmacy or pharmacist dispensing and filling prescriptions for medicines required under this chapter. It is expressly forbidden for the *agency* ~~division~~, an employer, or a carrier, or any agent or representative of the *agency* ~~division~~, an employer, or a carrier to select the pharmacy or pharmacist which the sick or injured employee must use; condition coverage or payment on the basis of the pharmacy or pharmacist utilized; or to otherwise interfere in the selection by the sick or injured employee of a pharmacy or pharmacist.

(4) NOTICE OF TREATMENT TO CARRIER; FILING WITH *AGENCY* ~~DIVISION~~.—

(a) Any health care provider providing necessary remedial treatment, care, or attendance to any injured worker shall submit treatment reports to the carrier in a format prescribed by the *agency* ~~division~~. A claim for medical or surgical treatment is not valid or enforceable against such employer or employee, unless, by the close of the third business day following the first treatment, the physician providing the treatment furnishes to the employer or carrier a preliminary notice of the injury and treatment on forms prescribed by the *agency* ~~division~~ and, within 15 days thereafter, furnishes to the employer or carrier a complete report, and subsequent thereto furnishes progress reports, if requested by the employer or insurance carrier, at intervals of not less than 3 weeks apart or at less frequent intervals if requested on forms prescribed by the *agency* ~~division~~.

(b) Each medical report or bill obtained or received by the employer, the carrier, or the injured employee, or the attorney for the employer, carrier, or injured employee, with respect to the remedial treatment or care of the injured employee, including any report of an examination, diagnosis, or disability evaluation, must be filed with the *Agency for Health Care Administration* ~~Division of Workers' Compensation~~ pursuant to rules adopted by the *agency* ~~division~~. The health care provider shall also furnish to the injured employee or to his or her attorney, on demand, a copy of his or her office chart, records, and reports, and may charge the injured employee an amount authorized by the *agency* ~~division~~ for the copies. Each such health care provider shall provide to the *agency* ~~division~~ any additional information about the remedial treatment, care, and attendance that the *agency* ~~division~~ reasonably requests.

(c) It is the policy for the administration of the workers' compensation system that there be reasonable access to medical information by all parties to facilitate the self-executing features of the law. Notwithstanding the limitations in s. 455.667 and subject to the limitations in s. 381.004, upon the request of the employer, the carrier, or the attorney for either of them, the medical records of an injured employee must be furnished to those persons and the medical condition of the injured employee must be discussed with those persons, if the records and the discussions are restricted to conditions relating to the workplace injury. Any such discussions may be held before or after the filing of a claim without the knowledge, consent, or presence of any other party or his or her agent or representative. A health care provider who willfully refuses to provide medical records or to discuss the medical condition of the injured employee, after a reasonable request is made for such information pursuant to this subsection, shall be subject by the *agency* ~~division~~ to one or more of the penalties set forth in paragraph (8)(b).

(5) INDEPENDENT MEDICAL EXAMINATIONS.—

(a) In any dispute concerning overutilization, medical benefits, compensability, or disability under this chapter, the carrier or the employee may select an independent medical examiner. The examiner may be a health care provider treating or providing other care to the employee. An independent medical examiner may not render an opinion outside his or her area of expertise, as demonstrated by licensure and applicable practice parameters.

(b) Each party is bound by his or her selection of an independent medical examiner and is entitled to an alternate examiner only if:

1. The examiner is not qualified to render an opinion upon an aspect of the employee's illness or injury which is material to the claim or petition for benefits;

2. The examiner ceases to practice in the specialty relevant to the employee's condition;

3. The examiner is unavailable due to injury, death, or relocation outside a reasonably accessible geographic area; or

4. The parties agree to an alternate examiner.

Any party may request, or a judge of compensation claims may require, designation of *an agency* ~~a division~~ medical advisor as an independent medical examiner. The opinion of the advisors acting as examiners shall not be afforded the presumption set forth in paragraph (9)(c).

(c) The carrier may, at its election, contact the claimant directly to schedule a reasonable time for an independent medical examination. The carrier must confirm the scheduling agreement in writing within 5 days and notify claimant's counsel, if any, at least 7 days before the date upon which the independent medical examination is scheduled to occur. An attorney representing a claimant is not authorized to schedule independent medical evaluations under this subsection.

(d) If the employee fails to appear for the independent medical examination without good cause and fails to advise the physician at least 24 hours before the scheduled date for the examination that he or she cannot appear, the employee is barred from recovering compensation for any period during which he or she has refused to submit to such examination. Further, the employee shall reimburse the carrier 50 percent of the physician's cancellation or no-show fee unless the carrier that schedules the examination fails to timely provide to the employee a written confirmation of the date of the examination pursuant to paragraph (c) which includes an explanation of why he or she failed to appear. The employee may appeal to a judge of compensation claims for reimbursement when the carrier withholds payment in excess of the authority granted by this section.

(e) No medical opinion other than the opinion of a medical advisor appointed by the judge of compensation claims or *agency* ~~division~~, an independent medical examiner, or an authorized treating provider is admissible in proceedings before the judges of compensation claims.

(f) Attorney's fees incurred by an injured employee in connection with delay of or opposition to an independent medical examination, including, but not limited to, motions for protective orders, are not recoverable under this chapter.

(6) UTILIZATION REVIEW.—Carriers shall review all bills, invoices, and other claims for payment submitted by health care providers in order to identify overutilization and billing errors, and may hire peer review consultants or conduct independent medical evaluations. Such consultants, including peer review organizations, are immune from liability in the execution of their functions under this subsection to the extent provided in s. 766.101. If a carrier finds that overutilization of medical services or a billing error has occurred, it must disallow or adjust payment for such services or error without order of a judge of compensation claims or the *agency* ~~division~~, if the carrier, in making its determination, has complied with this section and rules adopted by the *agency* ~~division~~.

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider, carrier, or employer who elects to contest the disallowance or adjustment of payment by a carrier under subsection (6) must, within 30 days after receipt of notice of disallowance or adjustment of payment, petition the *agency* ~~division~~ to resolve the dispute. The petitioner must serve a copy of the petition on the carrier and on all affected parties by certified mail. The petition must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the *agency* ~~division~~ results in dismissal of the petition.

(b) The carrier must submit to the *agency* ~~division~~ within 10 days after receipt of the petition all documentation substantiating the carrier's disallowance or adjustment. Failure of the carrier to submit the requested documentation to the *agency* ~~division~~ within 10 days constitutes a waiver of all objections to the petition.

(c) Within 60 days after receipt of all documentation, the *agency* ~~division~~ must provide to the petitioner, the carrier, and the affected parties a written determination of whether the carrier properly adjusted or disallowed payment. The *agency* ~~division~~ must be guided by standards and policies set forth in this chapter, including all applicable reimbursement schedules, in rendering its determination.

(d) If the *agency* ~~division~~ finds an improper disallowance or improper adjustment of payment by an insurer, the insurer shall reimburse the health care provider, facility, insurer, or employer within 30 days, subject to the penalties provided in this subsection.

(e) The *agency* ~~division~~ shall adopt rules to carry out this subsection. The rules may include provisions for consolidating petitions filed by a petitioner and expanding the timetable for rendering a determination upon a consolidated petition.

(f) Any carrier that engages in a pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to health care providers may be subject to one or more of the following penalties imposed by the *agency* ~~division~~:

1. Repayment of the appropriate amount to the health care provider.

2. An administrative fine assessed by the *agency* ~~division~~ in an amount not to exceed $5,000 per instance of improperly disallowing or reducing payments.

3. Award of the health care provider's costs, including a reasonable attorney's fee, for prosecuting the petition.

(8) PATTERN OR PRACTICE OF OVERUTILIZATION.—

(a) Carriers must report to the *agency* ~~division~~ all instances of overutilization including, but not limited to, all instances in which the carrier disallows or adjusts payment. The *agency* ~~division~~ shall determine whether a pattern or practice of overutilization exists.

(b) If the *agency* ~~division~~ determines that a health care provider has engaged in a pattern or practice of overutilization or a violation of this chapter or rules adopted by the *agency* ~~division~~, it may impose one or more of the following penalties:

1. An order of the *agency* ~~division~~ barring the provider from payment under this chapter;

2. Deauthorization of care under review;

3. Denial of payment for care rendered in the future;

4. Decertification of a health care provider certified as an expert medical advisor under subsection (9) or of a rehabilitation provider certified under s. 440.49;

5. An administrative fine assessed by the *agency* ~~division~~ in an amount not to exceed $5,000 per instance of overutilization or violation; and

6. Notification of and review by the appropriate licensing authority pursuant to s. 440.106(3).

(9) EXPERT MEDICAL ADVISORS.—

(a) The *agency* ~~division~~ shall certify expert medical advisors in each specialty to assist the *agency* ~~division~~ and the judges of compensation claims within the advisor's area of expertise as provided in this section. The *agency* ~~division~~ shall, in a manner prescribed by rule, in certifying, recertifying, or decertifying an expert medical advisor, consider the qualifications, training, impartiality, and commitment of the health care provider to the provision of quality medical care at a reasonable cost. As a prerequisite for certification or recertification, the *agency* ~~division~~ shall require, at a minimum, that an expert medical advisor have specialized workers' compensation training or experience under the workers' compensation system of this state and board certification or board eligibility.

(b) The *agency* ~~division~~ shall contract with or employ expert medical advisors to provide peer review or medical consultation to the *agency* ~~division~~ or to a judge of compensation claims in connection with resolving disputes relating to reimbursement, differing opinions of health care providers, and health care and physician services rendered under this chapter. Expert medical advisors contracting with the *agency*

~~division~~ shall, as a term of such contract, agree to provide consultation or services in accordance with the timetables set forth in this chapter and to abide by rules adopted by the *agency* ~~division~~, including, but not limited to, rules pertaining to procedures for review of the services rendered by health care providers and preparation of reports and recommendations for submission to the *agency* ~~division~~.

(c) If there is disagreement in the opinions of the health care providers, if two health care providers disagree on medical evidence supporting the employee's complaints or the need for additional medical treatment, or if two health care providers disagree that the employee is able to return to work, the *agency* ~~division~~ may, and the judge of compensation claims shall, upon his or her own motion or within 15 days after receipt of a written request by either the injured employee, the employer, or the carrier, order the injured employee to be evaluated by an expert medical advisor. The opinion of the expert medical advisor is presumed to be correct unless there is clear and convincing evidence to the contrary as determined by the judge of compensation claims. The expert medical advisor appointed to conduct the evaluation shall have free and complete access to the medical records of the employee. An employee who fails to report to and cooperate with such evaluation forfeits entitlement to compensation during the period of failure to report or cooperate.

(d) The expert medical advisor must complete his or her evaluation and issue his or her report to the *agency* ~~division~~ or to the judge of compensation claims within 45 days after receipt of all medical records. The expert medical advisor must furnish a copy of the report to the carrier and to the employee.

(e) An expert medical advisor is not liable under any theory of recovery for evaluations performed under this section without a showing of fraud or malice. The protections of s. 766.101 apply to any officer, employee, or agent of the *agency* ~~division~~ and to any officer, employee, or agent of any entity with which the *agency* ~~division~~ has contracted under this subsection.

(f) If the *agency* ~~division~~ or a judge of compensation claims determines that the services of a certified expert medical advisor are required to resolve a dispute under this section, the carrier must compensate the advisor for his or her time in accordance with a schedule adopted by the *agency* ~~division~~. The *agency* ~~division~~ may assess a penalty not to exceed $500 against any carrier that fails to timely compensate an advisor in accordance with this section.

(11) AUDITS BY *AGENCY* ~~DIVISION~~; JURISDICTION.—

(a) The *Agency for Health Care Administration* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ may investigate health care providers to determine whether providers are complying with this chapter and with rules adopted by the *agency* ~~division~~, whether the providers are engaging in overutilization, and whether providers are engaging in improper billing practices. If the *agency* ~~division~~ finds that a health care provider has improperly billed, overutilized, or failed to comply with *agency* ~~division~~ rules or the requirements of this chapter it must notify the provider of its findings and may determine that the health care provider may not receive payment from the carrier or may impose penalties as set forth in subsection (8) or other sections of this chapter. If the health care provider has received payment from a carrier for services that were improperly billed or for overutilization, it must return those payments to the carrier. The *agency* ~~division~~ may assess a penalty not to exceed $500 for each overpayment that is not refunded within 30 days after notification of overpayment by the *agency* ~~division~~ or carrier.

(b) The *agency* ~~division~~ shall monitor and audit carriers to determine if medical bills are paid in accordance with this section and *agency* ~~division~~ rules. Any employer, if self-insured, or carrier found by the *agency* ~~division~~ not to be within 90 percent compliance as to the payment of medical bills after July 1, 1994, must be assessed a fine not to exceed 1 percent of the prior year's assessment levied against such entity under s. 440.51 for every quarter in which the entity fails to attain 90-percent compliance. The *agency* ~~division~~ shall fine an employer or carrier, pursuant to rules adopted by the *agency* ~~division~~, for each late payment of compensation that is below the minimum 90-percent performance standard. Any carrier that is found to be not in compliance in subsequent consecutive quarters must implement a medical-bill review program approved by the *agency* ~~division~~, and the carrier is subject to disciplinary action by the Department of Insurance.

(c) The *agency* ~~division~~ has exclusive jurisdiction to decide any matters concerning reimbursement, to resolve any overutilization dispute under subsection (7), and to decide any question concerning overutilization under subsection (8), which question or dispute arises after January 1, 1994.

(d) The following ~~division~~ actions do not constitute agency action subject to review under ss. 120.569 and 120.57 and do not constitute actions subject to s. 120.56: referral by the entity responsible for utilization review; a decision by the *agency* ~~division~~ to refer a matter to a peer review committee; establishment by a health care provider or entity of procedures by which a peer review committee reviews the rendering of health care services; and the review proceedings, report, and recommendation of the peer review committee.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(a) A three-member panel is created, consisting of the Insurance Commissioner, or the Insurance Commissioner's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel shall determine statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, hospitals, ambulatory surgical centers, work-hardening programs, pain programs, and durable medical equipment. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual as determined by the *agency* ~~division~~. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges. Until the three-member panel approves a schedule of per diem rates for inpatient hospital care and it becomes effective, all compensable charges for hospital inpatient care must be reimbursed at 75 percent of their usual and customary charges. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. However, the maximum percentage of increase in the individual reimbursement allowance may not exceed the percentage of increase in the Consumer Price Index for the previous year. An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the usual and customary charge for treatment, care, and attendance, the agreed-upon contract price, or the maximum reimbursement allowance in the appropriate schedule, whichever is less.

(b) As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price times 1.2 plus $4.18 for the dispensing fee, except where the carrier has contracted for a lower amount. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount. Where the employer or carrier has contracted for such services and the employee elects to obtain them through a provider not a party to the contract, the carrier shall reimburse at the schedule, negotiated, or contract price, whichever is lower.

(c) Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent

medical examinations performed by health care providers under this chapter. Until the three-member panel approves a uniform schedule of maximum reimbursement allowances and it becomes effective, all compensable charges for treatment, care, and attendance provided by physicians, ambulatory surgical centers, work-hardening programs, or pain programs shall be reimbursed at the lowest maximum reimbursement allowance across all 1992 schedules of maximum reimbursement allowances for the services provided regardless of the place of service. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;

2. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers;

3. The financial impact of the reimbursement allowances upon health care providers and health care facilities, including trauma centers as defined in s. 395.401, and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance. The uniform schedule of maximum reimbursement allowances must be reasonable, must promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and must be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers; and

4. The most recent average maximum allowable rate of increase for hospitals determined by the Health Care Board under chapter 408.

(13) REMOVAL OF PHYSICIANS FROM LISTS OF THOSE AUTHORIZED TO RENDER MEDICAL CARE.—The *agency* ~~division~~ shall remove from the list of physicians or facilities authorized to provide remedial treatment, care, and attendance under this chapter the name of any physician or facility found after reasonable investigation to have:

(a) Engaged in professional or other misconduct or incompetency in connection with medical services rendered under this chapter;

(b) Exceeded the limits of his or her or its professional competence in rendering medical care under this chapter, or to have made materially false statements regarding his or her or its qualifications in his or her application;

(c) Failed to transmit copies of medical reports to the employer or carrier, or failed to submit full and truthful medical reports of all his or her or its findings to the employer or carrier as required under this chapter;

(d) Solicited, or employed another to solicit for himself or herself or itself or for another, professional treatment, examination, or care of an injured employee in connection with any claim under this chapter;

(e) Refused to appear before, or to answer upon request of, the *agency* ~~division~~ or any duly authorized officer of the state, any legal question, or to produce any relevant book or paper concerning his or her conduct under any authorization granted to him or her under this chapter;

(f) Self-referred in violation of this chapter or other laws of this state; or

(g) Engaged in a pattern of practice of overutilization or a violation of this chapter or rules adopted by the *agency* ~~division~~.

Section 107. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the *agency* ~~division~~, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and

providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

6. The division may by rule specify forms and procedures governing the method of payment of wage loss and impairment benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

Section 108. Subsection (7) of section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

(7) PROVIDER QUALIFICATIONS.—

(a) The *Agency for Health Care Administration* ~~division~~ shall investigate and maintain a directory of each qualified public and private rehabilitation provider, facility, and agency, and shall establish by rule the minimum qualifications, credentials, and requirements that each rehabilitation service provider, facility, and agency must satisfy to be eligible for listing in the directory. These minimum qualifications and credentials must be based on those generally accepted within the service specialty for which the provider, facility, or agency is approved.

(b) The *agency* ~~division~~ shall impose a biennial application fee of $25 for each listing in the directory, and all such fees must be deposited in the Workers' Compensation Administration Trust Fund.

(c) The *agency* ~~division~~ shall monitor and evaluate each rehabilitation service provider, facility, and agency qualified under this subsection to ensure its compliance with the minimum qualifications and credentials established by the division. The failure of a qualified rehabilitation service provider, facility, or agency to provide the *agency* ~~division~~ with information requested or access necessary for the *agency* ~~division~~ to satisfy its responsibilities under this subsection is grounds for disqualifying the provider, facility, or agency from further referrals.

(d) A qualified rehabilitation service provider, facility, or agency may not be authorized by an employer, a carrier, or the *agency* ~~division~~ to provide any services, including expert testimony, under this section in this state unless the provider, facility, or agency is listed or has been approved for listing in the directory. This restriction does not apply to services provided outside this state under this section.

(e) The *agency* ~~division~~, after consultation with representatives of employees, employers, carriers, rehabilitation providers, and qualified training and education providers, shall adopt rules governing professional practices and standards.

Section 109. *This act does not affect the validity of any judicial or administrative proceeding involving the Department of Labor and Employment Security which is pending as of the effective date of any transfer under this act. The successor department, agency, or entity responsible for the program, activity, or function relative to the proceeding shall be substituted, as of the effective date of the applicable transfer under this act, for the Department of Labor and Employment Security as a party in interest in any such proceedings.*

Section 110. *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 111. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2000, except that this act shall not take effect unless Committee Substitute for Senate Bill 2050, or similar legislation reassigning responsibilities of the Division of Workforce and Employment Opportunities of the Department of Labor and Employment Security to another agency or entity, becomes a law.

And the title is amended as follows:

On page 1, line 2, through page 10, line 29,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to labor and employment security; repealing s. 20.171, F.S., relating to the authority and organizational structure of the Department of Labor and Employment Security; providing for a type one transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to labor organizations and child labor to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to migrant and farm labor registration to the Department of Insurance; providing for a type two transfer of other workplace regulation functions to the Department of Insurance; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Insurance; amending s. 20.13, F.S.; providing for a Division of Workers' Compensation in the Department of Insurance; creating a Bureau of Workplace Regulation and a Bureau of Workplace Safety within the Division of Workers' Compensation of the Department of Insurance; providing for a type two transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; providing an exception; providing for transfer of unemployment appeals referees to the Unemployment Appeals Commission; requiring a contract for the Department of Revenue to provide unemployment tax collection services; providing for transfer of the Office of Information Systems from the Department of Labor and Employment Security to the Department of Management Services; providing an exception for certain portions of the office to be transferred to the Agency for Workforce Innovation; providing for a type two transfer of the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services; creating the Florida Task Force on Workplace Safety; prescribing membership of the task force; providing a purpose for the task force; providing for staffing, administration, and information sharing; requiring a report; authorizing the Division of Workers' Compensation to establish time-limited positions related to workplace safety; authorizing the division to establish permanent positions upon completion of the task force report; providing for transfer of certain records and property; providing for termination of the task force; amending s. 39 of ch. 99-240, Laws of Florida; providing for the transfer of the Division of Blind Services to the Department of Management Services rather than the Department of Education; revising the effective date of such transfer; providing legislative intent on the transfer of functions of the Department of Labor and Employment Security; providing for reemployment assistance to dislocated department employees; providing for hiring preferences for such employees; providing for the transfer of certain records and funds; creating the Labor and Employment Security Transition Team; prescribing membership of the transition team; providing for staffing; requiring reports; providing for the termination of the transition team; authorizing the transition team to use unexpended funds to settle certain claims; requiring the transition team to approve certain personnel hirings and transfers; requiring the submission of a budget amendment to allocate resources of the Department of Labor and Employment Security; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of this act; requiring the Department of Revenue to notify businesses relating to the transfer of unemployment compensation tax responsibilities; amending s. 287.012, F.S.; revising a definition to conform to the transfer of the Minority Business Advocacy and Assistance Office to the Department of Management Services; amending s. 287.0947, F.S.; providing for the Florida Advisory Council on Small and Minority Business Development to be created within the Department of Management Services; amending s. 287.09451, F.S.; reassigning the Minority Business Advocacy and Assistance Office to the Department of Management Services; conforming provisions;

amending s. 20.15, F.S.; establishing the Division of Occupational Access and Opportunity within the Department of Education; providing that the Occupational Access and Opportunity Commission is the director of the division; requiring the department to assign certain powers, duties, responsibilities, and functions to the division; excepting from appointment by the Commissioner of Education members of the commission, the Florida Rehabilitation Council, and the Florida Independent Living Council; amending s. 120.80, F.S.; providing that hearings on certain vocational rehabilitation determinations by the Occupational Access and Opportunity Commission need not be conducted by an administrative law judge; amending s. 413.011, F.S.; revising the internal organizational structure of the Division of Blind Services; requiring the division to implement the provisions of a 5-year plan; requiring the division to contract with community-based rehabilitation providers for the delivery of certain services; revising references to blind persons; requiring the Division of Blind Services to issue recommendations to the Legislature on a method of privatizing the Business Enterprise Program; providing definitions for the terms "community-based rehabilitation provider," "council," "plan," and "state plan"; renaming the Advisory Council for the Blind; revising the membership and functions of the council to be consistent with federal law; requiring the council to prepare a 5–year strategic plan; requiring the council to coordinate with specified entities; deleting provisions providing for the Governor to resolve funding disagreements between the division and the council; directing that meetings be held in locations accessible to individuals with disabilities; amending s. 413.014, F.S.; requiring the Division of Blind Services to report on use of community–based providers to deliver services; amending s. 413.034, F.S.; revising the membership of the Commission for Purchase from the Blind or Other Severely Handicapped to conform to transfer of the Division of Blind Services and renaming of the Division of Vocational Rehabilitation; amending ss. 413.051, 413.064, 413.066, 413.067, 413.345, F.S.; conforming departmental references to reflect the transfer of the Division of Blind Services to the Department of Management Services; expressing the intent of the Legislature that the provisions of this act relating to blind services not conflict with federal law; providing procedures in the event such conflict is asserted; amending s. 413.82, F.S.; providing definitions for the terms "community rehabilitation provider," "plan," and "state plan"; conforming references; amending s. 413.83, F.S.; specifying that appointment of members to the commission is subject to Senate confirmation; revising composition of and appointments to the commission; eliminating a requirement that the Rehabilitation Council serve the commission; authorizing the commission to establish an advisory council composed of representatives from not–for–profit organizations under certain conditions; clarifying the entitlement of commission members to reimbursement for certain expenses; amending s. 413.84, F.S.; designating the commission as the director of the Division of Occupational Access and Opportunity; specifying responsibilities of the commission; authorizing the commission to make administrative rules; authorizing the commission to hire a division director; revising time for implementation of the 5-year plan prepared by the commission; expanding the authority of the commission to contract with the corporation; removing a requirement for federal approval to contract with a direct-support organization; authorizing the commission to appear on its own behalf before the Legislature; amending s. 413.85, F.S.; eliminating limitations on the tax status of the Occupational Access and Opportunity Corporation; specifying that the corporation is not an agency for purposes of certain government procurement laws; applying provisions relating to waiver of sovereign immunity to the corporation; providing that the board of directors of the corporation be composed of no fewer than seven and no more than 15 members and that a majority of its members be members of the commission; authorizing the corporation to hire certain individuals employed by the Division of Vocational Rehabilitation; amending s. 413.86, F.S.; conforming an organizational reference; creating s. 413.865, F.S.; requiring coordination between vocational rehabilitation and other workforce activities; requiring development of performance measurement methodologies; amending s. 413.87, F.S.; conforming provision to changes made in the act; amending s. 413.88, F.S.; conforming provision to changes made in the act; amending s. 413.89, F.S.; designating the department the state agency effective July 1, 2000, and the commission the state agency effective October 1, 2000, for purposes of federal law; deleting an obsolete reference; authorizing the department and the commission to provide for continued administration during the time between July 1, 2000, and October 1, 2000; amending s. 413.90, F.S.; deleting provision relating to designation of an administrative entity; designating a state agency and state unit for specified purposes; transferring certain components of the Division of Vocational Rehabilitation to the Department of Education; requiring a reduction in positions; providing for a budget amendment; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Education; amending s. 413.91, F.S.; deleting reference to designated administrative entity; requiring the commission to assure that all contractors maintain quality control and are fit to undertake responsibilities; amending s. 413.92, F.S.; specifying entities answerable to the Federal Government in the event of a conflict with federal law; repealing s. 413.93, F.S., relating to the designated state agency under federal law; amending s. 440.02, F.S.; conforming the definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.207, F.S.; conforming a departmental reference; amending s. 440.385, F.S.; deleting obsolete provisions; conforming departmental references relating to the Florida Self–Insurance Guaranty Association, Inc.; amending s. 440.44, F.S.; conforming provisions; amending s. 440.4416, F.S.; reassigning the Workers' Compensation Oversight Board to the Department of Insurance; amending s. 440.45, F.S.; reassigning the Office of the Judges of Compensation Claims to the Department of Insurance; amending s. 440.49, F.S.; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending ss. 215.311, 413.091, 440.102, 440.125, 440.13, 440.25, 440.525, and 440.59, F.S.; conforming agency references to reflect the transfer of programs from the Department of Labor and Employment Security to the Department of Management Services and the Department of Insurance; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Department of Management Services rather than the Department of Labor and Employment Security; conforming provisions; providing for the transfer of the Unemployment Appeals Commission to the Department of Management Services by a type two transfer; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Department of Management Services; conforming the definition of "division" to the transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; amending s. 443.131, F.S.; conforming provisions to changes made in the act; amending s. 443.151, F.S.; providing for unemployment compensation appeals referees to be appointed by the Unemployment Appeals Commission; requiring the Department of Management Services to provide facilities to the appeals referees and the commission; requiring the Division of Unemployment Compensation to post certain notices in one–stop career centers; amending s. 443.171, F.S.; conforming duties of the Division of Unemployment Compensation and appointment of the Unemployment Compensation Advisory Council to reflect program transfer to the Agency for Workforce Innovation; conforming cross-references; amending ss. 443.1715 and 443.1716, F.S.; conforming provisions to changes made in the act; amending s. 443.211, F.S.; conforming provisions; authorizing the Unemployment Appeals Commission to approve payments from the Employment Security Administration Trust Fund; providing for use of funds in the Special Employment Security Administration Trust Fund by the Unemployment Appeals Commission and the Agency for Workforce Innovation; amending ss. 443.221 and 443.231, F.S.; conforming provisions to changed made in the act; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 447.203, F.S.; clarifying the definition of professional employee; amending s. 447.205, F.S.; conforming provisions to reflect the transfer of the Public Employees Relations Commission to the Department of Management Services and deleting obsolete provisions; amending s. 447.208, F.S.; clarifying the

procedure for appeals, charges, and petitions; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for the Public Employees Relations Commission to share registration information with the Department of Insurance; amending s. 447.307, F.S.; authorizing the commission to modify existing bargaining units; amending s. 447.503, F.S.; specifying procedures when a party fails to appear for a hearing; amending s. 447.504, F.S.; authorizing the commission to stay certain procedures; providing for the transfer of the commission to the Department of Management Services by a type two transfer; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; requiring the Department of Revenue to report on disbursement and cost-allocation of unemployment compensation funds; requiring the Department of Revenue to conduct a feasibility study on privatization of unemployment compensation activities; authorizing the Department of Labor and Employment Security to offer a voluntary reduction–in–force payment to certain employees; requiring a plan to meet specified criteria; providing for legislative review; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; providing for severability; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; amending s. 440.15, F.S.; providing for the agency to participate in the establishment and use of a uniform permanent impairment rating schedule; amending s. 440.491, F.S.; providing for agency oversight of workers' compensation rehabilitation providers; amending s. 440.207, F.S.; providing a conditional effective date.

Rep. Gay moved the adoption of the amendment, which was adopted.

THE SPEAKER IN THE CHAIR

Rep. Gay moved to suspend the rules and read CS for CS for SB 1206, as amended, the third time by title.

Rep. Feeney suggested the absence of a quorum. A quorum was present.

The question recurred on the motion by Rep. Gay to suspend the rules and read CS for CS for SB 1206 the third time by title, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 603

Yeas—75

The Chair	Bilirakis	Crow	Garcia
Albright	Bitner	Detert	Gay
Alexander	Bradley	Diaz de la Portilla, R.	Goode
Andrews	Bronson	Dockery	Goodlette
Argenio	Brummer	Farkas	Green, C.
Argenziano	Byrd	Fasano	Harrington
Arnall	Cantens	Feeney	Hart
Bainter	Casey	Fiorentino	Johnson
Ball	Constantine	Flanagan	Jones
Barreiro	Crady	Fuller	Kelly
Bense	Crist	Futch	Kilmer
Kyle	Ogles	Russell	Sublette
Littlefield	Patterson	Sanderson	Trovillion
Lynn	Peaden	Sembler	Tullis
Maygarden	Posey	Smith, K.	Villalobos
Melvin	Pruitt	Sorensen	Wallace
Merchant	Putnam	Spratt	Waters
Miller, J.	Rojas	Stansel	Wise
Morroni	Rubio	Starks	

Nays—40

Betancourt	Effman	Jacobs	Ritter
Bloom	Eggelletion	Kosmas	Roberts
Boyd	Frankel	Lawson	Ryan
Brown	Gottlieb	Levine	Smith, C.
Bucher	Greene, A.	Logan	Sobel
Bullard	Greenstein	Miller, L.	Stafford
Bush	Hafner	Minton	Suarez
Chestnut	Henriquez	Rayson	Turnbull
Cosgrove	Heyman	Reddick	Wiles
Edwards	Hill	Ritchie	Wilson

Votes after roll call:
Yeas—Murman

Recessed

The House stood in informal recess at 4:25 p.m.

Reconvened

The House was called to order by the Speaker at 4:47 p.m. A quorum was present.

Messages from the Senate

CS for CS for SB 1334—A bill to be entitled An act relating to information technology; requiring facilitation of a Network Access Point by the State Technology Office; requiring Enterprise Florida, Inc., to create and implement a marketing and image campaign; requiring development and maintenance of a website for information and technology industry marketing and workforce recruitment; providing that certain limitations expressed in development orders do not preclude the approval of a Network Access Point (NAP), if the NAP satisfies specified conditions; amending s. 212.08, F.S.; providing a sales tax exemption on certain equipment used to deploy broadband technologies associated with a Network Access Point; requiring a study by the Legislature to identify obstacles related to the affordable access to consumers by Internet service providers; providing an appropriation; authorizing the State Technology Office to adopt rules; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on point of order by Rep. Merchant, under Rule 146, on Amendment 2 by Rep. Rojas.

The House returned to consideration of the pending point of order.

Subsequently, **Amendment 2** was withdrawn.

Representative(s) Rojas offered the following:

(Amendment Bar Code: 215579)

Amendment 3 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *(1) SHORT TITLE.—This section may be cited as the "Uniform Electronic Transaction Act."*

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

(a) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules,

regulations, and procedures given the effect of agreements under provisions of law otherwise applicable to a particular transaction.

(b) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

(c) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(d) "Contract" means the total legal obligation resulting from the parties' agreement as affected by this act and other applicable provisions of law.

(e) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(f) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

(g) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(h) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(i) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of this state, including a county, municipality, or other political subdivision of this state and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

(j) "Information" means data, text, images, sounds, codes, computer programs, software, databases, or other similar representations of knowledge.

(k) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

(l) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(m) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including public records as defined in s. 119.011(1), Florida Statutes.

(n) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(o) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.

(p) "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, insurance, or governmental affairs.

(3) SCOPE.—

(a) Except as otherwise provided in paragraph (b), this section applies to electronic records and electronic signatures relating to a transaction.

(b) This section does not apply to a transaction to the extent the transaction is governed by:

1. A provision of law governing the creation and execution of wills, codicils, or testamentary trusts;

2. The Uniform Commercial Code other than ss. 671.107 and 671.206, Florida Statutes, and chapters 672 and 680, Florida Statutes;

3. The Uniform Computer Information Transactions Act; or

4. Rules relating to judicial procedure.

(c) This section applies to an electronic record or electronic signature otherwise excluded under paragraph (b) to the extent such record or signature is governed by a provision of law other than those specified in paragraph (b).

(d) A transaction subject to this section is also subject to other applicable provisions of substantive law.

(4) PROSPECTIVE APPLICATION.—This section applies to any electronic record or electronic signature created, generated, sent, communicated, received, or stored on or after July 1, 2000.

(5) USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES; VARIATION BY AGREEMENT.—

(a) This section does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

(b) This section applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties' conduct.

(c) A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this paragraph may not be waived by agreement.

(d) Except as otherwise provided in this section, the effect of any provision of this section may be varied by agreement. The presence in certain provisions of this section of the words "unless otherwise agreed," or words of similar import, does not imply that the effect of other provisions may not be varied by agreement.

(e) Whether an electronic record or electronic signature has legal consequences is determined by this section and other applicable provisions of law.

(6) CONSTRUCTION AND APPLICATION.—This section shall be construed and applied to:

(a) Facilitate electronic transactions consistent with other applicable provisions of law.

(b) Be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices.

(c) Effectuate its general purpose to make uniform the law with respect to the subject of this section among states enacting similar legislation.

(7) LEGAL RECOGNITION OF ELECTRONIC RECORDS, ELECTRONIC SIGNATURES, AND ELECTRONIC CONTRACTS.—

(a) A record or signature may not be denied legal effect or enforceability solely because the record or signature is in electronic form.

(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in the formation of the contract.

(c) If a provision of law requires a record to be in writing, an electronic record satisfies such provision.

(d) If a provision of law requires a signature, an electronic signature satisfies such provision.

(8) PROVISION OF INFORMATION IN WRITING; PRESENTATION OF RECORDS.—

(a) If parties have agreed to conduct a transaction by electronic means and a provision of law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent, or delivered, as the case may be, in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or the sender's information processing system inhibits the ability of the recipient to print or store the electronic record.

(b) If a provision of law other than this section requires a record to be posted or displayed in a certain manner; to be sent, communicated, or transmitted by a specified method; or to contain information that is formatted in a certain manner, the following rules apply:

1. The record must be posted or displayed in the manner specified in the other provision of law.

2. Except as otherwise provided in subparagraph (d)2., the record must be sent, communicated, or transmitted by the method specified in the other provision of law.

3. The record must contain the information formatted in the manner specified in the other provision of law.

(c) If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient.

(d) The requirements of this section may not be varied by agreement, provided:

1. To the extent a provision of law other than this section requires information to be provided, sent, or delivered in writing but permits that requirement to be varied by agreement, the requirement under paragraph (a) that the information be in the form of an electronic record capable of retention may also be varied by agreement.

2. A requirement under a law other than this section to send, communicate, or transmit a record by first-class mail, postage prepaid, or other regular United States mail, may be varied by agreement to the extent permitted by the other provision of law.

(9) ATTRIBUTION AND EFFECT OF ELECTRONIC RECORD AND ELECTRONIC SIGNATURE.—

(a) An electronic record or electronic signature is attributable to a person if the record or signature was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

(b) The effect of an electronic record or electronic signature attributed to a person under paragraph (a) is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.

(10) EFFECT OF CHANGE OR ERROR.—If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules apply:

(a) If the parties have agreed to use a security procedure to detect changes or errors and one party has conformed to the procedure, but the other party has not, and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record.

(b) In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error made by the individual in dealing with the electronic agent of another person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

1. Promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person.

2. Takes reasonable steps, including steps that conform to the other person's reasonable instructions, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record.

3. Has not used or received any benefit or value from the consideration, if any, received from the other person.

(c) If paragraphs (a) and (b) do not apply, the change or error has the effect provided by the other provision of law, including the law of mistake, and the parties' contract, if any.

(d) Paragraphs (b) and (c) may not be varied by agreement.

(11) NOTARIZATION AND ACKNOWLEDGMENT.—

(a) If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized by applicable law to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record. Neither a rubber stamp nor an impression type seal is required for an electronic notarization.

(b) A first-time applicant for a notary commission must submit proof that the applicant has, within 1 year prior to the application, completed at least 3 hours of interactive or classroom instruction, including electronic notarization, and covering the duties of the notary public. Courses satisfying this section may be offered by any public or private sector person or entity registered with the Executive Office of the Governor and must include a core curriculum approved by that office.

(12) RETENTION OF ELECTRONIC RECORDS; ORIGINALS.—

(a) If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

1. Accurately reflects the information set forth in the record after the record was first generated in final form as an electronic record or otherwise.

2. Remains accessible for later reference.

(b) A requirement to retain a record in accordance with paragraph (a) does not apply to any information the sole purpose of which is to enable the record to be sent, communicated, or received.

(c) A person may satisfy paragraph (a) by using the services of another person if the requirements of paragraph (a) are satisfied.

(d) If a provision of law requires a record to be presented or retained in its original form, or provides consequences if the record is not presented or retained in its original form, that law is satisfied by an electronic record retained in accordance with paragraph (a).

(e) If a provision of law requires retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with paragraph (a).

(f) A record retained as an electronic record in accordance with paragraph (a) satisfies a provision of law requiring a person to retain a record for evidentiary, audit, or similar purposes, unless a provision of law enacted after July 1, 2000, specifically prohibits the use of an electronic record for the specified purpose.

(g) This section does not preclude a governmental agency of this state from specifying additional requirements for the retention of a record subject to the agency's jurisdiction.

(13) ADMISSIBILITY IN EVIDENCE.—In a proceeding, evidence of a record or signature may not be excluded solely because the record or signature is in electronic form.

(14) AUTOMATED TRANSACTIONS.—In an automated transaction, the following rules apply:

(a) A contract may be formed by the interaction of electronic agents of the parties, even if no individual was aware of or reviewed the electronic agents' actions or the resulting terms and agreements.

(b) A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual's own behalf or for another person, including by an interaction in which the individual performs actions that the individual is free to refuse to perform and which the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance.

(c) The terms of the contract are determined by the substantive law applicable to the contract.

(15) TIME AND PLACE OF SENDING AND RECEIVING.—

(a) Unless otherwise agreed between the sender and the recipient, an electronic record is sent when the record:

1. Is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record.

2. Is in a form capable of being processed by that system.

3. Enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.

(b) Unless otherwise agreed between a sender and the recipient, an electronic record is received when the record enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and is in a form capable of being processed by that system.

(c) Paragraph (b) applies even if the place the information processing system is located is different from the place the electronic record is deemed to be received under paragraph (d).

(d) Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the sender's place of business and to be received at the recipient's place of business. For purposes of this paragraph, the following rules apply:

1. If the sender or recipient has more than one place of business, the place of business of that person is the place having the closest relationship to the underlying transaction.

2. If the sender or the recipient does not have a place of business, the place of business is the sender's or recipient's residence, as the case may be.

(e) An electronic record is received under paragraph (b) even if no individual is aware of its receipt.

(f) Receipt of an electronic acknowledgment from an information processing system described in paragraph (b) establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

(g) If a person is aware that an electronic record purportedly sent under paragraph (a), or purportedly received under paragraph (b), was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable provisions of law. Except to the extent permitted by the other provisions of law, the requirements of this paragraph may not be varied by agreement.

(h) An automated transaction does not establish the acceptability of an electronic record for recording purposes.

(16) TRANSFERABLE RECORDS.—

(a) For purposes of this paragraph, "transferable record" means an electronic record that:

1. Would be a note under chapter 673, Florida Statutes, or a document under chapter 677, Florida Statutes, if the electronic record were in writing.

2. The issuer of the electronic record expressly has agreed is a transferable record.

(b) A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

(c) A system satisfies paragraph (b), and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that:

1. A single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in subparagraphs 4., 5., and 6., unalterable.

2. The authoritative copy identifies the person asserting control as the person to which the transferable record was issued or, if the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred.

3. The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian.

4. Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control.

5. Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy.

6. Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(d) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in s. 671.201(20), of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under s. 673.3021, s. 677.501, or s. 679.308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and indorsement are not required to obtain or exercise any of the rights under this paragraph.

(e) Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the Uniform Commercial Code.

(f) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

(17) CREATION AND RETENTION OF ELECTRONIC RECORDS AND CONVERSION OF WRITTEN RECORDS BY GOVERNMENTAL AGENCIES.—Each governmental agency shall determine whether, and the extent to which, such agency will create and retain electronic records and convert written records to electronic records.

(18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY GOVERNMENTAL AGENCIES.—

(a) Except as otherwise provided in paragraph (12)(f), each governmental agency shall determine whether, and the extent to which, such agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(b) To the extent that a governmental agency uses electronic records and electronic signatures under paragraph (a), the state technology office, in consultation with the governmental agency, giving due consideration to security, may specify:

1. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

2. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process.

3. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

4. Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

(c) Except as otherwise provided in paragraph (12)(f), this section does not require a governmental agency of this state to use or permit the use of electronic records or electronic signatures.

(d) Service charges and fees otherwise established by law applicable to the filing of nonelectronic records shall apply in kind to the filing of electronic records.

(19) INTEROPERABILITY.—The governmental agency which adopts standards pursuant to subsection (18) may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other states and the Federal Government and nongovernmental persons interacting with governmental agencies of this state. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing the most appropriate standard for a particular application.

(20) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 2. *(1) The Legislature finds that a proper and legitimate state purpose is served by providing the public with access to public records and information on the Internet and hereby determines that the provisions of this section fulfill and further an important state interest.*

(2) No later than January 1, 2002, the county recorder in each county shall provide a current index of documents recorded in the official records of the county for the period beginning no later than January 1, 1990, on a publicly available Internet website which shall also contain a document requisition point for obtaining images or copies of the documents reflected in the index and which has the capability of electronically providing the index data to a central statewide search site.

(3) Each county recorder shall use appropriate Internet security measures to ensure that no person has the ability to alter or to modify any public record.

(4) Unless otherwise provided by law, no information retrieved electronically pursuant to this section shall be admissible in court as an authenticated document.

(5) By January 1, 2006, each county recorder shall provide for electronic retrieval, at a minimum, of images of documents referenced as the index required to be maintained on the county's official records website by this section.

Section 3. Section 282.005, Florida Statutes, is amended to read:

282.005 Legislative findings and intent.—The Legislature finds that:

(1) Information is a strategic asset of the state, and, as such, it should be managed as a valuable state resource.

(2) The state makes significant investments in information technology resources in order to manage information and to provide services to its citizens.

(3) An office must be created to provide support and guidance to enhance the state's use and management of information technology resources and to design, procure, and deploy, on behalf of the state, information technology resources.

(4) The cost-effective deployment of technology and information resources by state agencies can best be managed by a Chief Information Officer.

(5)~~(3)~~ The head of each state agency, *in consultation with the State Technology Office,* has primary responsibility and accountability for the planning, budgeting, acquisition, development, implementation, use, and management of information technology resources within the agency.

(6)~~(4)~~ The expanding need for, use of, and dependence on information technology resources requires focused management attention and managerial accountability by state agencies and the state as a whole.

(7)~~(5)~~ The agency head, *in consultation with the State Technology Office,* has primary responsibility for the agency's information technology resources and for their use in accomplishing the agency's mission. However, each agency shall also use its information technology resources in the best interests of the state as a whole and thus contribute to and make use of shared data and related resources whenever appropriate.

(8)~~(6)~~ The state shall provide, by whatever means is most cost-effective and efficient, the information resources management infrastructure needed to collect, store, and process the state's data and information, provide connectivity, and facilitate the exchange of data and information among both public and private parties.

(9)~~(7)~~ A necessary part of the state's information resources management infrastructure is a statewide communications system for all types of signals, including voice, data, video, radio, and image.

(10)~~(8)~~ To ensure the best management of the state's information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the Florida Community College System; to the Supreme Court, for the judicial branch; ~~and~~ to each state attorney and public defender*; and to the State Technology Office for the executive branch of state government.*

(11) Notwithstanding anything to the contrary contained in this act, the State Technology Office shall take no action affecting the supervision or control of the personnel or data-processing equipment that the Comptroller deems necessary for the exercise of his or her official constitutional duties as set forth in s. 4(d) and 4(e) of Art. IV of the State Constitution.

(12) Notwithstanding anything to the contrary contained in this act, the State Technology Office shall take no action affecting the supervision and control of the personnel or data-processing equipment which the Attorney General deems necessary for the exercise of his or her official

constitutional duties as set forth in s. 4(c) of Art. IV of the State Constitution.

Section 4. Section 282.101, Florida Statutes, is amended to read:

282.101 Construction of terms, *"information technology"* ~~"communications"~~ or *"information technology* ~~"communications~~ system."—Any reference in this part to *"information technology"* ~~"communications"~~ or *"information technology* ~~"communications~~ system" means any transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by all agencies and political subdivisions of state government*, and a full-service, information-processing facility offering hardware, software, operations, integration, networking, and consulting services.*

Section 5. Section 282.102, Florida Statutes, is amended to read:

282.102 Powers and duties of the *State Technology Office of the* Department of Management Services.—*There is created a State Technology Office, administratively placed within* the Department of Management Services*, which shall be headed by a Chief Information Officer who is appointed by the Governor and is in the Senior Management Service. The office* shall have the following powers, duties, and functions:

(1) To publish electronically the portfolio of services available from the *office* ~~department~~, including pricing information; the policies and procedures of the *office* ~~department~~ governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years. The *office* ~~department~~ shall provide a hard copy of its portfolio of services upon request.

(2) To coordinate the purchase, lease, and use of all *information technology* ~~communications~~ services for state *agencies* ~~government~~, including communications services provided as part of any other total system to be used by the state or any of its agencies.

(3) To advise and render aid to state agencies and political subdivisions of the state as to systems or methods to be used for organizing and meeting *information technology* ~~communications~~ requirements efficiently and effectively.

(4) To *integrate* ~~consolidate~~ the *information technology* ~~communications~~ systems and services of state agencies ~~and to provide for their joint use by the agencies when determined by the department to be economically efficient or performance-effective~~.

(5) To adopt technical standards for the state *information technology* ~~communications~~ system which will assure the interconnection of computer networks and information systems of state agencies.

(6) To assume management responsibility for any *integrated information technology* ~~consolidated communications~~ system or service when determined by the *office* ~~department~~ to be economically efficient or performance-effective.

(7) To enter into agreements for the support and use of the *information technology* ~~communications~~ services of state agencies and of political subdivisions of the state.

(8) To use or acquire, with agency concurrence, *information technology* ~~communications~~ facilities now owned or operated by any state agency.

(9) To standardize policies and procedures for the use of such services.

(10) To purchase from or contract with *information technology providers* ~~suppliers and communications companies~~ for *information technology* ~~communications~~ facilities or services, including private line services.

(11) To apply for, receive, and hold, or assist agencies in applying for, receiving, or holding, such authorizations, licenses, and allocations or channels and frequencies to carry out the purposes of ss. 282.101-282.109.

(12) To acquire real estate, equipment, and other property.

(13) To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(14) To delegate to state agencies the powers of acquisition and utilization of *information technology* ~~communications~~ equipment, facilities, and services or to control and approve the purchase, lease, and use of all *information technology* ~~communications~~ equipment, services, and facilities, including communications services provided as part of any other total system to be used by the state or any of its agencies. ~~This subsection does not apply to the data processing hardware of an agency as defined in this part.~~

(15) To take ownership, custody, and control of existing communications equipment and facilities, with agency concurrence, including all right, title, interest, and equity therein, to carry out the purposes of ss. 282.101-282.109. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications company.

(16) To *adopt* ~~prescribe~~ rules *pursuant to ss. 120.54 and 120.536(1) relating to information technology and to administer the provisions of this part* ~~and regulations for the use of the state communications system~~.

(17) To provide a means whereby political subdivisions of the state may use the state *information technology* ~~communications~~ system upon such terms and under such conditions as the *office* ~~department~~ may establish.

(18) To apply for and accept federal funds for any of the purposes of ss. 282.101-282.109 as well as gifts and donations from individuals, foundations, and private organizations.

(19) To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(20) Unless delegated to the agencies *by the Chief Information Officer*, to manage and control, but not intercept or interpret, communications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with the standards and policies of all state agencies and the service agreements executed with state agencies.

(21) To plan, design, and conduct experiments *for information technology* ~~in communications~~ services, equipment, and technologies, and to implement enhancements in the state *information technology* ~~communications~~ system when *in the public interest* ~~justified~~ and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed *2*~~1~~ percent of the annual budget for the SUNCOM Network for any fiscal year *or as provided in the General Appropriations Act for fiscal year 2000-2001*. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

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

(23) To provide an integrated electronic system for deploying government products, services, and information to individuals and businesses.

(a) The integrated electronic system shall reflect cost-effective deployment strategies in keeping with industry standards and practices, including protections of security of private information as well as maintenance of public records.

(b) The office shall provide a method for assessing fiscal accountability for the integrated electronic system and shall establish the organizational structure required to implement this system.

(24) To provide administrative support to the Chief Information Officers' Council and other workgroups created by the Chief Information Officer.

(25) To facilitate state information technology education and training for senior management and other agency staff.

(26) To prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resources management, when requested.

(27) To prepare, publish, and disseminate the State Annual Report on Enterprise Resource Planning and Management under s. 282.310.

(28) To study and make a recommendation to the Governor and Legislature on the feasibility of implementing online voting in this state.

(29) To facilitate the development of a network access point in this state, as needed.

Section 6. Section 282.103, Florida Statutes, is amended to read:

282.103 SUNCOM Network; exemptions from the required use.—

(1) There is created within the *State Technology Office of the* Department of Management Services the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(2) The *State Technology Office of the* Department of Management Services shall design, engineer, implement, manage, and operate through state ownership, commercial leasing, or some combination thereof, the facilities and equipment providing SUNCOM Network services, and shall develop a system of equitable billings and charges for communication services.

(3) All state agencies are required to use the SUNCOM Network for agency communications services as the services become available; however, no agency is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency, the agency shall notify the *State Technology Office of the* Department of Management Services in writing and detail the requirements for that communications service. If the *office* ~~department~~ is unable~~, within 90 days,~~ to meet an agency's requirements by enhancing SUNCOM Network service, the *office* ~~department~~ shall grant the agency an exemption from the required use of specified SUNCOM Network services.

Section 7. Section 282.104, Florida Statutes, is amended to read:

282.104 Use of state SUNCOM Network by municipalities.—Any municipality may request the *State Technology Office of the* Department of Management Services to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and under such conditions as the department may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM Network services and as invoiced by the *office* ~~department~~. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 8. Section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(1) The *State Technology Office of the* Department of Management Services shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Expend the majority of its total direct revenues for the provision of contractual services to the state, a municipality, or a political subdivision of the state; and

(b) Receive only a small portion of its total revenues from any source other than a state agency, a municipality, or a political subdivision of the state during the period of time SUNCOM Network services are requested.

(2) Each nonprofit corporation seeking authorization to use the state SUNCOM Network pursuant to this section shall provide to the *office* ~~department~~, upon request, proof of compliance with subsection (1).

(3) Nonprofit corporations established pursuant to general law and an association of municipal governments which is wholly owned by the municipalities shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the *office* ~~department~~.

(4) Institutions qualified pursuant to s. 240.605 shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the *office* ~~department~~. Such entities shall not be required to satisfy the other criteria of this section.

(5) Private, nonprofit elementary and secondary schools shall be eligible for rates and services on the same basis as public schools, providing these nonpublic schools do not have an endowment in excess of $50 million.

Section 9. Section 282.106, Florida Statutes, is amended to read:

282.106 Use of SUNCOM Network by libraries.—The *State Technology Office of the* Department of Management Services may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, the State University System, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 10. Subsections (1) and (2) of section 282.107, Florida Statutes, are amended to read:

282.107 SUNCOM Network; criteria for usage.—

(1) The *State Technology Office* ~~division~~ shall periodically review the qualifications of subscribers using the state SUNCOM Network and shall terminate services provided to any facility not qualified pursuant to ss. 282.101-282.111 or rules adopted hereunder. In the event of nonpayment of invoices by subscribers whose SUNCOM Network invoices are paid from sources other than legislative appropriations, such nonpayment represents good and sufficient reason to terminate service.

(2) The *State Technology Office* ~~division~~ shall adopt rules setting forth its procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties prior to termination of voice communications service.

Section 11. Section 282.1095, Florida Statutes, is amended to read:

282.1095 State agency law enforcement radio system.—

(1) The *State Technology Office of the* Department of Management Services may acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through a mutual aid channel. The Joint Task Force on State Agency Law Enforcement Communications is established in the *State Technology Office of the* Department of Management Services to advise the *office* ~~department~~ of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the *State Technology Office of the* Department of Management Services. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(2)(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of eight members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Fish and Wildlife Conservation Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Insurance who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

(b) Each appointed member of the joint task force shall serve at the pleasure of the appointing official. Any vacancy on the joint task force shall be filled in the same manner as the original appointment.

(c) The joint task force shall elect a chair from among its members to serve a 1-year term. A vacancy in the chair of the joint task force must be filled for the remainder of the unexpired term by an election of the joint task force members.

(d) The joint task force shall meet as necessary, but at least quarterly, at the call of the chair and at the time and place designated by him or her.

(e) The per diem and travel expenses incurred by a member of the joint task force in attending its meetings and in attending to its affairs shall be paid pursuant to s. 112.061, from funds budgeted to the state agency that the member represents.

(f) The *State Technology Office of the* Department of Management Services is hereby authorized to rent or lease space on any tower under its control. The *office* ~~department~~ may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the *office* ~~department~~ for each site, when it is determined to be practicable and feasible to make space available. The *office* ~~department~~ may refuse to lease space on any tower at any site. All moneys collected by the *office* ~~department~~ for such rents, leases, and subleases shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund and may be used by the *office* ~~department~~ to construct, maintain, or support the system.

(g) The *State Technology Office of the* Department of Management Services is hereby authorized to rent, lease, or sublease ground space on lands acquired by the *office* ~~department~~ for the construction of privately owned or publicly owned towers. The *office* ~~department~~ may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the *office* ~~department~~ to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the State Agency Law Enforcement Radio System Trust Fund.

(3) Upon appropriation, moneys in the trust fund may be used by the *office* ~~department~~ to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the *office* ~~department~~ to provide for payment of the recurring maintenance costs of the system. Moneys in the trust fund may be appropriated to maintain and enhance, over and above existing agency budgets, existing radio equipment systems of the state agencies represented by the task force members, in an amount not to exceed 10 percent per year per agency, of the existing radio equipment inventory until the existing radio equipment can be replaced pursuant to implementation of the statewide radio communications system.

(4)(a) The joint task force, shall establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(b) The joint task force shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.

(5)(a) The *State Technology Office of the* Department of Management Services shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

(b) The positions necessary for the *office* ~~department~~ to accomplish its duties under this section shall be established through the budgetary process and shall be funded by the State Agency Law Enforcement Radio System Trust Fund.

Section 12. Section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is

achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the *State Technology Office of the* Department of Management Services with any information the *office* ~~department~~ requests for the purpose of implementing the provisions of subsection (2).

(2) The *State Technology Office of the* Department of Management Services is hereby authorized and directed to develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the *office* ~~department~~ shall divide the state into appropriate regions and shall develop a program which shall include, but not be limited to, the following provisions:

(a) The communications requirements for each county and municipality comprising the region.

(b) An interagency communications provision which shall depict the communication interfaces between municipal, county, and state law enforcement entities which operate within the region.

(c) Frequency allocation and use provision which shall include, on an entity basis, each assigned and planned radio channel and the type of operation, simplex, duplex, or half-duplex, on each channel.

(3) The *office* ~~department~~ shall adopt any necessary rules and regulations for implementing and coordinating the statewide system of regional law enforcement communications.

(4) The *Chief Information Officer of the State Technology Office* ~~Secretary of Management Services~~ or his or her designee is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

(5) No law enforcement communications system shall be established or present system expanded without the prior approval of the *State Technology Office of the* Department of Management Services.

(6) Within the limits of its capability, the Department of Law Enforcement is encouraged to lend assistance to the *State Technology Office of the* Department of Management Services in the development of the statewide system of regional law enforcement communications proposed by this section.

Section 13. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.—

(1)(a) The *State Technology Office* ~~Division of Information Services~~ of the Department of Management Services shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

1. "*Office*" ~~"Department"~~ means the *State Technology Office of the* Department of Management Services.

~~2. "Division" means the Division of Information Services of the Department of Management Services.~~

2.~~3.~~ "Information-system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

3.~~4.~~ "Customer" means a state agency or other entity which is authorized to utilize the SUNCOM Network pursuant to this part.

(2) The ~~division and the~~ Technology Resource Center shall:

(a) Serve the *office* ~~department~~ and other customers as an information-system utility.

(b) Cooperate with ~~the Information Resource Commission and with other~~ customers to offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the *office* ~~Division of Communications of the department~~ to facilitate interdepartmental networking and integration of network services for its customers.

(e) Assist customers in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The *office* ~~division~~ may contract with customers to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4) Acceptance of any new customer other than a state agency which is expected to pay during the initial 12 months of use more than 5 percent of the previous year's revenues of the Technology Resource Center shall be contingent upon approval of the Office of Planning and Budgeting in a manner similar to the budget amendment process in s. 216.181.

(5) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any *single* fiscal year. Any experiment, pilot project, plan, or design must be approved by the *Chief Information Officer of the State Technology Office* ~~data processing policy board of the center~~.

(6) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend the funds in the reserve account of its working capital trust fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the *Chief Information Officer of the State Technology Office* ~~data processing policy board of the center~~. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the *Chief Information Officer of the State Technology Office, provided that such approval conforms to any applicable provisions of chapter 216* ~~policy board~~.

Section 14. Section 282.21, Florida Statutes, is amended to read:

282.21 *The State Technology Office of the* Department of Management Services' electronic access services.—The *State Technology Office of the* Department of Management Services may collect fees for providing remote electronic access pursuant to s. 119.085. The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 15. Section 282.22, Florida Statutes, is amended to read:

282.22 *The State Technology Office of the* Department of Management Services production and dissemination of materials and products.—

(1) It is the intent of the Legislature that when materials, ~~and~~ products, *information, and services* are *collected or* developed by or under the direction of the *State Technology Office of the* Department of Management Services, through research and development or other efforts, including those subject to copyright, patent, or trademark, they shall be made available for use by state and local government entities at the earliest practicable date and in the most economical and efficient manner possible and consistent with chapter 119.

(2) To accomplish this objective the *office* ~~department~~ is authorized to publish *or partner with private sector entities to*~~,~~ produce~~,~~ or have produced materials and products and to make them readily available for appropriate use. The *office* ~~department~~ is authorized to charge an amount *or receive value-added services* adequate to cover the essential cost of producing and disseminating such materials*, information, services, or* ~~and~~ products and is authorized to sell *services, when*

appropriate, ~~copies for use~~ to any entity who is authorized to *use* ~~utilize~~ the SUNCOM Network pursuant to this part and to the public.

(3) In cases in which the materials or products are of such nature, or the circumstances are such, that it is not practicable or feasible for the *office* ~~department~~ to produce or have produced materials and products so developed, it is authorized, after review and approval by the *Executive Office of the Governor* ~~Department of State~~, to license, lease, assign, sell, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis, or for such other consideration as the *office* ~~department~~ shall deem proper and in the best interest of the state; the *office* ~~department~~ is authorized and directed to protect same against improper or unlawful use or infringement and to enforce the collection of any sums due for the manufacture or use thereof by any other party.

(4) All proceeds from the sale of such materials and products or other money collected pursuant to this section shall be deposited into the Grants and Donations Trust Fund of the *office* ~~department~~ and, when properly budgeted as approved by the Legislature and the Executive Office of the Governor, used to pay the cost of producing and disseminating materials and products to carry out the intent of this section.

Section 16. Section 282.303, Florida Statutes, is amended to read:

282.303 Definitions.—For the purposes of ss. 282.303-282.322, the term:

(1) "Agency" means those entities described in *s. 216.011(1)(mm)* ~~chapter 216~~.

~~(2) "State Technology Council" means the council created in s. 282.3091 to develop a statewide vision for, and make recommendations on, information resources management.~~

(2)~~(3)~~ "Chief Information Officer" means the person appointed by the agency head*, in consultation with the State Technology Office,* to coordinate and manage the information resources management policies and activities within that agency.

(3)~~(4)~~ "Chief Information Officers Council" means the council created in s. 282.315 to facilitate the sharing and coordination of information resources management issues and initiatives among the agencies.

(4)~~(5)~~ "State Technology Office" means the office created in *s. 282.102* ~~s. 282.3093~~ to support *and coordinate cost-effective deployment of technology and information resources and services across state government* ~~specified information resources management activities and to facilitate educational and training opportunities~~.

(5)~~(6)~~ *"Information technology* ~~"Data processing~~ hardware" means ~~information technology~~ equipment designed for the automated storage, manipulation, and retrieval of data*, voice or video,* by electronic or mechanical means, or both, and includes, but is not limited to, central processing units, front-end processing units, including miniprocessors and microprocessors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal controllers and data terminal equipment, ~~computer-related~~ word processing systems, ~~and~~ equipment and systems for computer networks*, personal communication devices, and wireless equipment.*

(6)~~(7)~~ *"Information technology* ~~"Data processing~~ services" means all services that include, but are not limited to, feasibility studies, systems design, software development*, enterprise resource planning, application service provision, consulting,* or time-sharing services.

(7)~~(8)~~ "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

(8)~~(9)~~ "Agency Annual *Enterprise Resource Planning and* ~~Information Resources~~ Management Report" means the report prepared by the Chief Information Officer of each agency as required by s. 282.3063.

(9)~~(10)~~ "State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management" means the report prepared by the State Technology Office as defined in s. 282.3093.

(10)~~(11)~~ "Project" means an undertaking directed at the accomplishment of a strategic objective relating to *enterprise* ~~information~~ resources management or a specific appropriated program.

(11)~~(12)~~ "*Enterprise resource planning and* ~~information resources~~ management" means the planning, budgeting, acquiring, developing, organizing, directing, training, and control associated with government information *technology* resources. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(12)~~(13)~~ "Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.

(13)~~(14)~~ "*Enterprise* ~~Information~~ resources management infrastructure" means the hardware, software, networks, data, human resources, policies, standards, and facilities that are required to support the business processes of an agency *or state enterprise.*

(14)~~(15)~~ "Technology Review Workgroup" means the workgroup created in s. 216.0446 to review and make recommendations on agencies' information resources management planning and budgeting proposals.

(15)~~(16)~~ "Total cost" means all costs associated with information resources management projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology resources to state universities to be used in instruction or research does not include fair market value.

(16) "Standards" means the use of current, open, nonproprietary, or non-vendor-specific technologies.

Section 17. Section 282.3031, Florida Statutes, is amended to read:

282.3031 Assignment of information resources management responsibilities.—For purposes of ss. 282.303-282.322, to ensure the best management of state information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the Florida Community College System; to the Supreme Court for the judicial branch; ~~and~~ to each state attorney and public defender*; and to the State Technology Office for the agencies within the executive branch of state government.*

Section 18. Subsections (1), (2), (3), (5), (7) and (10) of section 282.3032, Florida Statutes, are amended to read:

282.3032 Development and implementation of information systems; guiding principles.—To ensure the best management of the state's information technology resources, the following guiding principles are adopted:

(1) *Enterprise resource* ~~Cooperative~~ planning by state governmental entities is a prerequisite for the effective development and implementation of information systems to enable sharing of data *and cost-effective and efficient services to individuals.*

(2) The *enterprise resource* planning process, as well as coordination of development efforts, should include all principals from the outset.

(3) State governmental entities should be committed to maximizing information sharing and *participate in enterprise-wide efforts when appropriate* ~~moving away from proprietary positions taken relative to data they collect and maintain~~.

(4) State governmental entities should maximize public access to data, while complying with legitimate security, privacy, and confidentiality requirements.

(5) State governmental entities should strive for *an integrated* electronic *system for providing individuals with* ~~sharing of~~ information ~~via networks~~ to the extent possible.

(7) The redundant capture*, storage, and dissemination* of data should, insofar as possible, be eliminated.

(10) *Integration* ~~Consistency~~ of data elements should be achieved by establishing standard ~~data~~ definitions, ~~and~~ formats*, and integrated electronic systems,* when possible.

Section 19. Section 282.3041, Florida Statutes, is amended to read:

282.3041 State agency responsibilities.—The head of each state agency*, in consultation with the State Technology Office,* is responsible and accountable for *enterprise resource planning and* ~~information resources~~ management within the agency in accordance with legislative intent and as defined in this part.

Section 20. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency Chief Information Officer; appointment; duties.—

(1)(a) To assist the agency head in carrying out the *enterprise resource planning and* ~~information resources~~ management responsibilities, the agency head shall appoint*, in consultation with the State Technology Office,* or contract for a Chief Information Officer at a level commensurate with the role and importance of information technology resources in the agency. This position may be full time or part time.

(b) The Chief Information Officer must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the Chief Information Officer include, but are not limited to:

(a) Coordinating and facilitating agency *enterprise resource planning and* ~~information resources~~ management projects and initiatives.

(b) Preparing an agency annual report on *enterprise resource planning and* ~~information resources~~ management pursuant to s. 282.3063.

(c) Developing and implementing agency *enterprise resource planning and* ~~information resources~~ management policies, procedures, and standards, including specific policies and procedures for review and approval of the agency's purchases of information technology resources.

(d) Advising agency senior management as to the *enterprise resource planning and* ~~information resources~~ management needs of the agency for inclusion in planning documents required by law.

(e) Assisting in the development and prioritization of the *enterprise resource planning and* ~~information resources~~ management schedule of the agency's legislative budget request.

Section 21. Section 282.3063, Florida Statutes, is amended to read:

282.3063 Agency Annual *Enterprise Resource Planning and* ~~Information Resources~~ Management Report.—

(1) By September 1 of each year, and for the State University System within 90 days after completion of the expenditure analysis developed pursuant to s. 240.271(4), each Chief Information Officer shall prepare and submit to the State Technology Office an Agency Annual *Enterprise Resource Planning and* ~~Information Resources~~ Management Report. Following consultation with the State Technology *Office* ~~Council~~ and the Chief Information Officers Council, the Executive Office of the Governor and the fiscal committees of the Legislature shall jointly develop and issue instructions for the format and contents of the report.

(2) The Agency Annual *Enterprise Resource Planning and* ~~Information Resources~~ Management Report shall contain, at a minimum, the following:

(a) A forecast of *enterprise resource planning and* ~~information resources~~ management priorities and initiatives for the ensuing 2 years.

(b) A description of the current *enterprise resource planning and* ~~information resources~~ management infrastructure of the agency and planned changes for the ensuing 2 years.

(c) A status report on the major *enterprise resource planning and* ~~information resources~~ management projects of the agency.

(d) An assessment of the progress made toward implementing the prior fiscal year legislative appropriation to the agency for *enterprise resource planning and* ~~information resources~~ management.

(e) The estimated expenditures by the agency for *enterprise resource planning and* ~~information resources~~ management for the prior fiscal year.

(f) An inventory list, by major categories, of the agency information technology resources, which specifically identifies the resources acquired during the previous fiscal year.

(g) An assessment of opportunities for the agency to share *enterprise resource planning and* ~~information resources~~ management projects or initiatives with other governmental or private entities.

(h) A list of *enterprise resource planning and* ~~information resources~~ management issues the agency has identified as statewide issues ~~or critical information resources management issues for which the State Technology Council could provide future leadership or assistance~~.

Section 22. Section 282.3095, Florida Statutes, is created to read:

282.3095 Task Force on Privacy and Technology.—

(1) The State Technology Office shall create a Task Force on Privacy and Technology. The task force shall include professionals in the fields of communications, government, law enforcement, law, marketing, technology, and financial services, including, but not limited to, the Florida Association of Court Clerks and Comptrollers, the Florida Insurance Council, the Society of Consumer Affairs Professionals in Business, the Florida Retail Federation, and the Office of Statewide Prosecution. The task force shall study and make policy recommendations by February 1, 2001 to the Legislature and the Governor which includes, but is not limited to:

(a) Privacy issues under the constitutions and laws of the United States and the State of Florida, the Public Records Act, and the advent of the use of advanced technologies.

(b) Technology fraud, including, but not limited to, the illegal use of citizens' identities and credit.

(c) Balancing the traditional openness of public records in the state with the need to protect the privacy and identity of individuals.

(d) The sale of public records to private individuals and companies.

(2) The task force shall recommend to the State Technology Office no fewer than three pilot projects designed to further the deployment of electronic access with protection of privacy. The pilot projects shall apply technologies and operating procedures to increase electronic access to public records and to reduce the reliance on paper documents while including safeguards for the protection of privacy rights and confidential information.

(3) In order to carry out its duties and responsibilities, the task force shall hold public meetings necessary to gather the best available knowledge regarding these issues. The State Technology Office shall staff

the task force as necessary. The members of the task force shall serve without compensation, but shall be reimbursed for reasonable and necessary expenses of attending the public meetings and performing duties of the task force, including per diem and travel expenses as provided in s. 112.061. Such expenses shall be reimbursed from funds of the Department of Highway Safety and Motor Vehicles. This subsection expires July 1, 2001.

Section 23. Section 282.310, Florida Statutes, is amended to read:

282.310 State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management.—

(1) By *February* ~~January~~ 15 of each year, the State Technology Office shall develop a State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management.

(2) The State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management shall contain, at a minimum, the following:

(a) The state vision for *enterprise resource planning and* ~~information resources~~ management.

(b) A forecast of the state *enterprise resource planning and* ~~information resources~~ management priorities and initiatives for the ensuing 2 years.

(c) A summary of major statewide policies recommended by the State Technology *Office* ~~Council~~ for *enterprise resource planning and* ~~information resources~~ management.

(d) A summary of memoranda issued by the Executive Office of the Governor.

(e) An assessment of the overall progress *toward an integrated electronic system for deploying government products, services, and information to individuals and businesses and* ~~on~~ state *enterprise resource planning and* ~~information resources~~ management initiatives and priorities for the past fiscal year.

(f) A summary of major statewide issues related to improving *enterprise resource planning and* ~~information resources~~ management by the state.

(g) An inventory list, by major categories, of state information technology resources.

(h) A summary of the total *agency* expenditures *or descriptions of agreements, contracts, or partnerships* for *enterprise resource planning and* ~~information resources~~ management *and of enterprise-wide procurements done by the office on behalf of the state* ~~by each state agency~~.

(i) A summary of the opportunities for government agencies or entities to share *enterprise resource planning and* ~~information resources~~ management projects or initiatives with other governmental or private sector entities.

~~(j) A list of the information resources management issues that have been identified as statewide or critical issues for which the State Technology Council could provide leadership or assistance.~~

The state annual report shall also include *enterprise resource planning and* ~~information resources~~ management information from the annual reports prepared by the Board of Regents for the State University System, from the State Board of Community Colleges for the Florida Community College System, from the Supreme Court for the judicial branch, and from the Justice Administrative Commission on behalf of the state attorneys and public defenders. Expenditure information shall be taken from each agency's annual report as well as the annual reports of the Board of Regents, the State Board of Community Colleges, the Supreme Court, and the Justice Administrative Commission.

(3) The state annual report shall be made available in writing or through electronic means to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

Section 24. Section 282.315, Florida Statutes, is amended to read:

282.315 Chief Information Officers Council; creation.—The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide *enterprise resource planning and* ~~information resources~~ management issues is essential to improving state management of such resources.

(1) There is created a Chief Information Officers Council to:

(a) Enhance communication among the Chief Information Officers of state agencies by sharing *enterprise resource planning and* ~~information resources~~ management experiences and exchanging ideas.

(b) Facilitate the sharing of best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state agencies.

(c) Identify efficiency opportunities among state agencies.

(d) Serve as an educational forum for *enterprise resource planning and* ~~information resources~~ management issues.

(e) Assist the State Technology *Office* ~~Council~~ in identifying critical statewide issues and, when appropriate, make recommendations for solving *enterprise resource planning and* ~~information resources~~ management deficiencies.

(2) Members of the council shall include the Chief Information Officers of all state agencies, including the Chief Information Officers of the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one Chief Information Officer selected by the state attorneys and one Chief Information Officer selected by the public defenders. The chairs, or their designees, of the Geographic Information Board, the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the Chief Information Officers Council as voting members.

(3) The State Technology Office shall provide administrative support to the council.

Section 25. Section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(1) This section may be cited as the "Security of Data and Information Technology Resources Act."

(2)(a) Each agency head, *in consultation with the State Technology Office,* is responsible and accountable for assuring an adequate level of security for all data and information technology resources of the agency and, to carry out this responsibility, shall, at a minimum:

1. Designate an information security manager who shall administer the security program of the agency for its data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology resources of the agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology resources of the agency. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology resources of the agency.

5. Ensure that periodic internal audits and evaluations of the security program for the data and information technology resources of the agency are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

6. Include appropriate security requirements, as determined by the agency, in the written specifications for the solicitation of information technology resources.

(b) In those instances in which the *State Technology Office* of the Department of Management Services develops state contracts for use by state agencies, the department shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology resources.

Section 26. Subsections (2), (3), (4), (6), (7), and (8) of section 282.404, Florida Statutes, are amended to read:

282.404 Geographic information board; definition; membership; creation; duties; advisory council; membership; duties.—

(2)(a) The Florida Geographic Information Board is created in the *State Technology* ~~Executive~~ Office ~~of the Governor~~. The purpose of the board is to facilitate the identification, coordination, collection, and sharing of geographic information among federal, state, regional, and local agencies, and the private sector. The board shall develop solutions, policies, and standards to increase the value and usefulness of geographic information concerning Florida. In formulating and developing solutions, policies, and standards, the board shall provide for and consider input from other public agencies, such as the state universities, large and small municipalities, urban and rural county governments, and the private sector.

(b) The Geographic Information Board may issue guidelines on recommended best practices, including recommended policies and standards, for the identification, coordination, collection, and sharing of geographic information.

(c) The Geographic Information Board may contract for, accept, and make gifts, grants, loans, or other aid from and to any other governmental entity and to any person. Members may contribute, and the board may receive and expend, funds for board initiatives.

(3) The board consists of the *Chief Information Officer in the State Technology Office* ~~Director of Planning and Budgeting within the Executive Office of the Governor~~, the executive director of the Fish and Wildlife Conservation Commission, the executive director of the Department of Revenue, and the State Cadastral Surveyor, as defined in s. 177.503, or their designees, and the heads of the following agencies, or their designees: the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, and the Board of Professional Surveyors and Mappers. The Governor shall appoint to the board one member each to represent the counties, municipalities, regional planning councils, water management districts, and county property appraisers. The Governor shall initially appoint two members to serve 2-year terms and three members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and the terms must be staggered. Members may be appointed to successive terms and incumbent members may continue to serve the board until a new appointment is made.

(4) The *Chief Information Officer in the State Technology Office* ~~Director of Planning and Budgeting of the Executive Office of the Governor~~, or his or her designee, shall serve as the chair of the board. A majority of the membership of the board constitutes a quorum for the conduct of business. The board shall meet at least twice each year, and the chair may call a meeting of the board as often as necessary to transact business. Administrative and clerical support to the board shall be provided by the *State Technology Office of the* Department of Management Services.

(6) The Florida Geographic Information Advisory Council is created in the *State Technology Office* ~~Executive Office of the Governor~~ to provide technical assistance and recommendations to the board.

(7) The Geographic Information Advisory Council consists of one member each from the *State Technology Office* ~~Office of Planning and Budgeting within the Executive Office of the Governor~~, the Fish and Wildlife Conservation Commission, the Department of Revenue, the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, the State Cadastral Surveyor, the Board of Professional Surveyors and Mappers, counties, municipalities, regional planning councils, water management districts, and property appraisers, as appointed by the corresponding member of the board, and the State Geologist. The Governor shall appoint to the council one member each, as recommended by the respective organization, to represent the Department of Children and Family Services, the Department of Health, the Florida Survey and Mapping Society, Florida Region of the American Society of Photogrammetry and Remote Sensing, Florida Association of Cadastral Mappers, the Florida Association of Professional Geologists, Florida Engineering Society, Florida Chapter of the Urban and Regional Information Systems Association, the forestry industry, the State University System survey and mapping academic research programs, and State University System geographic information systems academic research programs; and two members representing utilities, one from a regional utility, and one from a local or municipal utility. These persons must have technical expertise in geographic information issues. The Governor shall initially appoint six members to serve 2-year terms and six members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and must be staggered. Members may be appointed to successive terms, and incumbent members may continue to serve the council until a successor is appointed. Representatives of the Federal Government may serve as ex officio members without voting rights.

(8) A majority of the membership constitutes a quorum for the conduct of business and shall elect the chair of the advisory council biennially. The council shall meet at least twice a year, and the chair may call meetings as often as necessary to transact business or as directed by the board. The chair, or his or her designee, shall attend all board meetings on behalf of the council. Administrative and clerical support shall be provided by the *State Technology Office of the* Department of Management Services.

Section 27. Paragraph (b) of subsection (1) and paragraph (o) of subsection (3) of section 119.07, Florida Statutes, are amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(b) If the nature or volume of public records requested to be inspected, examined, or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both. "Information technology resources" shall have the same meaning as in *s. 282.303(12)* ~~s. 282.303(13)~~.

(3)

(o) Data processing software obtained by an agency under a licensing agreement which prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software which is sensitive are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. The designation of agency-produced software as sensitive shall not prohibit an agency head from sharing or exchanging such software with another public agency. As used in this paragraph:

1. "Data processing software" has the same meaning as in *s. 282.303(7)* ~~s. 282.303(8)~~.

2. "Sensitive" means only those portions of data processing software, including the specifications and documentation, used to:

a. Collect, process, store, and retrieve information which is exempt from the provisions of subsection (1);

b. Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or

c. Control and direct access authorizations and security measures for automated systems.

Section 28. Subsection (1) of section 287.073, Florida Statutes, is amended to read:

287.073 Procurement of information technology resources.—

(1) For the purposes of this section, the term "information technology resources" has the same meaning ascribed in *s. 282.303(12)* ~~s. 282.303(13)~~.

Section 29. *Sections 282.3091 and 282.3093, Florida Statutes, are repealed.*

Section 30. Subsections (1), (2), and (3) of section 215.322, Florida Statutes, are amended to read:

215.322 Acceptance of credit cards, charge cards, or debit cards by state agencies, units of local government, and the judicial branch.—

(1) It is the intent of the Legislature to encourage state agencies, the judicial branch and units of local government to make their *goods,* services*, and information* more convenient to the public *through the* ~~and to reduce the administrative costs of government by~~ acceptance of payments by credit cards, charge cards, and debit cards to the maximum extent practicable *when the benefits to the participating agency and the public substantiate the cost of accepting these types of payments.*

(2) A state agency as defined in s. 216.011, or the judicial branch, may accept credit cards, charge cards, or debit cards in payment for goods and services ~~upon the recommendation of the Office of Planning and Budgeting and~~ with the prior approval of the Treasurer. *When the Internet or other related electronic methods are to be used as the collection medium, the State Technology Office shall review and recommend to the Treasurer whether to approve the request with regard to the process or procedure to be used.*

(3) The Treasurer shall adopt rules governing the establishment and acceptance of credit cards, charge cards, or debit cards by state agencies or the judicial branch, including, but not limited to, the following:

(a) Utilization of a standardized contract between the financial institution *or other appropriate intermediaries* and the agency or judicial branch which shall be developed by the Treasurer or approval by the Treasurer of a substitute agreement.

(b) Procedures which permit an agency or officer accepting payment by credit card, charge card, or debit card to impose a convenience fee upon the person making the payment. However, the total amount of such convenience fees shall not exceed the total cost to the state *agency* ~~of contracting for such card services~~. A convenience fee is not refundable to the payor. Notwithstanding the foregoing, this section shall not be construed to permit surcharges on any other credit card purchase in violation of s. 501.0117.

(c) All service fees payable pursuant to this section when practicable shall be invoiced and paid by state warrant or such other manner that is satisfactory to the Comptroller in accordance with the time periods specified in s. 215.422.

(d) Submission of information to the Treasurer concerning the acceptance of credit cards, charge cards, or debit cards by all state agencies or the judicial branch.

(e) A methodology for agencies to use when completing the cost-benefit analysis referred to in subsection (1). The methodology must consider all quantifiable cost reductions, other benefits to the agency, and potential impact on general revenue. The methodology must also consider nonquantifiable benefits such as the convenience to individuals and businesses that would benefit from the ability to pay for state goods and services through the use of credit cards, charge cards, and debit cards.

Section 31. Subsections (5), (11), and (15) of section 287.012, Florida Statutes, are amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(5) "Competitive sealed bids" or "competitive sealed proposals" refers to the receipt of two or more sealed bids or proposals submitted by responsive and qualified bidders or offerors *and includes bids or proposals transmitted by electronic means in lieu of or in addition to written bids or proposals.*

(11) "Invitation to bid" means a written solicitation for competitive sealed bids with the title, date, and hour of the public bid opening designated and specifically defining the commodity, group of commodities, or services for which bids are sought. It includes instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders simultaneously. The invitation to bid is used when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specifications defining the actual commodity or group of commodities required. *A written solicitation includes a solicitation published or transmitted by electronic means.*

(15) "Request for proposals" means a written solicitation for competitive sealed proposals with the title, date, and hour of the public opening designated. *A written solicitation includes a solicitation published or transmitted by electronic means.* The request for proposals is used when the agency is incapable of specifically defining the scope of work for which the commodity, group of commodities, or contractual service is required and when the agency is requesting that a qualified offeror propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A request for proposals includes, but is not limited to, general information, applicable laws and rules, functional or general specifications, statement of work, proposal instructions, and evaluation criteria. Requests for proposals shall state the relative importance of price and any other evaluation criteria.

Section 32. Paragraph (a) of subsection (16) of section 287.042, Florida Statutes, is amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(16)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities, information technology resources, or services that can be used by multiple agencies. However, the department *shall* ~~may~~ consult with the State Technology Office on joint agreements that involve the purchase of information technology resources. Agencies entering into joint purchasing agreements with the department shall authorize the department to contract for such purchases on their behalf.

Section 33. Subsection (22) is added to section 287.057,Florida Statutes, to read:

287.057 Procurement of commodities or contractual services.—

(22)(a) The State Technology Office of the department shall develop a program for on-line procurement of commodities and contractual services. Only bidders prequalified as meeting mandatory requirements and qualifications criteria shall be permitted to participate in on-line procurement. The State Technology Office may contract for equipment and services necessary to develop and implement on-line procurement.

(b) The State Technology Office may adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the program for on-line procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for prequalifying bidders.

2. Establishing the procedures for conducting on-line procurement.

3. Establishing the criteria for eligible commodities and contractual services.

4. Establishing the procedures for providing access to on-line procurement.

Section 34. *Creation and implementation of a marketing and image campaign.—*

(1) Enterprise Florida, Inc., in collaboration with the private sector, shall create a marketing campaign to help attract, develop, and retain information technology businesses in this state. The campaign must be coordinated with any existing economic development promotion efforts in this state, and shall be jointly funded from private and public resources.

(2) The message of the campaign shall be to increase national and international awareness of this state as a state ideally suited for the successful advancement of the information technology business sector. Marketing strategies shall include development of promotional materials, Internet and print advertising, public relations and media placement, trade show attendance at information technology events, and appropriate followup activities. Efforts to promote this state as a high-technology business leader must include identification and coordination of existing business technology resources, partnerships with economic development organizations and private sector businesses, continued retention and growth of businesses based in this state that produce high-technology products or use high-technology skills for manufacturing, and recruitment of new business in such area.

Section 35. *Development of an Internet-based system for information technology industry promotion and workforce recruitment.—*

(1) The Department of Labor and Employment Security shall facilitate efforts to ensure the development and maintenance of a website that promotes and markets the information technology industry in this state. The website shall be designed to inform the public concerning the scope of the information technology industry in the state and shall also be designed to address the workforce needs of the industry. The website shall include, through links or actual content, information concerning information technology businesses in this state, including links to such businesses; information concerning employment available at these businesses; and the means by which a jobseeker may post a resume on the website.

(2) The Department of Labor and Employment Security shall coordinate with the State Technology Office and the Workforce Development Board of Enterprise Florida, Inc., to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

Section 36. *Establishment of a network access point.—The state actively supports efforts that enhance the information technology industry in this state, particularly those efforts that increase broadband technology. A critical initiative to enhance this industry in this state is determined to be the development of a network access point, which is defined to be a carrier-neutral, public-private Internet traffic exchange point. The state encourages private information technology businesses to forge partnerships to develop a network access point in this state. Moreover, the state recognizes the importance of a network access point that addresses the needs of small information technology businesses.*

Section 37. Paragraph (n) is added to subsection (5) of section 212.08, Florida Statutes, 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.—

(n) Equipment used to deploy broadband technologies.—

1. Beginning July 1, 2000, equipment purchased by a communications service provider that is necessary for use in the deployment of broadband technologies in the state as part of the direct participation by the communications service provider in a network access point, which is defined as a carrier-neutral, public-private Internet traffic exchange point, in this state shall be exempt from the tax imposed by this chapter. This exemption inures to the communications service provider only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To be entitled to a refund, an eligible communications service provider must file under oath with the department an application that includes:

a. The name and address of the communications service provider claiming to be entitled to the refund.

b. A specific description of the property for which the exemption is sought, including its serial number or other permanent identification number.

c. The location of the property.

d. The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

3. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the eligible property is purchased.

4. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

5. For purposes of this paragraph:

a. "Broadband technology" means packaged technology that has the capability of supporting transmission speeds of at least 1.544 megabits per second in both directions.

b. "Communications service provider" means a company that supports or provides individuals and other companies with access to the Internet and other related services.

c. "Equipment" includes asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optic connector equipment, database equipment, and other network equipment used to provide broadband technology and information services.

6. Contingent upon annual appropriation, the department may approve refunds up to the amount appropriated for this refund program based on the filing of an application pursuant to this paragraph. No refund shall be made with respect to any application received by the department in any year after the funds appropriated for that year have been exhausted.

7. This paragraph is repealed June 30, 2005.

Section 38. The sum of $700,000 from non-recurring General Revenue is appropriated for fiscal year 2000-2001 to the Department of Revenue to reimburse eligible companies for sales tax payments made on equipment specifically associated with the creation of a network access point. The Department of Revenue is authorized to adopt rules to implement the sales tax refund provisions of this act.

Section 39. Subsection (1) of section 556.108, Florida Statutes, is amended to read:

556.108 Exemptions.—The notification requirements provided in s. 556.105(1) do not apply to:

(1) Any excavation or demolition performed by the owner of single-family residential property*; or for such owner by a member operator or an agent of a member operator* when such excavation or demolition is made entirely on such land, *and only up to a depth of 10 inches;* provided *due care is used and* there is no encroachment on any member operator's right-of-way, easement, or permitted use.

Section 40. (1) Subsection (1) of section 350.031, Florida Statutes, is amended to read:

350.031 Florida Public Service Commission Nominating Council.—

(1) There is created a Florida Public Service Commission Nominating Council consisting of nine members. At least one member of the council must be 60 years of age or older. Three members, including one member of the House of Representatives, shall be appointed by *and serve at the pleasure of* the Speaker of the House *of Representatives*; three members, including one member of the Senate, shall be appointed by *and serve at the pleasure of* the President of the Senate; and three members shall be selected and appointed by a majority vote of the other six members of the council. All terms shall be for 4 years except those members of the House and Senate, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council. *A member may not be reappointed to the council, except for a member of the House of Representatives or the Senate who may be appointed to two 2-year terms or a person who is appointed to fill the remaining portion of an unexpired term.*

(2) *This section applies to any person who is a member of the Florida Public Service Commission Nominating Council on the effective date of this act.*

Section 41. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect tother provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 42. This act shall take effect July 1, 2000.

And the title is amended as follows:

remove the entire title of the bill:

and insert: A bill to be entitled An act relating to electronic commerce; providing a short title; providing definitions; providing scope; providing for prospective application; providing for use of electronic records and signatures; providing for variation by agreement among parties using electronic records and electronic signatures; providing construction and application; providing for uniformity; providing for legal recognition of electronic records, signatures, and contracts; providing for provision of information in writing; providing for presentation of records; providing for attribution and effect of electronic records and electronic signatures; providing for the effect of changes or errors in electronic records; providing for notarization and acknowledgment; providing for retention of electronic records and originals; providing for admissibility of electronic records as evidence; providing for rules applying to automated transactions; providing for time and place of sending and receiving electronic records and signatures; providing for transferable records; providing for creation and retention of electronic records by governmental agencies; providing for conversion of written records by governmental agencies; providing for acceptance and distribution of electronic records by governmental agencies; providing for interoperability; providing severability; requiring the county recorders to provide a statewide index of official records available on the Internet by a time certain; providing for security; requiring that the Internet information shall not be admissible in court; authorizing charging a reasonable fee for certain purposes; providing that the official records must be made available for electronic retrieval on the statewide site by a time certain; amending ss. 282.005, 282.101, 282.102, 282.103, 282.104, 282.105, 282.106, 282.107, 282.1095, 282.111, 282.20, 282.21, 282.22, 282.303, 282.3031, 282.3032, 282.3041, 282.3055, 282.3063, F.S.; providing legislative findings and creating the State Technology Office within the Department of Management Services; providing for the Chief Information Officer to be in charge of the office; requiring the office to provide support and guidance to all state agencies in order to enhance the state's use and management of information technology resources; providing for a study and recommendations concerning online voting; providing for enterprise resource planning and management by each state agency in consultation with the office; creating s. 282.3095, F.S.; directing the State Technology Office to create a Task Force on Privacy and Technology; providing for the task force to hold meetings and report to the Legislature and Governor; amending ss. 282.310, 282.315, 282.318, 282.404, F.S.; directing the State Technology Office to prepare and disseminate the State Annual Report on Enterprise Resource Planning and Management; transferring the Florida Geographic Information Board and the Florida Geographic Information Advisory Council from the Executive Office of the Governor to the State Technology Office; amending ss. 119.07, 287.073, F.S.; conforming statutory cross-references; repealing s. 282.3091, F.S., relating to the State Technology Council; repealing s. 282.3093, F.S., relating to the State Technology Office; amending s. 215.322, F.S.; revising legislative intent; specifying circumstances under which governmental agencies or the judicial branch may accept credit cards, charge cards, or debit cards; prescribing duties of the State Technology Office; removing a limitation on convenience fees; amending s. 287.012, F.S.; revising certain definitions to include bids or proposals transmitted or received by electronic means; amending s. 287.042, F.S.; requiring the Department of Management Services to consult with the State Technology Office on joint agreements involving the purchase of information technology resources; amending s. 287.057, F.S., requiring the office to develop a program for on-line procurement of commodities and contractual services; providing a limitation; authorizing the office to contract for certain equipment and services; authorizing the office to adopt rules for certain purposes; requiring Enterprise Florida, Inc., to create and implement a marketing and image campaign; providing purposes of the campaign; requiring development and maintenance of a website for information and technology industry marketing and workforce recruitment; expressing support of activities to enhance information technology, including a network access point; amending s. 212.08, F.S.; providing a sales tax exemption on sales of certain equipment used to deploy broadband technologies associated with a network access point; providing for future repeal of the exemption; providing an appropriation; amending s. 556.108, F.S.; providing for excavation performed on behalf of a residential owner; amending s. 350.031, F.S.; providing for the Florida Public Service Commission Nominating Council members appointed by the Speaker of the House of Representatives and the President of the Senate to serve at the pleasure of the Speaker of the House and the President of the Senate; limiting the number of full terms to which a member may be appointed; providing for application; providing severability; providing an effective date.

Rep. Rojas moved the adoption of the amendment, which was adopted.

On motion by Rep. Rojas, the rules were suspended and CS for CS for SB 1334, as amended, was read for the third time. On passage, the vote was:

Session Vote Sequence: 604

Yeas—116

The Chair	Betancourt	Bush	Diaz de la Portilla, R.
Albright	Bilirakis	Byrd	Dockery
Alexander	Bitner	Cantens	Edwards
Andrews	Bloom	Casey	Effman
Argenio	Boyd	Chestnut	Eggelletion
Argenziano	Bradley	Constantine	Farkas
Arnall	Bronson	Cosgrove	Fasano
Bainter	Brown	Crady	Feeney
Ball	Brummer	Crist	Fiorentino
Barreiro	Bucher	Crow	Flanagan
Bense	Bullard	Detert	Frankel

Fuller	Kelly	Patterson	Smith, K.
Futch	Kilmer	Peaden	Sobel
Garcia	Kosmas	Posey	Sorensen
Gay	Kyle	Prieguez	Spratt
Goode	Lacasa	Pruitt	Stafford
Goodlette	Lee	Putnam	Stansel
Green, C.	Levine	Rayson	Starks
Greene, A.	Littlefield	Reddick	Suarez
Greenstein	Lynn	Ritchie	Sublette
Hafner	Maygarden	Ritter	Trovillion
Harrington	Melvin	Roberts	Tullis
Hart	Merchant	Rojas	Villalobos
Henriquez	Miller, J.	Rubio	Wallace
Heyman	Miller, L.	Russell	Wasserman Schultz
Hill	Minton	Ryan	Waters
Jacobs	Morroni	Sanderson	Wiles
Johnson	Murman	Sembler	Wilson
Jones	Ogles	Smith, C.	Wise

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB 414 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Policy, Governmental Oversight and Productivity, Banking and Insurance and Senator Mitchell and others—

CS for CS for CS for SB 414—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228, F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S.; authorizing the Department of Management Services to adopt rules; authorizing the department to contract with a third party for an actuarial study; requiring that additional costs or savings be passed on to local government entities; providing a conditional effective date.

—was read the first time by title. On motion by Rep. Spratt, the rules were suspended and the bill was read the second time by title.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 435613)

Amendment 1 (with title amendment)—On page 1, line 18,
remove from the bill: everything after the enacting clause,

and insert in lieu thereof:

Section 1. *(1) It is the intent of the Legislature to consider legislation at the 2001 Regular Session to expand the eligibility of the state group health insurance program and the state employees' prescription drug coverage program to include small municipalities, small counties, and district school boards of small counties. It is the intent of the Legislature that any costs or savings to the state group health insurance program or the state employees' prescription drug coverage program resulting from such expansion shall be passed on to the local government participants and their employees.*

(2) The Department of Management Services shall contract with a third party to conduct an actuarial study to determine the cost of allowing small counties, small municipalities, or eligible district school boards to participate in the state group health insurance program and the state employees' prescription drug program offering such coverage to officers, employees, dependents, and retirees of such entities. Such costs shall be delineated based on the impact to the state, state officers and employees, and local government employers and their employees. The department shall issue its report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2000.

(3) For purposes of conducting the actuarial study, criteria to be considered for eligibility to enroll include, but are not limited to:

(a) A minimum enrollment or contractual period of 3 years.

(b) A requirement that written notice to withdraw from the program must be given at least 12 months prior to the termination date.

(4) The Department of Management Services shall request from the Internal Revenue Service, by October 1, 2000, a written determination letter and a favorable private letter ruling, stating that the State Group Self-Insurance Program is a facially qualified plan. The department shall notify the President of the Senate and the Speaker of the House of Representatives within 30 days after the receipt of the favorable or unfavorable letters.

(5) For the purposes of this section "small county" means any county that has a population of 100,000 or less according to the most recent decennial census and "small city" means any incorporated municipality that has a population of 12,500 or less according to the most recent decennial census.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2 through 15,
remove from the title of the bill: all of said lines,

and insert in lieu thereof: An act relating to the state group health insurance program and the state employees' prescription drug program; providing legislative intent; authorizing the Department of Management Services to contract for an actuarial study for certain purposes; providing criteria; requiring the department to request a private letter ruling from the Internal Revenue Service; providing definitions; providing an effective date.

Rep. Spratt moved the adoption of the amendment.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 844549)

Amendment 1 to Amendment 1 (with title amendment)—On page 3, lines 1 and 2,
remove from the amendment: all of said lines,

and insert:

Section 2. Paragraph (g) of subsection (3) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(3) STATE GROUP INSURANCE PROGRAM.—

(g)1. A person eligible to participate in the state group insurance program may be authorized by rules adopted by the department, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. The department shall contract with health maintenance organizations seeking to participate in the state group insurance program through a request for proposal or other procurement process, as developed by the Department of Management Services and determined to be appropriate.

a. The department shall establish a schedule of minimum benefits for health maintenance organization coverage, and that schedule shall include: physician services; inpatient and outpatient hospital services;

emergency medical services, including out-of-area emergency coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; and other benefits as may be required by the department. Additional services may be provided subject to the contract between the department and the HMO.

b. The department may establish uniform deductibles, copayments, or coinsurance schedules for all participating HMO plans.

c. The department may require detailed information from each health maintenance organization participating in the procurement process, including information pertaining to organizational status, experience in providing prepaid health benefits, accessibility of services, financial stability of the plan, quality of management services, accreditation status, quality of medical services, network access and adequacy, performance measurement, ability to meet the department's reporting requirements, and the actuarial basis of the proposed rates and other data determined by the director to be necessary for the evaluation and selection of health maintenance organization plans and negotiation of appropriate rates for these plans. Upon receipt of proposals by health maintenance organization plans and the evaluation of those proposals, the department may enter into negotiations with all of the plans or a subset of the plans, as the department determines appropriate. Nothing shall preclude the department from negotiating regional or statewide contracts with health maintenance organization plans when this is cost-effective and when the department determines that the plan offers high value to enrollees.

d. The department may limit the number of HMOs that it contracts with in each service area based on the nature of the bids the department receives, the number of state employees in the service area, or any unique geographical characteristics of the service area. The department shall establish by rule service areas throughout the state.

e. All persons participating in the state group insurance program who are required to contribute towards a total state group health premium shall be subject to the same dollar contribution regardless of whether the enrollee enrolls in the state group health insurance plan or in an HMO plan.

3. The division is authorized to negotiate and to contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The division may establish, subject to the approval of the Legislature pursuant to subsection (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums.

4. In addition to contracting pursuant to subparagraph 2., the department shall enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under the Medicaid program;

b. Does not currently meet the 25 percent non-Medicare/non-Medicaid enrollment composition requirement established by the Department of Health excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in sub-subparagraphs 2.a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95 percent of the cost of HMO premiums accepted by the department in each service area; and

e. Meets the minimum surplus requirements of s. 641.225.

The department is authorized to contract with HMOs that meet the requirements of sub-subparagraphs a. through d. prior to the open enrollment period for state employees. The department is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal process described in subparagraph 2.

5. All enrollees in the state group health insurance plan or any health maintenance organization plan shall have the option of changing to any other health plan which is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year.

6. When a contract between a treating provider and the state-contracted health maintenance organization is terminated for any reason other than for cause, each party shall allow any enrollee for whom treatment was active to continue coverage and care when medically necessary, through completion of treatment of a condition for which the enrollee was receiving care at the time of the termination, until the enrollee selects another treating provider, or until the next open enrollment period offered, whichever is longer, but no longer than 6 months after termination of the contract. Each party to the terminated contract shall allow an enrollee who has initiated a course of prenatal care, regardless of the trimester in which care was initiated, to continue care and coverage until completion of postpartum care. This does not prevent a provider from refusing to continue to provide care to an enrollee who is abusive, noncompliant, or in arrears in payments for services provided. For care continued under this subparagraph, the program and the provider shall continue to be bound by the terms of the terminated contract. Changes made within 30 days before termination of a contract are effective only if agreed to by both parties.

7. Any HMO participating in the state group insurance program shall submit health care utilization and cost data to the department, in such form and in such manner as the division shall require, as a condition of participating in the program. The department shall enter into negotiations with its contracting HMOs to determine the nature and scope of the data submission and the final requirements, format, penalties associated with noncompliance, and timetables for submission. These determinations shall be adopted by rule.

8. The department may establish and direct, with respect to collective bargaining issues, a comprehensive package of insurance benefits that may include supplemental health and life coverage, dental care, long-term care, vision care, and other benefits it determines necessary to enable state employees to select from among benefit options that best suit their individual and family needs.

a. Based upon a desired benefit package, the department shall issue a request for proposal for health insurance providers interested in participating in the state group insurance program, and the division shall issue a request for proposal for insurance providers interested in participating in the non-health-related components of the state group insurance program. Upon receipt of all proposals, the department may enter into contract negotiations with insurance providers submitting bids or negotiate a specially designed benefit package. Insurance providers offering or providing supplemental coverage as of May 30, 1991, which qualify for pretax benefit treatment pursuant to s. 125 of the Internal Revenue Code of 1986, with 5,500 or more state employees currently enrolled may be included by the department in the supplemental insurance benefit plan established by the department without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans. *With respect to dental coverage, the division shall include in any solicitation or contract for any state group dental program made after July 1, 2001, a comprehensive indemnity dental plan option which offers enrollees a completely unrestricted choice of dentists. If a dental plan is endorsed, or in some manner recognized as the preferred product, such plan shall include a comprehensive indemnity dental plan option which provides enrollees with a completely unrestricted choice of dentists.*

b. Pursuant to the applicable provisions of s. 110.161, and s. 125 of the Internal Revenue Code of 1986, the department shall enroll in the pretax benefit program those state employees who voluntarily elect

coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

Section 3. This act shall take effect upon becoming a law except that section 1 shall take effect July 1, 2001.

And the title is amended as follows:

On page 3, lines 19 and 20, of the amendment,
remove: all of said lines,

and insert in lieu thereof: Service; providing definitions; amending s. 110.123, F.S.; requiring solicitations or contracts for a state group dental program to include a comprehensive indemnity dental plan providing unrestricted enrollee access to dentists; providing effective dates.

Rep. Spratt moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Spratt, the rules were suspended and CS for CS for CS for SB 414, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 605

Yeas—119

The Chair	Crist	Jacobs	Ritchie
Albright	Crow	Johnson	Ritter
Alexander	Detert	Jones	Roberts
Andrews	Diaz de la Portilla, R.	Kelly	Rojas
Argenio	Dockery	Kilmer	Rubio
Argenziano	Edwards	Kosmas	Russell
Arnall	Effman	Kyle	Ryan
Bainter	Eggelletion	Lacasa	Sanderson
Ball	Farkas	Lawson	Sembler
Barreiro	Fasano	Lee	Smith, C.
Bense	Feeney	Levine	Smith, K.
Betancourt	Fiorentino	Littlefield	Sobel
Bilirakis	Flanagan	Logan	Sorensen
Bitner	Frankel	Lynn	Spratt
Bloom	Fuller	Maygarden	Stafford
Boyd	Futch	Melvin	Stansel
Bradley	Garcia	Merchant	Starks
Bronson	Gay	Miller, J.	Suarez
Brown	Goode	Miller, L.	Sublette
Brummer	Goodlette	Minton	Trovillion
Bucher	Gottlieb	Morroni	Tullis
Bullard	Green, C.	Murman	Turnbull
Bush	Greene, A.	Ogles	Villalobos
Byrd	Greenstein	Patterson	Wallace
Cantens	Hafner	Peaden	Wasserman Schultz
Casey	Harrington	Posey	Waters
Chestnut	Hart	Prieguez	Wiles
Constantine	Henriquez	Putnam	Wilson
Cosgrove	Heyman	Rayson	Wise
Crady	Hill	Reddick	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2034, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health, Aging and Long-Term Care and Senator Clary—

CS for SB 2034—A bill to be entitled An act relating to health care; providing an appropriation for continued review of clinical laboratory services for kidney dialysis patients and requiring a report thereon; amending s. 20.43, F.S.; requiring the department to include certain assessments, projections, and recommendations in the department's strategic plan rather than in the state health plan; authorizing the department to hold copyrights, trademarks, and service marks and to enforce its rights to them; amending s. 39.303, F.S.; providing duties of the Children's Medical Services Program within the department with respect to child protection teams; amending s. 120.80, F.S.; revising procedures for hearings conducted with respect to the Brain and Spinal Cord Injury Program; amending s. 154.011, F.S.; revising duties of the department with respect to monitoring and administering certain primary care programs; amending s. 215.5602, F.S.; revising the goals of and expenditures for the Florida Biomedical Research Program within the Lawton Chiles Endowment Fund; amending s. 381.0011, F.S.; providing requirements for the department's strategic plan; amending s. 381.003, F.S.; requiring the department to develop an immunization registry; requiring that the registry include all children born in this state; providing procedures under which a parent or guardian may elect not to participate in the immunization registry; providing for the electronic transfer of records between health care professionals and other agencies; authorizing the department to adopt rules for administering the registry; amending s. 381.0031, F.S.; authorizing the department to obtain and inspect copies of certain medical records and information, notwithstanding laws governing the confidentiality of patient records; exempting health care practitioners, health care facilities, and agents and employees thereof from liability for the authorized release of patient records; amending s. 381.004, F.S.; revising requirements for the release of certain preliminary test results for human immunodeficiency virus; revising the definition of the term "medical personnel" to include additional personnel; amending s. 381.0059, F.S.; defining the term "person who provides services under a school health services plan" for purposes of background screening requirements for school health services personnel; amending s. 381.0101, F.S.; revising certification requirements for certain environmental health professionals; amending s. 381.731, F.S.; requiring that the department include certain strategies in the department's strategic plan rather than in the Healthy Communities, Healthy People Plan; amending s. 381.734, F.S.; revising the requirements of the Healthy Communities, Healthy People Program; transferring, renumbering, and amending s. 413.46, F.S.; revising legislative intent with respect to the brain and spinal cord injury program; creating s. 381.745, F.S.; providing definitions for purposes of the Charlie Mack Overstreet Brain or Spinal Cord Injuries Act; amending s. 381.75, F.S., relating to duties of the department under the brain and spinal cord injury program; conforming provisions to changes made by the act; creating s. 381.755, F.S.; providing that the right to benefits under the program is not assignable; amending s. 381.76, F.S.; revising eligibility requirements for the brain and spinal cord injury program; creating s. 381.765, F.S.; authorizing the department to retain title to property and equipment and to dispose of surplus equipment; authorizing the department to adopt rules; creating s. 381.775, F.S.; continuing the confidentiality provided for records and information that pertains to applicants for and recipients of services under the brain and spinal cord injury program; specifying circumstances under which the department may release such records or information; amending s. 381.78, F.S., relating to the advisory council on brain and spinal cord injuries; authorizing reimbursement for per diem and travel expenses for members of the council; prohibiting a council member from voting on matters that provide a financial benefit or create a conflict of interest; providing for removal of members for cause; creating s. 381.785, F.S.;

authorizing the department to recover third-party payments for funded services; providing for the enforcement of such right to recovery pursuant to a lien; requiring the department to adopt rules governing the recovery of payments; amending s. 381.79, F.S., relating to the Brain and Spinal Cord Injury Rehabilitation Trust Fund; redesignating the fund as the "Brain and Spinal Cord Injury Program Trust Fund"; providing additional purposes for which moneys in the trust fund may be used; authorizing the department to accept certain gifts; amending s. 385.103, F.S.; providing for the department to operate community intervention programs rather than comprehensive health improvement projects; revising definitions; revising duties of the department in operating such services; requiring the department to adopt rules governing the operation of community intervention programs; amending s. 385.207, F.S., relating to programs in epilepsy control; conforming a cross-reference; amending s. 402.181, F.S.; providing for certain damages and injuries caused by patients of institutions under the Department of Health and specified other state agencies to be reimbursed under the State Institutions Claims Program; amending s. 514.021, F.S.; requiring the department to review rules; designating Florida Alzheimer's Disease Day; providing planning for long-term community-based supports for specified brain and spinal cord injury individuals; providing purpose; providing for compliance with s. 381.775, F.S.; providing for a study and report; providing base standard for ranking for services; providing limitation on use of funding; providing the department with certain rulemaking authority; providing residency requirement; providing severability; providing intent; creating the Jessie Trice Cancer Prevention Program within the Department of Health; providing funding contingent upon an appropriation; creating the Florida Commission on Excellence in Health Care; providing legislative findings and intent; providing definitions; providing duties and responsibilities; providing for membership, organization, meetings, procedures, and staff; providing for reimbursement of travel and related expenses of certain members; providing certain evidentiary prohibitions; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing for termination of the commission; providing an appropriation; creating s. 381.00325, F.S.; providing for a Hepatitis A awareness program; creating s. 154.247, F.S.; authorizing authorities to issue bonds to finance projects for health facilities or not-for-profit corporations under their common control outside the geographical limits of the local agency or outside the state; providing that certain specialty hospitals are not exempt from s. 408.036(1), F.S.; amending s. 400.0065, F.S.; providing duty of the State Long-Term Care Ombudsman to prepare and submit annual budget requests; creating s. 400.0066, F.S.; specifying additional duties of the Long-Term Care Ombudsman and other state agencies; limiting administrative charges; amending ss. 400.0067 and 400.0069, F.S.; revising provisions relating to appointment and terms of service of members of the state and local ombudsman councils; amending ss. 400.0077, 400.0081, and 400.0087, F.S.; providing authority of the Office of State Long-Term Care Ombudsman to adopt rules relating to disclosure of files maintained by the program, access to facilities and residents, and monitoring of local ombudsman councils by the Department of Elderly Affairs; deleting rulemaking authority of the department; amending ss. 20.41, 395.3025, 400.0063, 400.0071, 400.0073, 400.0075, 400.0079, 400.0083, 400.0089, 400.0091, 400.021, 400.022, 400.0255, 400.19, 400.191, 400.23, 400.419, 400.428, 400.434, 400.435, 400.4415, 400.619, and 400.628, F.S.; clarifying and conforming references and cross-references; providing appropriations; providing for protection of the state's interest in property purchased or improved with state funds; amending s. 409.912, F.S., relating to cost-effective purchasing of health care under the Medicaid program; requiring the agency to implement a Medicaid prescribed-drug spending-control program; specifying program components; providing for implementation to the extent funds are appropriated; authorizing contracts; requiring an annual report; creating the Medicaid Pharmaceutical Therapeutics Committee; providing for membership; providing for the adoption of a voluntary preferred prescribed-drug list by the committee; providing an effective date.

—was read the first time by title. On motion by Rep. Peaden, the rules were suspended and the bill was read the second time by title.

Representative(s) Melvin and Peaden offered the following:

(Amendment Bar Code: 612977)

Amendment 1 (with title amendment)—On page 66, between lines 22 and 23,

insert:

Section 38. Paragraph (q) is added to subsection (3) of section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, supported by such documentation as the agency requires, the agency shall grant an exemption from the provisions of subsection (1):

(q) For the construction of a skilled nursing facility of up to 60 beds to be used to serve only retired or disabled military personnel and their surviving spouses. The facility must be constructed by a foundation that was incorporated and operating in this state on or before December 19, 1997, to serve the same population.

A request for exemption under this subsection may be made at any time and is not subject to the batching requirements of this section.

And the title is amended as follows:

On page 6, line 4, after the semicolon,

insert: providing an additional exemption for construction of certain skilled nursing facilities;

Rep. Melvin moved the adoption of the amendment, which was adopted.

On motion by Rep. Peaden, the rules were suspended and CS for SB 2034, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 606

Yeas—117

The Chair	Cosgrove	Hart	Prieguez
Albright	Crady	Henriquez	Pruitt
Alexander	Crist	Heyman	Putnam
Andrews	Crow	Hill	Rayson
Argenio	Detert	Jacobs	Reddick
Argenziano	Diaz de la Portilla, R.	Johnson	Ritchie
Arnall	Dockery	Jones	Ritter
Bainter	Edwards	Kelly	Roberts
Ball	Effman	Kilmer	Rubio
Barreiro	Eggelletion	Kosmas	Russell
Bense	Farkas	Kyle	Ryan
Betancourt	Fasano	Lacasa	Sanderson
Bilirakis	Feeney	Lawson	Sembler
Bitner	Fiorentino	Lee	Smith, C.
Bloom	Flanagan	Levine	Smith, K.
Boyd	Frankel	Littlefield	Sobel
Bradley	Fuller	Lynn	Sorensen
Bronson	Futch	Maygarden	Spratt
Brown	Garcia	Merchant	Stafford
Brummer	Gay	Miller, J.	Stansel
Bucher	Goode	Miller, L.	Starks
Bullard	Goodlette	Minton	Suarez
Bush	Gottlieb	Morroni	Sublette
Byrd	Green, C.	Murman	Trovillion
Cantens	Greene, A.	Ogles	Tullis
Casey	Greenstein	Patterson	Turnbull
Chestnut	Hafner	Peaden	Villalobos
Constantine	Harrington	Posey	Wallace

Wasserman Schultz	Wiles	Wilson	Wise
Waters			

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

Reconsideration of CS for SB 2034

On motion by Rep. Pruitt, the House reconsidered the vote by which **CS for SB 2034**, as amended, passed.

The question recurred on the passage of CS for SB 2034.

On motion by Rep. Pruitt, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 1** was adopted. The question recurred on the adoption of the amendment, which failed to receive the necessary two-thirds vote for adoption.

The question recurred on the passage of CS for SB 2034. The vote was:

Session Vote Sequence: 607

Yeas—120

The Chair	Crist	Jacobs	Reddick
Albright	Crow	Johnson	Ritchie
Alexander	Detert	Jones	Ritter
Andrews	Diaz de la Portilla, R.	Kelly	Roberts
Argenio	Dockery	Kilmer	Rojas
Argenziano	Edwards	Kosmas	Rubio
Arnall	Effman	Kyle	Russell
Bainter	Eggelletion	Lacasa	Ryan
Ball	Farkas	Lawson	Sanderson
Barreiro	Fasano	Lee	Sembler
Bense	Feeney	Levine	Smith, C.
Betancourt	Fiorentino	Littlefield	Smith, K.
Bilirakis	Flanagan	Logan	Sobel
Bitner	Frankel	Lynn	Sorensen
Bloom	Fuller	Maygarden	Spratt
Boyd	Futch	Melvin	Stafford
Bradley	Garcia	Merchant	Stansel
Bronson	Gay	Miller, J.	Starks
Brown	Goode	Miller, L.	Suarez
Brummer	Goodlette	Minton	Sublette
Bucher	Gottlieb	Morroni	Trovillion
Bullard	Green, C.	Murman	Tullis
Bush	Greene, A.	Ogles	Turnbull
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wallace
Casey	Harrington	Posey	Wasserman Schultz
Chestnut	Hart	Prieguez	Waters
Constantine	Henriquez	Pruitt	Wiles
Cosgrove	Heyman	Putnam	Wilson
Crady	Hill	Rayson	Wise

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 294, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Forman—

SB 294—A bill to be entitled An act relating to building designations; designating the State Veterans' Nursing Home in Pembroke Pines as the Alexander "Sandy" Nininger, Jr. State Veterans' Nursing Home; designating the Science and Education Building at the Southeast Campus of Florida Atlantic University in Davie as the "Senator James A. Scott Building"; directing the Department of Veterans' Affairs to erect suitable markers; designating a school in Washington County the "Colly V Williams Middle/High School"; providing an effective date.

—was read the first time by title. On motion by Rep. Casey, the rules were suspended and the bill was read the second time by title.

Representative(s) Casey offered the following:

(Amendment Bar Code: 240069)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *The baseball field at Florida A & M University is hereby designated as the "Oscar A. Moore-Costa Kittles Baseball Field."*

Section 2. *The tennis courts at Florida A & M University are hereby designated as the "Althea Gibson Tennis Courts."*

Section 3. *The Athletic Center at Florida Atlantic University's Boca Raton Campus is hereby designated as the "Tom Oxley Athletic Center and Fields."*

Section 4. *A new Fine Arts Building at Florida Atlantic University's John D. MacArthur Campus in Jupiter is hereby designated as the "Hibel Fine Arts Building" in recognition of Edna Hibel.*

Section 5. *New classroom and office space for the College of Business at Florida Atlantic University's Boca Raton Campus is hereby designated as the "Carl DeSantis Pavilion."*

Section 6. *The new presidential residence at Florida Atlantic University's Boca Raton Campus is hereby designated as the "Eleanor R. Baldwin House."*

Section 7. *Academic Building #2, which houses the Colleges of Arts & Sciences and Business at Florida Gulf Coast University, is hereby designated as "Charles B. Reed Hall" in recognition of the former chancellor of the State University System of Florida.*

Section 8. *The Student Services Building at Florida Gulf Coast University is hereby designated as the "Roy E. McTarnaghan Hall" in recognition of the founding president of Florida Gulf Coast University.*

Section 9. *The Seminole Golf Course at Florida State University is hereby designated as the "Don A. Veller Seminole Golf Course."*

Section 10. *Building #76 at Florida State University is hereby designated as "William A. Tanner Hall."*

Section 11. *Building #1012, located on the Panama City Campus of Florida State University, is hereby designated as the "Larson M. Bland Conference Center."*

Section 12. *The new clubhouse building at the Seminole Golf Course at Florida State University is hereby designated as the "David Middleton Golf Center."*

Section 13. *The building known as the Administration Building located at the University of Central Florida is hereby designated as "Millican Hall" in recognition of Dr. Charles N. Millican, the founding president of the University of Central Florida.*

Section 14. *The building known as the Humanities and Fine Arts Building at the University of Central Florida is hereby designated as "Colbourn Hall" in recognition of Dr. Trevor Colbourn, the second president of the University of Central Florida.*

Section 15. *The facility to house the Honors College at the University of Central Florida is hereby designated as "Burnett Hall."*

Section 16. *The Cancer Center at the University of Florida is hereby designated as the "Jerry W. and Judith S. Davis Cancer Center."*

Section 17. *The University Athletic Center at the University of Florida is hereby designated as the "L. Gale Lemerand Athletics Center."*

Section 18. *The tennis facility at the University of Florida is hereby designated as the "Alfred A. Ring Tennis Complex."*

Section 19. *The Center for the Performing Arts at the University of Florida is hereby designated as the "Curtis M. Phillips Center for the Performing Arts."*

Section 20. *The Golf Management and Learning Center at the University of North Florida is hereby designated as the "John and Geraldine Hayt Golf Management and Learning Center."*

Section 21. *The student residence at the University of South Florida currently known as Gamma Hall is hereby designated as "Betty Castor Hall," in recognition of the fifth president of the University of South Florida.*

Section 22. *The IFAS North Florida Research and Education Center located at Quincy, Florida, is designated as the "Fount May, Sr., Research Center."*

Section 23. *Senator Howard C. Forman Human Services Campus designation; markers.—*

(1) The property on University Drive and Pembroke Road in Pembroke Pines, upon which the state mental institution, the state veterans' home, and other human services institutions are located, is hereby designated as the Senator Howard C. Forman Human Services Campus.

(2) The Department of Children and Family Services is authorized to erect suitable markers for the "Senator Howard C. Forman Human Services Campus" designation made by subsection (1).

Section 24. *The School of Architecture building at the University Park Campus of the Florida International University is hereby designated as the "Paul L. Cejas School of Architecture Building."*

Section 25. *The new residence hall at the University of West Florida is hereby designated as "John G. Martin Hall."*

Section 26. *The renovated student services area at the University of Central Florida is hereby designated as the "Jimmy A. Ferrell Student Services Commons."*

Section 27. *The state veterans' home in Pembroke Pines is hereby designated as the "Alexander 'Sandy' Nininger, Jr., State Veterans' Nursing Home."*

Section 28. *The respective universities set forth in this act are authorized to erect suitable markers for the designations made by this act.*

Section 29. *The Bartow Agricultural Center is hereby redesignated as the "Bob Crawford Agricultural Center."*

Section 30. *The Science and Education Building at the Southeast Campus of Florida Atlantic University in Davie is renamed the "Senator James A. Scott Building."*

Section 31. *Frank Wacha Bridge designation; markers.—*

(1) The bridge on the Jensen Beach Causeway in Martin County is hereby designated as the "Frank Wacha Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the "Frank Wacha Bridge" as described in subsection (1).

Section 32. *The new middle/high school in Washington County is designated as the "Thomas Joseph Roulhac Middle/High School."*

Section 33. This act shall take effect upon becoming a law.

And the title is amended as follows:
remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to the designation of buildings and facilities; designating the baseball field at Florida A & M University as the "Oscar A. Moore-Costa Kittles Baseball Field"; designating the tennis courts at Florida A & M University as the "Althea Gibson Tennis Courts"; designating the Athletic Center at Florida Atlantic University's Boca Raton Campus as the "Tom Oxley Athletic Center and Fields"; designating a new Fine Arts Building at Florida Atlantic University's John D. MacArthur Campus in Jupiter as the "Hibel Fine Arts Building"; designating new classroom and office space for the College of Business at Florida Atlantic University's Boca Raton Campus as the "Carl DeSantis Pavilion"; designating the new presidential residence at Florida Atlantic University's Boca Raton Campus as the "Eleanor R. Baldwin House"; designating Academic Building #2 at Florida Gulf Coast University as "Charles B. Reed Hall"; designating the Student Services Building at Florida Gulf Coast University as "Roy E. McTarnaghan Hall"; designating the Seminole Golf Course at Florida State University as the "Don A. Veller Seminole Golf Course"; designating Building #76 at Florida State University as "William A. Tanner Hall"; designating Building #1012 on the Panama City Campus of Florida State University as the "Larson M. Bland Conference Center"; designating the new clubhouse building at the Seminole Golf Course at Florida State University as the "David Middleton Golf Center"; designating the Administration Building at the University of Central Florida as "Millican Hall"; designating the Humanities and Fine Arts Building at the University of Central Florida as "Colbourn Hall"; designating the facility to house the Honors College at the University of Central Florida as "Burnett Hall"; designating the Cancer Center at the University of Florida as the "Jerry W. and Judith S. Davis Cancer Center"; designating the University Athletic Center at the University of Florida as the "L. Gale Lemerand Athletics Center"; designating the tennis facility at the University of Florida as the "Alfred A. Ring Tennis Complex"; designating the Center for the Performing Arts at the University of Florida as the "Curtis M. Phillips Center for the Performing Arts"; designating the Golf Management and Learning Center at the University of North Florida as the "John and Geraldine Hayt Golf Management and Learning Center"; designating the student residence currently known as Gamma Hall at the University of South Florida as "Betty Castor Hall"; designating the IFAS North Florida Research and Education Center as the "Fount May, Sr., Research Center"; designating the School of Architecture building at the University Park Campus of the Florida International University as the "Paul L. Cejas School of Architecture Building"; designating the new residence hall at the University of West Florida as "John G. Martin Hall"; designating certain property at University Drive and Pembroke Road in Pembroke Pines as the Senator Howard C. Forman Human Services Campus"; authorizing the erection of suitable markers; designating the renovated student services area at the University of Central Florida as the "Jimmy A. Ferrell Student Services Commons"; designating the state veterans' home in Pembroke Pines as the "Alexander 'Sandy' Nininger, Jr., State Veterans' Nursing Home"; designating the Bartow Agricultural Center as the "Bob Crawford Agricultural Center;" designating the Science and Education Building at the Southeast Campus of Florida Atlantic University in Davie as the "Senator James A. Scott Building"; designating a bridge on the Jensen Beach Causeway in Martin County as the "Frank Wacha Bridge"; designating a school in Washington County as the "Thomas Joseph Roulhac Middle/High School"; authorizing the respective universities to erect suitable markers; providing an effective date.

Rep. Casey moved the adoption of the amendment.

Representative(s) L. Miller offered the following:

(Amendment Bar Code: 582599)

Amendment 1 to Amendment 1 (with title amendment)—On page 5, lines 5-7,
remove from the amendment: all of said lines

And the title is amended as follows:

On page 8, lines 7 through 9, of the amendment
remove: all of said lines

and insert in lieu thereof: County as the "Frank Wacha Bridge"; authorizing

Rep. L. Miller moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Casey, the rules were suspended and SB 294, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 608

Yeas—117

The Chair	Crist	Jacobs	Roberts
Albright	Crow	Johnson	Rojas
Alexander	Detert	Jones	Rubio
Andrews	Diaz de la Portilla, R.	Kelly	Russell
Argenio	Dockery	Kilmer	Ryan
Argenziano	Edwards	Kosmas	Sanderson
Arnall	Effman	Kyle	Sembler
Bainter	Eggelletion	Lacasa	Smith, C.
Ball	Farkas	Lawson	Smith, K.
Barreiro	Fasano	Lee	Sobel
Bense	Feeney	Levine	Sorensen
Betancourt	Fiorentino	Littlefield	Spratt
Bilirakis	Flanagan	Logan	Stafford
Bitner	Frankel	Lynn	Stansel
Bloom	Fuller	Maygarden	Starks
Boyd	Futch	Merchant	Suarez
Bradley	Garcia	Miller, J.	Sublette
Bronson	Gay	Miller, L.	Trovillion
Brown	Goode	Minton	Tullis
Brummer	Goodlette	Morroni	Turnbull
Bucher	Gottlieb	Ogles	Villalobos
Bullard	Green, C.	Patterson	Wallace
Bush	Greene, A.	Posey	Wasserman Schultz
Byrd	Greenstein	Prieguez	Waters
Cantens	Hafner	Pruitt	Wiles
Casey	Harrington	Putnam	Wilson
Chestnut	Hart	Rayson	Wise
Constantine	Henriquez	Reddick	
Cosgrove	Heyman	Ritchie	
Crady	Hill	Ritter	

Nays—None

Votes after roll call:
Yeas—Melvin, Murman

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 186, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Natural Resources and Natural Resources—

CS for SB 186—A bill to be entitled An act relating to environmental reorganization; amending s. 20.255, F.S.; providing for the divisions and special offices in the Department of Environmental Protection; deleting outdated provisions relating to review of orders and rules in effect before 1994; transferring and renumbering s. 370.0205, F.S.; providing requirements for citizen support organizations for the Department of Environmental Protection; amending s. 20.331, F.S.; providing requirements for the Fish and Wildlife Conservation Commission when adopting rules; amending ss. 161.031, 161.36, F.S.; authorizing the Department of Environmental Protection to retain specific powers; amending s. 259.101, F.S.; providing for the receipt of funds by the Fish and Wildlife Conservation Commission; amending s. 270.22, F.S.; providing for certain fees to be deposited into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; amending s. 288.109, F.S.; identifying agencies participating in the one-stop permitting system; amending s. 327.04, F.S.; providing rulemaking authority to the Fish and Wildlife Conservation Commission; amending s. 327.41, F.S.; providing for the issuance of permits by the Fish and Wildlife Conservation Commission; amending s. 327.54, F.S., requiring the lessee of a personal watercraft to receive instruction by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; providing for the distribution of funds by the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; providing penalties for violation of rules relating to marine resources; transferring and renumbering s. 370.041, F.S., as s. 161.242, F.S.; amending s. 370.07, F.S.; transferring specific regulatory powers from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; providing for the deposit of certain funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; deleting the authority of the Department of Revenue to adopt emergency rules for the Apalachicola Bay Oyster Surcharge; amending s. 370.101, F.S.; providing for certain saltwater fish regulations to be established by the Fish and Wildlife Conservation Commission; amending s. 370.11, F.S.; providing for issuance of permits by the Fish and Wildlife Conservation Commission; amending s. 370.1107, F.S.; clarifying the meaning of the term "licensed saltwater fisheries trap"; amending s. 370.13, F.S.; providing for the regulation of stone crabs; amending s. 370.1405, F.S.; providing for reports on crawfish by dealers; amending s. 370.25, F.S.; deleting a provision conferring joint responsibility on the captain or operator of a vessel and the registered owner of the vessel for violations while underway; transferring responsibilities for the artificial reef program to the Fish and Wildlife Conservation Commission; amending s. 372.021, F.S.; prescribing powers and duties of the Fish and Wildlife Conservation Commission; amending s. 372.05, F.S.; prescribing duties of the executive director of the commission; amending s. 372.07, F.S.; prescribing police powers of the executive director of the commission; amending s. 372.105, F.S.; clarifying the regulation of saltwater life; revising the deposit of specified funds; amending s. 372.121, F.S.; providing for management of certain lands; amending ss. 372.991, 373.4149, 373.41492, 403.141, 570.235, 590.02, F.S.; conforming references to the Fish and Wildlife Conservation Commission; amending s. 403.707, F.S.; conforming a statutory cross-reference; amending s. 597.004, F.S.; transferring aquaculture shellfish handling regulations from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; amending s. 705.101, F.S.; transferring specific authority over derelict vessels from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; amending s. 705.103, F.S.; removing authority over abandoned vessels from the Department of Environmental Protection; amending s. 832.06, F.S.; conforming references to the Fish and Wildlife Conservation Commission; repealing s. 370.013, F.S., relating to the Department of Environmental Protection; repealing s. 370.017, F.S., relating to the responsibilities of the secretary of the Department of Environmental Protection; repealing s. 370.032, F.S., relating to definitions; repealing s. 370.033, F.S., relating to legislative intent; repealing s. 370.034, F.S., relating to certificates for dredge and fill equipment; repealing s. 370.036, F.S., relating to the maintenance of records regarding dredge and fill equipment; repealing s. 370.037, F.S., relating to the denial, suspension, or revocation of dredge and fill certificates; amending s. 260.016, F.S.; authorizing the Department of Environmental Protection to receive grants for improving greenways and trails and to adopt rules for the administering pass-through grants; amending s. 375.075, F.S.; correcting a cross-reference; repealing s. 370.038, F.S., relating to the adoption of specified rules; repealing s. 370.0606, F.S., relating to appointment of subagents for sale of saltwater licenses and permits; repealing s. 370.0805, F.S.; relating to the net ban assistance program; repealing s. 372.04, F.S., relating to the director of the commission; repealing s. 372.061, F.S., relating to meetings of the Game and Fresh Water Fish Commission; repealing s. 373.197, F.S., relating to the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin restoration project; repealing s. 403.261, F.S., relating to the repeal of rulemaking jurisdiction over air and water pollution; repealing s. 370.021(6), F.S., relating to admissibility of rules; repealing s.

370.14(12), F.S., relating to the naming of a sport season for spiny lobsters; providing an effective date.

—was read the first time by title. On motion by Rep. Alexander, the rules were suspended and the bill was read the second time by title.

Representative(s) Alexander offered the following:

(Amendment Bar Code: 021283)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(1) The head of the Department of Environmental Protection shall be a secretary, who shall be appointed by the Governor, with the concurrence of three or more members of the Cabinet. The secretary shall be confirmed by the Florida Senate. The secretary shall serve at the pleasure of the Governor.

(2)(a) There shall be *three* ~~two~~ deputy secretaries ~~and an executive coordinator for ecosystem management~~ who are to be appointed by and shall serve at the pleasure of the secretary. The secretary may assign *any* ~~either~~ deputy secretary the responsibility to supervise, coordinate, and formulate policy for any division, office, or district. The following special offices are established and headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary:

1. Office of Chief of Staff,

2.~~1.~~ Office of General Counsel,

3.~~2.~~ Office of Inspector General,

4.~~3.~~ Office of *External Affairs* ~~Communication, the latter including public information, legislative liaison, cabinet liaison, and special projects~~,

~~4. Office of Water Policy,~~

5. Office of *Legislative and Government Affairs, and* ~~Intergovernmental Programs,~~

~~6. Office of Ecosystem Planning and Coordination,~~

~~7. Office of Environmental Education, and an~~

6.~~8.~~ Office of Greenways and Trails.

~~(b) The executive coordinator for ecosystem management shall coordinate policy within the department to assure the implementation of the ecosystem management provisions of chapter 93-213, Laws of Florida. The executive coordinator for ecosystem management shall supervise only the Office of Water Policy, the Office of Intergovernmental Programs, the Office of Ecosystem Planning and Coordination, and the Office of Environmental Education. The executive coordinator for ecosystem management may also be delegated authority by the secretary to act on behalf of the secretary; this authority may include the responsibility to oversee the inland navigation districts.~~

~~(c) The other special offices not supervised by the executive coordinator for ecosystem management shall report to the secretary; however, the secretary may assign them, for daily coordination purposes, to report through a senior manager other than the secretary.~~

(b)~~(d)~~ There shall be six administrative districts involved in regulatory matters of waste management, water *resource management* ~~facilities~~, wetlands, and air resources, which shall be headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary. Divisions of the department may have one assistant or two deputy division directors, as required to facilitate effective operation.

The managers of all divisions and offices specifically named in this section and the directors of the six administrative districts are exempt from part II of chapter 110 and are included in the Senior Management Service in accordance with s. 110.205(2)(i). ~~No other deputy secretaries or senior management positions at or above the division level, except those established in chapter 110, may be created without specific legislative authority.~~

(3) *The following divisions of the Department of Environmental Protection are established:*

(a) Division of Administrative Services.

(b) Division of Air Resource Management.

(c) Division of Water Resource Management.

(d) Division of Law Enforcement.

(e) Division of Resource Assessment and Management.

(f) Division of Waste Management.

(g) Division of Recreation and Parks.

(h) Division of State Lands, the director of which is to be appointed by the secretary of the department, subject to confirmation by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

In order to ensure statewide and intradepartmental consistency, the department's divisions shall direct the district offices and bureaus on matters of interpretation and applicability of the department's rules and programs. ~~All of the existing legal authorities and actions of the Department of Environmental Regulation and the Department of Natural Resources are transferred to the Department of Environmental Protection, including, but not limited to, all pending and completed actions on orders and rules, all enforcement matters, and all delegations, interagency agreements, and contracts with federal, state, regional, and local governments, and private entities.~~

~~(4) The secretary of the Department of Environmental Protection is vested with the authority to take agency action under laws in effect on or before the effective date of this act, including those actions which were within the purview of the Governor and Cabinet. However, the existing functions of the Governor and Cabinet, sitting as the Siting Board as set forth in part II of chapter 403, reviewing stricter than federal standards of the Environmental Regulatory Commission as set forth in s. 403.804, siting a multipurpose hazardous waste facility as set forth in part IV of chapter 403, or certifying an industrial project as set forth in part IV of chapter 288, shall not be transferred to the Secretary of Environmental Protection, and nothing herein shall be construed to change any such function of the Governor and Cabinet.~~

~~(5) Except for those orders reviewable as provided in s. 373.4275, the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, has the exclusive authority to review any order or rule of the department which, prior to July 1, 1994, the Governor and Cabinet, as head of the Department of Natural Resources, had authority to issue or promulgate, other than a rule or order relating to an internal procedure of the department.~~

~~(a) Such review may be initiated by a party to the proceeding 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. Where a proceeding on an order has been initiated pursuant to ss. 120.569 and 120.57, such review shall be initiated within 20 days after the department has taken final agency action in the proceeding. The request for review may be accepted by any member of the commission. For the purposes of this section, the term "party" shall mean any affected person who submitted oral or written testimony, sworn or unsworn, to the department 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 the applicable statutory provisions, or any person who~~

~~participated as a party in a proceeding instituted pursuant to chapter 120.~~

~~(b) Review by the Land and Water Adjudicatory Commission is appellate in nature and shall be based on the record below. The matter shall be heard by the commission not more than 60 days after receipt of the request for review.~~

~~(c) If the Land and Water Adjudicatory Commission determines that a rule or order is not consistent with the provisions and purposes of this chapter, it may, in the case of a rule, require the department to initiate rulemaking proceedings to amend or repeal the rule or, in the case of an order, rescind or modify the order or remand the proceeding to the department for further action consistent with the order of the Land and Water Adjudicatory Commission.~~

~~(d) 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.~~

~~The Land and Water Adjudicatory Commission may adopt rules setting forth its procedures for reviewing orders or rules of the department consistent with the provisions of this section.~~

~~(6) The following divisions of the Department of Environmental Protection are established:~~

~~(a) Division of Administrative and Technical Services.~~

~~(b) Division of Air Resource Management.~~

~~(c) Division of Water Resource Management.~~

~~(d) Division of Law Enforcement.~~

~~(e) Division of Resource Assessment and Management.~~

~~(f) Division of Waste Management.~~

~~(g) Division of Recreation and Parks.~~

~~(h) Division of State Lands, the director of which is to be appointed by the secretary of the department, subject to confirmation by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.~~

~~In order to ensure statewide and intradepartmental consistency, the department's divisions shall direct the district offices and bureaus on matters of interpretation and applicability of the department's rules and programs.~~

(4)~~(7)~~ Law enforcement officers of the Department of Environmental Protection who meet the provisions of s. 943.13 are constituted law enforcement officers of this state with full power to investigate and arrest for any violation of the laws of this state, and the rules of the department and the Board of Trustees of the Internal Improvement Trust Fund. The general laws applicable to investigations, searches, and arrests by peace officers of this state apply to such law enforcement officers.

(5)~~(8)~~ Records and documents of the Department of Environmental Protection shall be retained by the department as specified in record retention schedules established under the general provisions of chapters 119 and 257. Further, the department is authorized to:

(a) Destroy, or otherwise dispose of, those records and documents in conformity with the approved retention schedules.

(b) Photograph, microphotograph, or reproduce such records and documents on film, as authorized and directed by the approved retention schedules, whereby each page will be exposed in exact conformity with the original records and documents retained in compliance with the provisions of this section. Photographs or microphotographs in the form of film or print of any records, made in compliance with the provisions of this section, shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs. The impression of the seal of the Department of Environmental Protection on a certificate made by the department and signed by the Secretary of Environmental Protection entitles the certificate to be received in all courts and in all proceedings in this state and is prima facie evidence of all factual matters set forth in the certificate. A certificate may relate to one or more records as set forth in the certificate or in a schedule attached to the certificate.

(6)~~(9)~~ The Department of Environmental Protection may require that bond be given by any employee of the department, payable to the Governor of the state and the Governor's successor in office, for the use and benefit of those whom it concerns, in such penal sums and with such good and sufficient surety or sureties as are approved by the department, conditioned upon the faithful performance of the duties of the employee.

(7)~~(10)~~ There is created as a part of the Department of Environmental Protection an Environmental Regulation Commission. The commission shall be composed of seven residents of this state appointed by the Governor, subject to confirmation by the Senate. The commission shall include one, but not more than two, members from each water management district who have resided in the district for at least 1 year, and the remainder shall be selected from the state at large. Membership shall be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering. The Governor shall appoint the chair, and the vice chair shall be elected from among the membership. The members serving on the commission on July 1, 1995, shall continue to serve on the commission for the remainder of their current terms. All appointments thereafter shall continue to be for 4-year terms. The Governor may at any time fill a vacancy for the unexpired term. The members of the commission shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties. Administrative, personnel, and other support services necessary for the commission shall be furnished by the department.

Section 2. Section 370.0205, Florida Statutes, is transferred and renumbered as section 20.2551, Florida Statutes.

Section 3. Paragraph (c) of subsection (6) of section 20.331, Florida Statutes, is amended to read:

20.331 Fish and Wildlife Conservation Commission.—

(6)

(c) The *commission shall follow the* provisions of chapter 120 *when adopting rules* ~~shall be accorded to any party whose substantial interests will be affected by any action of the commission~~ in the performance of its statutory duties or responsibilities. For purposes of this subsection, statutory duties or responsibilities include, but are not limited to, the following:

1. Research and management responsibilities for marine species listed as endangered, threatened, or of special concern, including, but not limited to, manatees and marine turtles;

2. Establishment and enforcement of boating safety regulations;

3. Land acquisition ~~and management~~;

4. Enforcement and collection of fees for all recreational and commercial hunting or fishing licenses or permits;

5. Aquatic plant removal ~~and management~~ using fish as a biological control agent;

6. Enforcement of penalties for violations of commission rules, including, but not limited to, the seizure and forfeiture of vessels and other equipment used to commit those violations;

7. Establishment of free fishing days;

8. Regulation of off-road vehicles on state lands;

9. Establishment and coordination of a statewide hunter safety course;

10. Establishment of programs and activities to develop and distribute public education materials;

11. Police powers of wildlife and marine officers;

12. Establishment of citizen support organizations to provide assistance, funding, and promotional support for programs of the commission;

13. Creation of the Voluntary Authorized Hunter Identification Program; and

14. Regulation of required clothing of persons hunting deer.

(d) The commission is directed to provide a report on the development and implementation of its adequate due process provisions to the President of the Senate, the Speaker of the House of Representatives, and the appropriate substantive committees of the House of Representatives and the Senate no later than December 1, 1999.

Section 4. Section 161.031, Florida Statutes, is amended to read:

161.031 Personnel and facilities.—The Department of Environmental Protection may call to its assistance temporarily, any engineer or other employee in any state agency or department or in the University of Florida or other educational institution financed wholly or in part by the state, for the purpose of devising the most effective and economical method of averting and preventing erosion, hurricane, and storm damages. These employees shall not receive additional compensation, except for actual necessary expenses incurred while working under the direction of the *department* ~~Division of Marine Resources~~.

Section 5. Section 161.36, Florida Statutes, is amended to read:

161.36 General powers of authority.—In order to most effectively carry out the purposes of this part, the board of county commissioners, as the county beach and shore preservation authority and as the governing body of each beach and shore preservation district established thereby, shall be possessed of broad powers to do all manner of things necessary or desirable in pursuance of this end; provided, however, nothing herein shall diminish or impair the regulatory authority of the Department *of Environmental Protection* ~~or Division of Marine Resources~~ under part I of this chapter~~,~~ or the Board of Trustees of the Internal Improvement Trust Fund under chapter 253. Such powers shall specifically include, but not be limited to, the following:

(1) To make contracts and enter into agreements;

(2) To sue and be sued;

(3) To acquire and hold lands and property by any lawful means;

(4) To exercise the power of eminent domain;

(5) To enter upon private property for purposes of making surveys, soundings, drillings and examinations, and such entry shall not be deemed a trespass;

(6) To construct, acquire, operate and maintain works and facilities;

(7) To make rules and regulations; and

(8) To do any and all other things specified or implied in this part.

Section 6. Paragraph (kk) of subsection (7) 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.

(7) MISCELLANEOUS EXEMPTIONS.—

(kk) *Citizen support organizations.*—Beginning July 1, 1996, nonprofit organizations that are incorporated under chapter 617 or hold a current exemption from federal corporate income tax under s. 501(c)(3) of the Internal Revenue Code, as amended, 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* ~~s. 370.0205~~, or to support one or more state parks in accordance with s. 258.015 are exempt from the tax imposed by

Section 7. Paragraph (f) of 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. Ten percent of the proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the Department of Environmental Protection for the purchase by the South Florida Water Management District of lands in Dade, Broward, and Palm Beach Counties identified in s. 7, chapter 95-349, Laws of Florida. This distribution shall apply for any bond issue for the 1995-1996 fiscal year. For the 1997-1998 fiscal year only, $20 million per year from the proceeds of any bonds deposited into the Florida Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the St. Johns Water Management District for the purchase of lands necessary to restore Lake Apopka. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(f) Two and nine-tenths percent to the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ 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.

Section 8. Subsection (5) of section 288.109, Florida Statutes, is amended to read:

288.109 One-Stop Permitting System.—

(5) By January 1, 2001, the following state agencies, and the programs within such agencies which require the issuance of licenses, permits, and approvals to businesses, must also be integrated into the One-Stop Permitting System:

(a) The Department of Agriculture and Consumer Services.

(b) The Department of Business and Professional Regulation.

(c) The Department of Health.

(d) The Department of Insurance.

(e) The Department of Labor.

(f) The Department of Revenue.

(g) The Department of State.

(h) The *Fish and Wildlife Conservation* ~~Game and Freshwater Fish~~ Commission.

(i) Other state agencies.

Section 9. Paragraph (b) of subsection (4) of section 323.001, Florida Statutes, is amended to read:

323.001 Wrecker operator storage facilities; vehicle holds.—

(4) The requirements for a written hold apply when the following conditions are present:

(b) The officer has probable cause to believe the vehicle should be seized and forfeited under s. *370.442* ~~372.312~~;

Section 10. Subsection (1) of section 370.021, Florida Statutes, is amended to read:

370.021 Administration; rules, publications, records; penalties; injunctions.—

(1) PENALTIES.—Unless otherwise provided by law, any person, firm, or corporation who is convicted for violating any provision of this chapter, or any rule of the Fish and Wildlife Conservation Commission *relating to the conservation of marine resources* ~~adopted pursuant to this chapter~~, shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 60 days or by a fine of not less than $100 nor more than $500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction within 12 months, by imprisonment for not more than 6 months or by a fine of not less than $250 nor more than $1,000, or by both such fine and imprisonment.

Section 11. Section 370.041, Florida Statutes, is transferred and renumbered as section 161.242, Florida Statutes.

Section 12. Subsections (1), (4), (5), (6), (7), and (8) of section 370.07, Florida Statutes, are amended to read:

370.07 Wholesale and retail saltwater products dealers; regulation.—

(1) DEFINITIONS; LICENSES AUTHORIZED.—Annual license or privilege taxes are hereby levied and imposed upon dealers in the state in saltwater products. It is unlawful for any person, firm, or corporation to deal in any such products without first paying for and procuring the license required by this section. Application for all licenses shall be made to the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ on blanks to be furnished by it. All licenses shall be issued by the *commission* ~~department~~ upon payment to it of the license tax. The licenses are defined as:

(a)1. "Wholesale county dealer" is any person, firm, or corporation which sells saltwater products to any person, firm, or corporation except to the consumer and who may buy saltwater products in the county designated on the wholesale license from any person licensed pursuant to s. 370.06(2) or from any licensed wholesale dealer.

2. "Wholesale state dealer" is a person, firm, or corporation which sells saltwater products to any person, firm, or corporation except to the consumer and who may buy saltwater products in any county of the state from any person licensed pursuant to s. 370.06(2) or from any licensed wholesale dealer.

3. "Wholesale dealer" is either a county or a state dealer.

(b) A "retail dealer" is any person, firm, or corporation which sells saltwater products directly to the consumer, but no license is required of a dealer in merchandise who deals in or sells saltwater products consumed on the premises or prepared for immediate consumption and sold to be taken out of any restaurant licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

Any person, firm, or corporation which is both a wholesale dealer and a retail dealer shall obtain both a wholesale dealer's license and a retail dealer's license. If a wholesale dealer has more than one place of business, the annual license tax shall be effective for all places of business, provided that the wholesale dealer supplies to the *commission* ~~department~~ a complete list of additional places of business upon application for the annual license tax.

(4) TRANSPORTATION OF SALTWATER PRODUCTS.—

(a) A person transporting in this state saltwater products that were produced in this state, regardless of destination, shall have in his or her possession invoices, bills of lading, or other similar instruments showing the number of packages, boxes, or containers and the number of pounds of each species and the name, physical address, and the Florida wholesale dealer number of the dealer of origin.

(b) A person transporting in this state saltwater products that were produced outside this state to be delivered to a destination in this state shall have in his or her possession invoices, bills of lading, or other similar instruments showing the number of packages, boxes, or containers and the number of pounds of each species, the name and physical address of the dealer of origin, and the name, physical address, and Florida wholesale dealer number of the Florida dealer to whom the shipment is to be delivered.

(c) A person transporting in this state saltwater products that were produced outside this state which are to be delivered to a destination outside this state shall have in his or her possession invoices, bills of lading, or other similar instruments showing the number of packages, boxes, or containers and the number of pounds of each species, the name and physical address of the dealer of origin, and the name and physical address of the dealer to whom the shipment is to be delivered.

(d) If the saltwater products in transit came from more than one dealer, distributor, or producer, each lot from each dealer shall be covered by invoices, bills of lading, and other similar instruments showing the number of boxes or containers and the number of pounds of each species. Each invoice, bill of lading, and other similar instrument shall display the wholesale dealer license number and the name and physical address of the dealer, distributor, or producer of the lot covered by the instrument.

(e) It is unlawful to sell, deliver, ship, or transport, or to possess for the purpose of selling, delivering, shipping, or transporting, any saltwater products without all invoices of such products having thereon the wholesale dealer license number in such form as may be prescribed under the provisions of this subsection and the rules and regulations of the *Fish and Wildlife Conservation Commission* ~~department~~. Any saltwater products found in the possession of any person who is in violation of this provision may be seized by the *commission* ~~department~~ and disposed of in the manner provided by law.

(f) Nothing contained in this subsection may be construed to apply to the sale and delivery to a consumer of saltwater products in an ordinary retail transaction by a licensed retail dealer who has purchased such products from a licensed wholesale dealer or to the sale and delivery of the catch or products of a saltwater products licensee to a Florida-licensed wholesale dealer.

(g) Wholesale dealers' licenses shall be issued only to applicants who furnish to the *commission* ~~department~~ satisfactory evidence of law-abiding reputation and who pledge themselves to faithfully observe all of the laws and regulations of this state relating to the conservation of, dealing in, taking, selling, transporting, or possession of saltwater products and to cooperate in the enforcement of all such laws to every reasonable extent. This pledge may be included in the application for license.

(h) Any person who violates the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.—

(a) A license issued to a wholesale or retail dealer is good only to the person to whom issued and named therein and is not transferable. The *commission* ~~department~~ may revoke, suspend, or deny the renewal of the license of any licensee:

1. Upon the conviction of the licensee of any violation of the laws or regulations designed for the conservation of saltwater products;

2. Upon conviction of the licensee of knowingly dealing in, buying, selling, transporting, possessing, or taking any saltwater product, at any time and from any waters, in violation of the laws of this state; or

3. Upon satisfactory evidence of any violation of the laws or any regulations of this state designed for the conservation of saltwater

products or of any of the laws of this state relating to dealing in, buying, selling, transporting, possession, or taking of saltwater products.

(b) Upon revocation of such license, no other or further license may be issued to the dealer within 3 years from the date of revocation except upon special order of the *commission* ~~department~~. After revocation, it is unlawful for such dealer to exercise any of the privileges of a licensed wholesale or retail dealer.

(c) In addition to, or in lieu of, the penalty imposed pursuant to this subsection, the *commission* ~~department~~ may impose penalties pursuant to s. 370.021.

(6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.—

(a) Wholesale dealers shall be required by the *commission* ~~department~~ to make and preserve a record of the names and addresses of persons from whom or to whom saltwater products are purchased or sold, the quantity so purchased or sold from or to each vendor or purchaser, and the date of each such transaction. Retail dealers shall be required to make and preserve a record from whom all saltwater products are purchased. Such record shall be open to inspection at all times by the *commission* ~~department~~. A report covering the sale of saltwater products shall be made monthly or as often as required by rule to the *commission* ~~department~~ by each wholesale dealer. All reports required under this subsection are confidential and shall be exempt from the provisions of s. 119.07(1) except that, pursuant to authority related to interstate fishery compacts as provided by ss. 370.19(3) and 370.20(3), reports may be shared with another state if that state is a member of an interstate fisheries compact, and if that state has signed a Memorandum of Agreement or a similar instrument agreeing to preserve confidentiality as established by Florida law.

(b) The *commission* ~~department~~ may revoke, suspend, or deny the renewal of the license of any dealer for failure to make and keep required records, for failure to make required reports, for failure or refusal to permit the examination of required records, or for falsifying any such record. In addition to, or in lieu of, the penalties imposed pursuant to this paragraph and s. 370.021, the *commission* ~~department~~ may impose against any person, firm, or corporation who is determined to have violated any provision of this paragraph or any provisions of any *commission* ~~department~~ rules *adopted* ~~promulgated~~ pursuant to s. 370.0607, the following additional penalties:

1. For the first violation, a civil penalty of up to $1,000;

2. For a second violation committed within 24 months of any previous violation, a civil penalty of up to $2,500; and

3. For a third or subsequent violation committed within 36 months of any previous two violations, a civil penalty of up to $5,000.

The proceeds of all civil penalties collected pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund and shall be used for administration, auditing, and law enforcement purposes.

(7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY LOCATION.—Wholesale dealers purchasing saltwater products pursuant to s. 370.06(2)(a) at any site other than a site located in a county where the dealer has a permanent address must notify the *Fish and Wildlife Conservation Commission* ~~Division of Law Enforcement~~ of the location of the temporary site of business for each day business is to be conducted at such site.

(8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.—It is unlawful for any licensed retail dealer or any restaurant licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to buy saltwater products from any person other than a licensed wholesale or retail dealer.

Section 13. Section 370.101, Florida Statutes, is amended to read:

370.101 Saltwater fish; regulations.—

(1) The *Fish and Wildlife Conservation Commission* ~~Division of Marine Resources~~ is authorized to establish weight equivalencies when minimum lengths of saltwater fish are established by law, in those cases where the fish are artificially cultivated.

(2) A special activity license may be issued by the *commission* ~~division~~ pursuant to s. 370.06 for catching and possession of fish protected by law after it has first established that such protected specimens are to be used as stock for artificial cultivation.

(3) *A* ~~No~~ permit may *not* be issued pursuant to subsection (2) until the *commission* ~~division~~ determines that the artificial cultivation activity complies with the provisions of ss. 253.67-253.75 and any other specific provisions contained within this chapter regarding leases, licenses, or permits for maricultural activities of each saltwater fish, so that the public interest in such fish stocks is fully protected.

Section 14. Subsection (2) of section 370.11, Florida Statutes, is amended to read:

370.11 Fish; regulation.—

(2) REGULATION; FISH; TARPON, ETC.—No person may sell, offer for sale, barter, exchange for merchandise, transport for sale, either within or without the state, offer to purchase or purchase any species of fish known as tarpon (Tarpon atlanticus) provided, however, any one person may carry out of the state as personal baggage or transport within or out of the state not more than two tarpon if they are not being transported for sale. The possession of more than two tarpon by any one person is unlawful; provided, however, any person may catch an unlimited number of tarpon if they are immediately returned uninjured to the water and released where the same are caught. No common carrier in the state shall knowingly receive for transportation or transport, within or without the state, from any one person for shipment more than two tarpon, except as hereinafter provided. It is expressly provided that any lawful established taxidermist, in the conduct of taxidermy, may be permitted to move or transport any reasonable number of tarpon at any time and in any manner he or she may desire, as specimens for mounting; provided, however, satisfactory individual ownership of the fish so moved or transported can be established by such taxidermist at any time upon demand. Common carriers shall accept for shipment tarpon from a taxidermist when statement of individual ownership involved accompanies bill of lading or other papers controlling the shipment. The *Fish and Wildlife Conservation Commission* ~~Division of Marine Resources~~ may, in its discretion, upon application issue permits for the taking and transporting of tarpon for scientific purposes.

Section 15. Subsection (1) of section 370.1107, Florida Statutes, is amended to read:

370.1107 Definition; possession of certain licensed traps prohibited; penalties; exceptions; consent.—

(1) As used in this section, the term "licensed saltwater fisheries trap" means any trap required to be licensed by the Fish and Wildlife Conservation Commission and authorized ~~pursuant to this chapter or~~ by the commission for the taking of saltwater products.

Section 16. Section 370.1405, Florida Statutes, is amended to read:

370.1405 Crawfish reports by dealers during closed season required.—

(1) Within 3 days after the commencement of the closed season for the taking of saltwater crawfish, each and every seafood dealer, either retail or wholesale, intending to possess whole crawfish, crawfish tails, or crawfish meat during closed season shall submit to the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~, on forms provided by the *commission* ~~department~~, a sworn report of the quantity, in pounds, of saltwater whole crawfish, crawfish tails, and crawfish meat in the dealer's name or possession as of the date the season closed. This report shall state the location and number of pounds of whole crawfish, crawfish tails, and crawfish meat. The *commission* ~~department~~ shall not accept any reports not delivered or postmarked by midnight of the 3rd calendar day after the commencement of the closed season, and any stocks of crawfish reported

therein are declared a nuisance and may be seized by the *commission* ~~department~~.

(2) Failure to submit a report as described in subsection (1) or reporting a greater or lesser amount of whole crawfish, crawfish tails, or crawfish meat than is actually in the dealer's possession or name is a major violation of this chapter, punishable as provided in s. 370.021(1), s. 370.07(6)(b), or both. The commission shall seize the entire supply of unreported or falsely reported whole crawfish, crawfish tails, or crawfish meat, and shall carry the same before the court for disposal. The dealer shall post a cash bond in the amount of the fair value of the entire quantity of unreported or falsely reported crawfish as determined by the judge. After posting the cash bond, the dealer shall have 24 hours to transport said products outside the limits of Florida for sale as provided by s. 370.061. Otherwise, the product shall be declared a nuisance and disposed of by the commission according to law.

(3) All dealers having reported stocks of crawfish may sell or offer to sell such stocks of crawfish; however, such dealers shall submit an additional report on the last day of each month during the duration of the closed season. Reports shall be made on forms supplied by the *commission* ~~department~~. Each dealer shall state on this report the number of pounds brought forward from the previous report period, the number of pounds sold during the report period, the number of pounds, if any, acquired from a licensed wholesale dealer during the report period, and the number of pounds remaining on hand. In every case, the amount of crawfish sold plus the amount reported on hand shall equal the amount acquired plus the amount reported remaining on hand in the last submitted report. Copies of records or invoices documenting the number of pounds acquired during the closed season must be maintained by the wholesale or retail dealer and shall be kept available for inspection by the *commission* ~~department~~ for a period not less than 3 years from the date of the recorded transaction. Reports postmarked later than midnight on the 3rd calendar day of each month during the duration of the closed season will not be accepted by the *commission* ~~department~~. Dealers for which late supplementary reports are not accepted by the *commission* ~~department~~ must show just cause why their entire stock of whole crawfish, crawfish tails, or crawfish meat should not be seized by the *commission* ~~department~~. Whenever a dealer fails to timely submit the monthly supplementary report as described in this subsection, the dealer may be subject to the following civil penalties:

(a) For a first violation, the *commission* ~~department~~ shall assess a civil penalty of $500.

(b) For a second violation within the same crawfish closed season, the *commission* ~~department~~ shall assess a civil penalty of $1,000.

(c) For a third violation within the same crawfish closed season, the *commission* ~~department~~ shall assess a civil penalty of $2,500 and may seize said dealer's entire stock of whole crawfish, crawfish tails, or crawfish meat and carry the same before the court for disposal. The dealer shall post a cash bond in the amount of the fair value of the entire remaining quantity of crawfish as determined by the judge. After posting the cash bond, a dealer shall have 24 hours to transport said products outside the limits of Florida for sale as provided by s. 370.061. Otherwise, the product shall be declared a nuisance and disposed of by the *commission* ~~department~~ according to law.

(4) All seafood dealers shall at all times during the closed season make their stocks of whole crawfish, crawfish tails, or crawfish meat available for inspection by the *commission* ~~department~~.

(5) Each wholesale and retail dealer in whole crawfish, crawfish tails, or crawfish meat shall keep throughout the period of the crawfish closed season copies of the bill of sale or invoice covering each transaction involving whole crawfish, crawfish tails, or crawfish meat. Such invoices and bills shall be kept available at all times for inspection by the *commission* ~~department~~.

(6) The *Fish and Wildlife Conservation Commission may* ~~Department of Environmental Protection is authorized to~~ adopt rules incorporating by reference such forms as are necessary to *administer* ~~implement the provisions of~~ this section.

Section 17. Section 372.021, Florida Statutes, is amended to read:

372.021 Powers, duties, and authority of commission; rules, regulations, and orders.—The *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission may exercise the powers, duties, and authority granted by s. 9, Art. IV of the Constitution of Florida, *and as otherwise authorized by the Legislature* by the adoption of rules, regulations, and orders in accordance with chapter 120.

Section 18. Section 372.05, Florida Statutes, is amended to read:

372.05 Duties of *executive* director.—The *executive* director *of the Fish and Wildlife Conservation Commission* shall:

(1) Keep full and correct minutes of the proceedings of said commission at its meetings, which minutes shall be open for public inspection.

(2) Purchase such supplies and employ such help and assistants as may be reasonably necessary in the performance of the *executive* director's duties.

(3) Have full authority to represent the commission in its dealings with other state departments, county commissioners, and the federal government.

(4) Submit to the commission at each of its meetings a report of all the *executive* director's actions and doings as official representative of the commission.

~~(5) Visit each county in the state at least once each year and oftener if it appears to the director to be necessary.~~

(5)~~(6)~~ Appoint, fix salaries of, and at pleasure remove, subject to the approval of the commission, assistants and other employees who shall have such powers and duties as may be assigned to them by the commission or *executive* director.

(6)~~(7)~~ Have such other powers and duties as may be prescribed by the commission in pursuance of its duties under s. 9, Art. IV of the State Constitution.

Section 19. Section 372.07, Florida Statutes, is amended to read:

372.07 Police powers of commission and its agents.—

(1) The Fish and Wildlife Conservation Commission, the *executive* director and the *executive* director's assistants designated by her or him, and each wildlife officer are constituted peace officers with the power to make arrests for violations of the laws of this state when committed in the presence of the officer or when committed on lands under the supervision and management of the commission. The general laws applicable to arrests by peace officers of this state shall also be applicable to said director, assistants, and wildlife officers. Such persons may enter upon any land or waters of the state for performance of their lawful duties and may take with them any necessary equipment, and such entry shall not constitute a trespass.

(2) *Such* ~~Said~~ officers shall have power and authority to enforce throughout the state all laws relating to game, nongame birds, ~~freshwater~~ fish, and fur-bearing animals and all rules and regulations of the Fish and Wildlife Conservation Commission relating to wild animal life, *marine life,* and freshwater aquatic life, and in connection with said laws, rules, and regulations, in the enforcement thereof and in the performance of their duties thereunder, to:

(a) Go upon all premises, posted or otherwise;

(b) Execute warrants and search warrants for the violation of said laws;

(c) Serve subpoenas issued for the examination, investigation, and trial of all offenses against said laws;

(d) Carry firearms or other weapons, concealed or otherwise, in the performance of their duties;

(e) Arrest upon probable cause without warrant any person found in the act of violating any of the provisions of said laws or, in pursuit

immediately following such violations, to examine any person, boat, conveyance, vehicle, game bag, game coat, or other receptacle for wild animal life, *marine life*, or freshwater aquatic life, or any camp, tent, cabin, or roster, in the presence of any person stopping at or belonging to such camp, tent, cabin, or roster, when said officer has reason to believe, and has exhibited her or his authority and stated to the suspected person in charge the officer's reason for believing, that any of the aforesaid laws have been violated at such camp;

(f) Secure and execute search warrants and in pursuance thereof to enter any building, enclosure, or car and to break open, when found necessary, any apartment, chest, locker, box, trunk, crate, basket, bag, package, or container and examine the contents thereof;

(g) Seize and take possession of all wild animal life, *marine life*, or freshwater aquatic life taken or in possession or under control of, or shipped or about to be shipped by, any person at any time in any manner contrary to said laws.

(3) It is unlawful for any person to resist an arrest authorized by this section or in any manner to interfere, either by abetting, assisting such resistance, or otherwise interfering with said *executive* director, assistants, or wildlife officers while engaged in the performance of the duties imposed upon them by law or regulation of the Fish and Wildlife Conservation Commission.

Section 20. Section 372.121, Florida Statutes, is amended to read:

372.121 Control and management of state game lands.—

(1) The Fish and Wildlife Conservation Commission is authorized to make, adopt, promulgate, amend, repeal, and enforce all reasonable rules and regulations necessary for the protection, control, operation, management, or development of lands or waters owned by, leased by, or otherwise assigned to, the commission for fish or wildlife management purposes, including but not being limited to the right of ingress and egress. Before any such rule or regulation is adopted, other than one relating to wild animal life, *marine life*, or freshwater aquatic life, the commission shall obtain the consent and agreement, in writing, of the owner, in the case of privately owned lands or waters, or the owner or primary custodian, in the case of public lands or waters.

(2) Any person violating or otherwise failing to comply with any rule or regulation so adopted *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 21. Subsection (1) of section 372.991, Florida Statutes, is amended to read:

372.991 Nongame Wildlife Trust Fund.—

(1) The Legislature recognizes the value of maintaining ecologically healthy and stable populations of a wide diversity of fish and wildlife species and recognizes the need for monitoring, research, management, and public awareness of all wildlife species in order to guarantee that self-sustaining populations be conserved. The Legislature further recognizes that research and management for game species traditionally have been supported by licenses and fees collected by the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission for consumptive uses of wildlife and that no such support mechanism is available for species not commonly pursued for sport or profit. It is the intent of the Legislature that the funds provided herein be spent to identify and meet the needs of nongame wildlife as a first priority with the ultimate goal of establishing an integrated approach to the management and conservation of all native fish, wildlife, and plants.

Section 22. Subsections (6) and (12) of section 373.4149, Florida Statutes, are amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(6) The Miami-Dade County Lake Belt Plan Implementation Committee shall be appointed by the governing board of the South Florida Water Management District to develop a strategy for the design and implementation of the Miami-Dade County Lake Belt Plan. The committee shall consist of the chair of the governing board of the South Florida Water Management District, who shall serve as chair of the committee, the policy director of Environmental and Growth Management in the office of the Governor, the secretary of the Department of Environmental Protection, the director of the Division of Water Facilities or its successor division within the Department of Environmental Protection, the director of the Office of Tourism, Trade, and Economic Development within the office of the Governor, the secretary of the Department of Community Affairs, the executive director of the *Fish and Wildlife Conservation* ~~Game and Freshwater Fish~~ Commission, the director of the Department of Environmental Resource Management of Miami-Dade County, the director of the Miami-Dade County Water and Sewer Department, the Director of Planning in Miami-Dade County, a representative of the Friends of the Everglades, a representative of the Florida Audubon Society, a representative of the Florida chapter of the Sierra Club, four representatives of the nonmining private landowners within the Miami-Dade County Lake Belt Area, and four representatives from the limestone mining industry to be appointed by the governing board of the South Florida Water Management District. Two ex officio seats on the committee will be filled by one member of the Florida House of Representatives to be selected by the Speaker of the House of Representatives from among representatives whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3), and one member of the Florida Senate to be selected by the President of the Senate from among senators whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3). The committee may appoint other ex officio members, as needed, by a majority vote of all committee members. A committee member may designate in writing an alternate member who, in the member's absence, may participate and vote in committee meetings.

(12) The secretary of the Department of Environmental Protection, the secretary of the Department of Community Affairs, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the *Fish and Wildlife Conservation* ~~Game and Freshwater Fish~~ Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the provisions of this section.

Section 23. Paragraph (b) of subsection (6) of section 373.41492, Florida Statutes, is amended to read:

373.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.—

(6)

(b) Expenditures must be approved by an interagency committee consisting of representatives from each of the following: the Miami-Dade County Department of Environmental Resource Management, the Department of Environmental Protection, the South Florida Water Management District, and the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission. In addition, the limerock mining industry shall select a representative to serve as a nonvoting member of the interagency committee. At the discretion of the committee, additional members may be added to represent federal regulatory, environmental, and fish and wildlife agencies.

Section 24. Subsection (3) of section 403.141, Florida Statutes, is amended to read:

403.141 Civil liability; joint and several liability.—

(3) In assessing damages for fish killed, the value of the fish is to be determined in accordance with a table of values for individual categories of fish which shall be promulgated by the department. At the time the table is adopted, the department shall *use* ~~utilize~~ tables of values established by the Department of Environmental Protection and the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission. The total number of fish killed may be estimated by standard practices used in estimating fish population.

Section 25. Paragraph (h) of subsection (12) of section 403.707, Florida Statutes, is amended 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.

(h) The department shall ensure that the requirements of this section are applied and interpreted consistently throughout the state. In accordance with *s. 20.255* ~~s. 20.255(6)~~, the Division of Waste Management shall direct the district offices and bureaus on matters relating to the interpretation and applicability of this section.

Section 26. Paragraph (b) of subsection (1) of section 570.235, Florida Statutes, is amended to read:

570.235 Pest Exclusion Advisory Committee.—

(1) There is created within the department a Pest Exclusion Advisory Committee. The advisory committee shall be composed of 24 members.

(b) In addition, the committee shall be composed of the following 7 members:

1. Two members representing and appointed by the Animal and Plant Health Inspection Service, United States Department of Agriculture.

2. One member representing and appointed by the Florida Department of Health.

3. One member representing and appointed by the Florida Department of Environmental Protection.

4. One member representing and appointed by the *Fish and Wildlife Conservation* ~~Florida Game and Fresh Water Fish~~ Commission.

5. One member appointed by the Speaker of the House of Representatives.

6. One member appointed by the President of the Senate.

Section 27. Paragraph (e) of subsection (7) of section 590.02, Florida Statutes, is amended to read:

590.02 Division powers, authority, and duties; liability; building structures; Florida Center for Wildfire and Forest Resources Management Training.—

(7) The division may organize, staff, equip, and operate the Florida Center for Wildfire and Forest Resources Management Training. The center shall serve as a site where fire and forest resource managers can obtain current knowledge, techniques, skills, and theory as they relate to their respective disciplines.

(e) An advisory committee consisting of the following individuals or their designees must review program curriculum, course content, and scheduling: the Director of the Florida Division of Forestry; the Assistant Director of the Florida Division of Forestry; the Director of the School of Forest Resources and Conservation of the University of Florida; the Director of the Division of Recreation and Parks of the Department of Environmental Protection; the Director of the Division of the State Fire Marshal; the Director of the Florida Chapter of The Nature Conservancy; the Executive Vice President of the Florida Forestry Association; the President of the Florida Farm Bureau Federation; the Executive Director of the *Fish and Wildlife Conservation* ~~Florida Game and Fresh Water Fish~~ Commission; the Executive Director of a Water Management District as appointed by the Commissioner of Agriculture; the Supervisor of the National Forests in Florida; the President of the Florida Fire Chief's Association; and the Executive Director of the Tall Timbers Research Station.

Section 28. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.—As used in this chapter:

(3) "Abandoned property" means all tangible personal property *that* ~~which~~ does not have an identifiable owner and *that* ~~which~~ has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or ~~which~~ has no apparent intrinsic value to the rightful owner. However, vessels determined to be derelict by the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ or a county or municipality in accordance with the provisions of s. 823.11 *are* ~~shall~~ not ~~be~~ included *within* ~~in~~ this definition.

Section 29. Subsections (2) and (4) of section 705.103, Florida Statutes, are amended to read:

705.103 Procedure for abandoned or lost property.—

(2) Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: . . .(setting forth brief description). . . is unlawfully upon public property known as . . .(setting forth brief description of location). . . and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: . . .(setting forth the date of posting of notice). . . , signed: . . .(setting forth name, title, address, and telephone number of law enforcement officer). . . .

Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles ~~or the Department of Environmental Protection, respectively,~~ in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15(1). On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any. If, at the end of 5 days after posting the notice and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, the following shall apply:

(a) For abandoned property, the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

(b) For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period.

1. If the agency elects to retain the property for use by the unit of government, donate the property to a charitable organization, surrender

such property to the finder, sell the property, or trade the property to another unit of local government or state agency, notice of such election shall be given by an advertisement published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the property was found if the value of the property is more than $100. If the value of the property is $100 or less, notice shall be given by posting a description of the property at the law enforcement agency where the property was turned in. The notice must be posted for not less than 2 consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to that where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

(4) The owner of any abandoned or lost property who, after notice as provided in this section, does not remove such property within the specified period shall be liable to the law enforcement agency for all costs of removal, storage, and destruction of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer shall notify the owner, if known, of the amount owed. In the case of an abandoned boat or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such boat or motor vehicle, or any other boat or motor vehicle, until such costs have been paid. The law enforcement officer shall supply the Department of *Highway Safety and Motor Vehicles* ~~Environmental Protection~~ with a list of persons whose boat registration privileges *or* ~~have been revoked under this subsection and the Department of Motor Vehicles with a list of persons~~ whose motor vehicle privileges have been revoked *under this subsection*. Neither *the* department nor any other person acting as agent thereof shall issue a certificate of registration to a person whose boat or motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

Section 30. Subsection (1) of section 832.06, Florida Statutes, is amended to read:

832.06 Prosecution for worthless checks given tax collector for licenses or taxes; refunds.—

(1) Whenever any person, firm, or corporation violates the provisions of s. 832.05 by drawing, making, uttering, issuing, or delivering to any county tax collector any check, draft, or other written order on any bank or depository for the payment of money or its equivalent for any tag, title, lien, tax (except ad valorem taxes), penalty, or fee relative to a boat, airplane, motor vehicle, driver license, or identification card; any occupational license, beverage license, or sales or use tax; or any hunting or fishing license, the county tax collector, after the exercise of due diligence to locate the person, firm, or corporation which drew, made, uttered, issued, or delivered the check, draft, or other written order for the payment of money, or to collect the same by the exercise of due diligence and prudence, shall swear out a complaint in the proper court against the person, firm, or corporation for the issuance of the worthless check or draft. If the state attorney cannot sign the information due to lack of proof, as determined by the state attorney in good faith, for a prima facie case in court, he or she shall issue a certificate so stating to the tax collector. If payment of the dishonored check, draft, or other written order, together with court costs expended, is not received in full by the county tax collector within 30 days after service of the warrant, 30 days after conviction, or 60 days after the collector swears out the complaint or receives the certificate of the state attorney, whichever is first, the county tax collector shall make a written report to this effect to the Department of Highway Safety and Motor Vehicles relative to motor vehicles and vessels, to the Department of Revenue relative to occupational licenses and the sales and use tax, to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation relative to beverage licenses, or to the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission relative to hunting and fishing licenses, containing a statement of the amount remaining unpaid on the worthless check or draft. If the information is not signed, the certificate of the state attorney is issued, and the written report of the amount remaining unpaid is made, the county tax collector may request the sum be forthwith refunded by the appropriate governmental entity, agency, or department. If a warrant has been issued and served, he or she shall certify to that effect, together with the court costs and amount remaining unpaid on the check. The county tax collector may request that the sum of money certified by him or her be forthwith refunded by the Department of Highway Safety and Motor Vehicles, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission to the county tax collector. Within 30 days after receipt of the request, the Department of Highway Safety and Motor Vehicles, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission, upon being satisfied as to the correctness of the certificate of the tax collector, or the report, shall refund to the county tax collector the sums of money so certified or reported. If any officer of any court issuing the warrant is unable to serve it within 60 days after the issuance and delivery of it to the officer for service, the officer shall make a written return to the county tax collector to this effect. Thereafter, the county tax collector may certify that the warrant has been issued and that service has not been had upon the defendant and further certify the amount of the worthless check or draft and the amount of court costs expended by the county tax collector, and the county tax collector may file the certificate with the Department of Highway Safety and Motor Vehicles relative to motor vehicles and vessels, with the Department of Revenue relative to occupational licenses and the sales and use tax, with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation relative to beverage licenses, or with the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission relative to hunting and fishing licenses, together with a request that the sums of money so certified be forthwith refunded by the Department of Highway Safety and Motor Vehicles, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission to the county tax collector, and within 30 days after receipt of the request, the Department of Highway Safety and Motor Vehicles, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission, upon being satisfied as to the correctness of the certificate, shall refund the sums of money so certified to the county tax collector.

(2) The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act in the interest of the public.

Section 31. Paragraph (h) of subsection (1) of section 260.016, Florida Statutes, is created to read:

260.016 General powers of the department.—

(1) The department may:

(h) Receive or accept from any legal source, grants for the purpose of providing or improving public greenways and trails, and the department is authorized to disburse funds as pass-through grants to federal, state,

or local government agencies, recognized tribal units, or to nonprofit entities created for this purpose. The department has authority to adopt rules pursuant to s. 120.536(1) and 120.54 to implement the provisions of this subsection. Such rules shall provide, but are not limited to, the following: procedures for grant administration and accountability; eligibility, selection criteria; maximum grant amounts and number of pending grants; dedication requirements; and conversion procedures and requirements.

Section 32. Subsection (1) of section 375.075, Florida Statutes, is amended to read:

375.075 Outdoor recreation; financial assistance to local governments.—

(1) The Department of Environmental Protection is authorized~~, pursuant to s. 370.023,~~ to establish the Florida Recreation Development Assistance Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. To the extent not needed for debt service on bonds issued pursuant to s. 375.051, each fiscal year through fiscal year 2000-2001, the department shall develop and plan a program which shall be based upon funding of not less than 5 percent of the money credited to the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3) in that year. Beginning fiscal year 2001-2002, the department shall develop and plan a program which shall be based upon funding provided from the Florida Forever Trust Fund pursuant to s. 259.105(3)(c).

Section 33. *Sections 370.013, 370.017, 370.032, 370.033, 370.034, 370.036, 370.037, 370.038, 370.0606, 370.0805, 372.04, 372.061, 373.197, and 403.261, Florida Statutes, and subsection (6) of section 370.021, and subsection (12) of section 370.14, Florida Statutes, are repealed.*

Section 34. This act shall take effect upon becoming a law.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: An act relating to environmental reorganization; amending s. 20.255, F.S.; providing for the divisions and special offices in the Department of Environmental Protection; deleting outdated provisions relating to review of orders and rules in effect before 1994; transferring and renumbering s. 370.0205, F.S.; providing requirements for citizen support organizations for the Department of Environmental Protection; amending s. 20.331, F.S.; providing requirements for the Fish and Wildlife Conservation Commission when adopting rules; amending ss. 161.031, 161.36, F.S.; authorizing the Department of Environmental Protection to retain specific powers; amending s. 212.08, F.S.; correcting a cross-reference; amending s. 259.101, F.S.; providing for the receipt of funds by the Fish and Wildlife Conservation Commission; amending s. 288.109, F.S.; identifying agencies participating in the one-stop permitting system; amending s. 370.021, F.S.; providing penalties for violation of rules relating to marine resources; transferring and renumbering s. 370.041, F.S., as s. 161.242, F.S.; amending s. 370.07, F.S.; transferring specific regulatory powers from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; amending s. 370.101, F.S.; providing for certain saltwater fish regulations to be established by the Fish and Wildlife Conservation Commission; amending s. 370.11, F.S.; providing for issuance of permits by the Fish and Wildlife Conservation Commission; amending s. 370.1107, F.S.; clarifying the meaning of the term "licensed saltwater fisheries trap"; amending s. 370.1405, F.S.; providing for reports on crawfish by dealers; amending s. 372.021, F.S.; prescribing powers and duties of the Fish and Wildlife Conservation Commission; amending s. 372.05, F.S.; prescribing duties of the executive director of the commission; amending s. 372.07, F.S.; prescribing police powers of the executive director of the commission; amending s. 372.105, F.S.; clarifying the regulation of saltwater life; revising the deposit of specified funds; amending s. 372.121, F.S.; providing for management of certain lands; amending ss. 372.991, 373.4149, 373.41492, 403.141, 570.235, 590.02, F.S.; conforming references to the Fish and Wildlife Conservation Commission; amending s. 403.707, F.S.; conforming a statutory cross-reference; amending s. 705.101, F.S.; transferring specific authority over derelict vessels from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; amending s. 705.103, F.S.; removing authority over abandoned vessels from the Department of Environmental Protection; amending s. 832.06, F.S.; conforming references to the Fish and Wildlife Conservation Commission; repealing s. 370.013, F.S., relating to the Department of Environmental Protection; repealing s. 370.017, F.S., relating to the responsibilities of the secretary of the Department of Environmental Protection; repealing s. 370.032, F.S., relating to definitions; repealing s. 370.033, F.S., relating to legislative intent; repealing s. 370.034, F.S., relating to certificates for dredge and fill equipment; repealing s. 370.036, F.S., relating to the maintenance of records regarding dredge and fill equipment; repealing s. 370.037, F.S., relating to the denial, suspension, or revocation of dredge and fill certificates; amending s. 260.016, F.S.; authorizing the Department of Environmental Protection to receive grants for improving greenways and trails and to adopt rules for the administering pass-through grants; amending s. 375.075, F.S.; correcting a cross-reference; repealing s. 370.038, F.S., relating to the adoption of specified rules; repealing s. 370.0606, F.S., relating to appointment of subagents for sale of saltwater licenses and permits; repealing s. 370.0805, F.S.; relating to the net ban assistance program; repealing s. 372.04, F.S., relating to the director of the commission; repealing s. 372.061, F.S., relating to meetings of the Game and Fresh Water Fish Commission; repealing s. 373.197, F.S., relating to the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin restoration project; repealing s. 403.261, F.S., relating to the repeal of rulemaking jurisdiction over air and water pollution; repealing s. 370.021(6), F.S., relating to admissibility of rules; repealing s. 370.14(12), F.S., relating to the naming of a sport season for spiny lobsters; providing an effective date.

Rep. Alexander moved the adoption of the amendment.

Further consideration of **CS for SB 186**, with pending amendment, was temporarily postponed under Rule 141.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/CS/HB 221, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/CS/HB 221—A bill to be entitled An act relating to Everglades restoration and funding; amending s. 215.22, F.S.; providing that the Save Our Everglades Trust Fund is exempt from certain service charges; amending s. 259.101, F.S.; revising redistribution criteria for unencumbered balances from the Florida Preservation 2000 program; deleting requirements for review and repeal; deleting provision for carryforward of unspent funds; deleting a repealer; amending s. 259.105, F.S.; providing for transfer of funds from the Florida Forever Trust Fund into the Save Our Everglades Trust Fund; amending ss. 259.1051 and 375.045, F.S.; excluding Save Our Everglades Trust Fund distributions from requirement for expenditure within 90 days after transfer; creating s. 373.470, F.S.; creating the "Everglades Restoration Investment Act"; providing definitions; providing legislative intent; providing for a planning process; providing for project implementation reports; providing for the deposit of specified funds into the Save Our Everglades Trust Fund; providing supplemental funds; providing for distributions from the Save Our Everglades Trust Fund; providing for an accounting of expenditures; providing for annual progress reports; providing redistribution of funds; providing an appropriation; providing an effective date.

Senate Amendment 2 (with title amendment)—On page 11, line 13, after the period

insert: *Distribution of funds from the Save Our Everglades Trust Fund shall be equally matched by the cumulative contributions from all local sponsors by fiscal year 2009-2010 by providing funding or credits toward project components. The dollar value of in-kind work by local sponsors*

in furtherance of the comprehensive plan and existing interest in public lands needed for a project component are credits towards the local sponsors' contributions.

And the title is amended as follows:

On page 1, line 27, after the semicolon

insert: providing credit for acquisitions and work performed; requiring matching funds or credits;

Senate Amendment 4—On page 13, between lines 18 and 19,

insert:

Section 8. *For fiscal year 2000-2001, the Department of Environmental Protection may seek approval pursuant to sections 216.177 and 216.181, Florida Statutes, for additional spending authority from available surpluses in department trust funds for transfer to the Save Our Everglades Trust Fund.*

On motion by Rep. Constantine, the House concurred in Senate Amendments 2 and 4. The question recurred on the passage of CS/CS/HB 221. The vote was:

Session Vote Sequence: 609

Yeas—120

The Chair	Crist	Jacobs	Reddick
Albright	Crow	Johnson	Ritchie
Alexander	Detert	Jones	Ritter
Andrews	Diaz de la Portilla, R.	Kelly	Roberts
Argenio	Dockery	Kilmer	Rojas
Argenziano	Edwards	Kosmas	Rubio
Arnall	Effman	Kyle	Russell
Bainter	Eggelletion	Lacasa	Ryan
Ball	Farkas	Lawson	Sanderson
Barreiro	Fasano	Lee	Sembler
Bense	Feeney	Levine	Smith, C.
Betancourt	Fiorentino	Littlefield	Smith, K.
Bilirakis	Flanagan	Logan	Sobel
Bitner	Frankel	Lynn	Sorensen
Bloom	Fuller	Maygarden	Spratt
Boyd	Futch	Melvin	Stafford
Bradley	Garcia	Merchant	Stansel
Bronson	Gay	Miller, J.	Starks
Brown	Goode	Miller, L.	Suarez
Brummer	Goodlette	Minton	Sublette
Bucher	Gottlieb	Morroni	Trovillion
Bullard	Green, C.	Murman	Tullis
Bush	Greene, A.	Ogles	Turnbull
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wallace
Casey	Harrington	Posey	Wasserman Schultz
Chestnut	Hart	Prieguez	Waters
Constantine	Henriquez	Pruitt	Wiles
Cosgrove	Heyman	Putnam	Wilson
Crady	Hill	Rayson	Wise

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 1439, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 1439—A bill to be entitled An act relating to spring training franchise facilities; amending s. 212.20, F.S.; providing for a monthly distribution of a portion of revenues under chapter 212, F.S., to certified facilities for retained spring training franchises for a specified period; providing an aggregate limit on monthly distributions to all certified facilities for a retained spring training franchise; amending s. 288.1162, F.S.; redefining the term "new spring training franchise facility"; providing for certification of facilities for a retained spring training franchise by the Office of Tourism, Trade, and Economic Development; providing certification requirements; providing for competitive evaluation of applications for funding; providing evaluation criteria; providing for use of funds distributed pursuant to s. 212.20, F.S., to such facilities; requiring the Office of Tourism, Trade, and Economic Development to certify a specified number of sports facilities, and a specified number of facilities for retained spring training franchises, under s. 288.1162, F.S.; providing an effective date.

Senate Amendment 1—On page 7, lines 17 and 18, delete those lines

and insert: the use of the facility for a term of at least 15 years.

On motion by Rep. Sembler, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/HB 1439. The vote was:

Session Vote Sequence: 610

Yeas—113

The Chair	Crist	Jacobs	Ritchie
Albright	Crow	Johnson	Ritter
Alexander	Detert	Jones	Roberts
Andrews	Diaz de la Portilla, R.	Kelly	Rubio
Argenio	Dockery	Kilmer	Russell
Argenziano	Edwards	Kosmas	Ryan
Arnall	Effman	Kyle	Sembler
Bainter	Eggelletion	Lawson	Smith, C.
Ball	Farkas	Lee	Smith, K.
Barreiro	Fasano	Levine	Sobel
Bense	Feeney	Littlefield	Sorensen
Betancourt	Fiorentino	Logan	Spratt
Bitner	Flanagan	Lynn	Stafford
Bloom	Frankel	Maygarden	Stansel
Boyd	Futch	Merchant	Starks
Bradley	Garcia	Miller, J.	Suarez
Bronson	Gay	Miller, L.	Sublette
Brown	Goode	Minton	Trovillion
Brummer	Goodlette	Morroni	Tullis
Bucher	Gottlieb	Murman	Turnbull
Bullard	Green, C.	Ogles	Wallace
Bush	Greene, A.	Patterson	Wasserman Schultz
Byrd	Greenstein	Peaden	Waters
Cantens	Hafner	Posey	Wiles
Casey	Harrington	Prieguez	Wilson
Chestnut	Hart	Pruitt	Wise
Constantine	Henriquez	Putnam	
Cosgrove	Heyman	Rayson	
Crady	Hill	Reddick	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

CS for SB 186—A bill to be entitled An act relating to environmental reorganization; amending s. 20.255, F.S.; providing for the divisions and special offices in the Department of Environmental Protection; deleting outdated provisions relating to review of orders and rules in effect before 1994; transferring and renumbering s. 370.0205, F.S.; providing requirements for citizen support organizations for the Department of Environmental Protection; amending s. 20.331, F.S.; providing requirements for the Fish and Wildlife Conservation Commission when adopting rules; amending ss. 161.031, 161.36, F.S.; authorizing the Department of Environmental Protection to retain specific powers; amending s. 259.101, F.S.; providing for the receipt of funds by the Fish and Wildlife Conservation Commission; amending s. 270.22, F.S.;

providing for certain fees to be deposited into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; amending s. 288.109, F.S.; identifying agencies participating in the one-stop permitting system; amending s. 327.04, F.S.; providing rulemaking authority to the Fish and Wildlife Conservation Commission; amending s. 327.41, F.S.; providing for the issuance of permits by the Fish and Wildlife Conservation Commission; amending s. 327.54, F.S., requiring the lessee of a personal watercraft to receive instruction by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; providing for the distribution of funds by the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; providing penalties for violation of rules relating to marine resources; transferring and renumbering s. 370.041, F.S., as s. 161.242, F.S.; amending s. 370.07, F.S.; transferring specific regulatory powers from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; providing for the deposit of certain funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; deleting the authority of the Department of Revenue to adopt emergency rules for the Apalachicola Bay Oyster Surcharge; amending s. 370.101, F.S.; providing for certain saltwater fish regulations to be established by the Fish and Wildlife Conservation Commission; amending s. 370.11, F.S.; providing for issuance of permits by the Fish and Wildlife Conservation Commission; amending s. 370.1107, F.S.; clarifying the meaning of the term "licensed saltwater fisheries trap"; amending s. 370.13, F.S.; providing for the regulation of stone crabs; amending s. 370.1405, F.S.; providing for reports on crawfish by dealers; amending s. 370.25, F.S.; deleting a provision conferring joint responsibility on the captain or operator of a vessel and the registered owner of the vessel for violations while underway; transferring responsibilities for the artificial reef program to the Fish and Wildlife Conservation Commission; amending s. 372.021, F.S.; prescribing powers and duties of the Fish and Wildlife Conservation Commission; amending s. 372.05, F.S.; prescribing duties of the executive director of the commission; amending s. 372.07, F.S.; prescribing police powers of the executive director of the commission; amending s. 372.105, F.S.; clarifying the regulation of saltwater life; revising the deposit of specified funds; amending s. 372.121, F.S.; providing for management of certain lands; amending ss. 372.991, 373.4149, 373.41492, 403.141, 570.235, 590.02, F.S.; conforming references to the Fish and Wildlife Conservation Commission; amending s. 403.707, F.S.; conforming a statutory cross-reference; amending s. 597.004, F.S.; transferring aquaculture shellfish handling regulations from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; amending s. 705.101, F.S.; transferring specific authority over derelict vessels from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; amending s. 705.103, F.S.; removing authority over abandoned vessels from the Department of Environmental Protection; amending s. 832.06, F.S.; conforming references to the Fish and Wildlife Conservation Commission; repealing s. 370.013, F.S., relating to the Department of Environmental Protection; repealing s. 370.017, F.S., relating to the responsibilities of the secretary of the Department of Environmental Protection; repealing s. 370.032, F.S., relating to definitions; repealing s. 370.033, F.S., relating to legislative intent; repealing s. 370.034, F.S., relating to certificates for dredge and fill equipment; repealing s. 370.036, F.S., relating to the maintenance of records regarding dredge and fill equipment; repealing s. 370.037, F.S., relating to the denial, suspension, or revocation of dredge and fill certificates; amending s. 260.016, F.S.; authorizing the Department of Environmental Protection to receive grants for improving greenways and trails and to adopt rules for the administering pass-through grants; amending s. 375.075, F.S.; correcting a cross-reference; repealing s. 370.038, F.S., relating to the adoption of specified rules; repealing s. 370.0606, F.S., relating to appointment of subagents for sale of saltwater licenses and permits; repealing s. 370.0805, F.S.; relating to the net ban assistance program; repealing s. 372.04, F.S., relating to the director of the commission; repealing s. 372.061, F.S., relating to meetings of the Game and Fresh Water Fish Commission; repealing s. 373.197, F.S., relating to the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin restoration project; repealing s. 403.261, F.S., relating to the repeal of rulemaking jurisdiction over air and water pollution; repealing s. 370.021(6), F.S., relating to admissibility of rules; repealing s. 370.14(12), F.S., relating to the naming of a sport season for spiny lobsters; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Alexander to adopt Amendment 1.

The question recurred on the adoption of **Amendment 1**.

Representative(s) Alexander offered the following:

(Amendment Bar Code: 752493)

Amendment 1 to Amendment 1 (with title amendment)—On page 44, between lines 25-26,

insert:

Section 34. Section 42 of Committee Substitute for Committee Substitute for Senate Bill 386, enacted in the 2000 Regular Session of the Legislature, is amended to read:

Section 42. Section 258.398, Florida Statutes, 1997 edition, *is* ~~and subsections (10) and (11) of section 370.14, Florida Statutes, are~~ repealed.

Section 35. *Section 12 of Chapter 99-245, Laws of Florida, is repealed.*

Section 36. *Notwithstanding any other law, the Legislature intends that this act represent its full and total intent with respect to legislation dealing with the same subject matter as this act at the same legislative session.*

And the title is amended as follows:

On page 48, line 13, of the amendment, after the semicolon,

insert: amending s. 42 of CS/CS/SB 386, enacted in the 2000 Regular Session of the Legislature; abrogating the repeal of s. 370.14(10) and (11), F.S., relating to crawfish stamps; repealing s. 12 of chapter 99-245, Laws of Florida;

Rep. Alexander moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Representative(s) Alexander and Bitner offered the following:

(Amendment Bar Code: 753065)

Amendment 2 (with title amendment)—On page 44, between lines 19 & 20,

insert:

Section 33. Paragraph (c) of subsection (1), paragraph (a) of subsection (2), and subsection (8) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund *or to the Marine Resource Conservation Trust Fund* as provided in subsection (8).

(2) Seven and fifty-six hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(b), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund *or to the Marine Resource Conservation Trust Fund* as provided in subsection (8). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(b) for the same fiscal year.

(8) From the moneys specified in paragraphs (1)(c) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, *$30* ~~$10~~ million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year ~~1998-1999, $20 million in fiscal year 1999-2000, and $30 million in fiscal year~~ 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212 *and $2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).*

Section 34. Effective July 1, 2001, paragraph (c) of subsection (1), paragraph (a) of subsection (2), and subsection (11) of section 201.15, Florida Statutes, as amended by section 2 of chapter 99-247, Laws of Florida, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraph (a), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund *or to the Marine Resources Conservation Trust Fund* as provided in subsection (11).

(2) Seven and fifty-six hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(b), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund *or to the Marine Resources Conservation Trust Fund* as provided in subsection (11). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(b) for the same fiscal year.

(11) From the moneys specified in paragraphs (1)(c) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, *$30* ~~$10~~ million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year ~~1998-1999, $20 million in fiscal year 1999-2000, and $30 million in fiscal year~~ 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212 *and $2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).*

Section 35. Subsection (3) is added to section 370.0603, Florida Statutes, to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.—

(3) Funds provided to the Marine Resources Conservation Trust Fund from taxes distributed under s. 201.15(9), shall be used for the following purposes:

(a) To reimburse the cost of activities authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior. Such facilities must be involved in the actual rescue and full-time acute care veterinarian-based rehabilitation of manatees. The cost of activities includes, but is not limited to, costs associated with expansion, capital outlay, repair, maintenance, and operation related to the rescue, treatment, stabilization, maintenance, release, and monitoring of manatees. Moneys distributed through the contractual agreement to each facility for manatee rehabilitation must be proportionate to the number of manatees under acute care rehabilitation; the number of maintenance days medically necessary in the facility; and the number released during the previous fiscal year. The commission may set a cap on the total amount reimbursed per manatee per year.

(b) For training on the care, treatment, and rehabilitation of marine mammals at the Whitney Laboratory and the Veterinary School of Medicine at the University of Florida.

(c) For program administration costs of the agency.

(d) Funds not distributed in any 1 fiscal year must be carried over for distribution in subsequent years.

Section 36. Subsection (4) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.—

(4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

~~(a)~~ Each fiscal year the Save the Manatee Trust Fund shall be available to fund an impartial scientific benchmark census of the manatee population in the state. Weather permitting, the study shall be conducted annually by the Fish and Wildlife Conservation Commission and the results shall be made available to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet for use in the evaluation and development of manatee protection measures. In addition, the Save the Manatee Trust Fund shall be available for annual funding of activities of public and private organizations and those of the commission intended to provide manatee and marine mammal protection and recovery effort; manufacture and erection of informational and regulatory signs; production, publication, and distribution of educational materials; participation in manatee and marine mammal research programs, including carcass salvage and other programs; programs intended to assist the recovery of the manatee as an endangered species, assist the recovery of the endangered or threatened marine mammals, and prevent the endangerment of other species of marine mammals; and other similar programs intended to protect and enhance the recovery of the manatee and other species of marine mammals. The commission shall annually solicit advisory recommendations from the Save the Manatee Committee affiliated with the Save the Manatee Club, as identified and recognized in Executive Order 85-19, on the use of funds from the Save the Manatee Trust Fund.

~~(b) Each fiscal year moneys in the Save the Manatee Trust Fund shall also be used, pursuant to s. 328.76(1)(b), to reimburse the cost of activities related to manatee rehabilitation by facilities that rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior. Such facilities must be involved in the actual rescue and full-time acute care veterinarian-based rehabilitation of manatees. The cost of activities includes, but is not limited to, costs associated with expansion, capital outlay, repair, maintenance, and operations related to the rescue, treatment, stabilization, maintenance, release, and monitoring~~

~~of manatees. Moneys distributed through contractual agreement to each facility for manatee rehabilitation shall be proportionate to the number of manatees under acute care rehabilitation and those released during the previous fiscal year. However, the reimbursement may not exceed the total amount available pursuant to ss. 328.72(11) and 328.76(1)(b) for the purposes provided in this paragraph. Prior to receiving reimbursement for the expenses of rescue, rehabilitation, and release, a facility that qualifies under state and federal regulations shall submit a plan to the Fish and Wildlife Conservation Commission for assisting the commission and the Department of Highway Safety and Motor Vehicles in marketing the manatee specialty license plates. At a minimum, the plan shall include provisions for graphics, dissemination of brochures, recorded oral and visual presentation, and maintenance of a marketing exhibit. The plan shall be updated annually, and the Fish and Wildlife Conservation Commission shall inspect each marketing exhibit at least once each year to ensure the quality of the exhibit and promotional material. Each facility that receives funds for manatee rehabilitation shall annually provide the commission a written report, within 30 days after the close of the state fiscal year, documenting the efforts and effectiveness of the facility's promotional activities.~~

(b)~~(c)~~ By December 1 each year, the Fish and Wildlife Conservation Commission shall provide the President of the Senate and the Speaker of the House of Representatives a written report, enumerating the amounts and purposes for which all proceeds in the Save the Manatee Trust Fund for the previous fiscal year are expended, in a manner consistent with those recovery tasks enumerated within the manatee recovery plan as required by the Endangered Species Act.

(c)~~(d)~~ When the federal and state governments remove the manatee from status as an endangered or threatened species, the annual allocation may be reduced.

Section 37. *The sum of $2 million is appropriated to the Fish and Wildlife Conservation Commission from the Marine Resources Conservation Trust Fund beginning in fiscal year 2000-2001 to be expended as follows: $810,000 for training in the care of marine mammals at the Whitney Laboratory and the Veterinary School of Medicine at the University of Florida, $1,150,000 for the care of marine mammals at licensed research facilities pursuant to s. 370.0603(3), and up to $40,000 for program administration costs of the agency.*

Section 38. *Section 258.398, Florida Statutes, 1997 edition, is repealed.*

And the title is amended as follows:

On page 47, line 25, of the title of the bill after cross-reference;

insert: providing for the distribution of certain documentary stamp tax revenues to the Marine Resource Conservation Trust Fund to be used for marine mammal care; amending s. 201.15, F.S.; providing for the distribution of certain documentary stamp tax revenues to the Marine Resource Conservation Trust Fund to be used for marine mammal care, effective July 1, 2001; amending s. 370.0603, F.S.; providing requirements for the use of funds in the Marine Resource Conservation Trust Fund; amending s. 370.12, F.S.; eliminating requirements for the use of specified funds for manatee rehabilitation from the Save the Manatee Trust Fund; providing an appropriation; repealing s. 258.398, F.S.; removing designation of Lake Weir as an aquatic preserve;

Rep. Alexander moved the adoption of the amendment, which was adopted.

On motion by Rep. Alexander, the rules were suspended and CS for SB 186, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 611

Yeas—119

The Chair	Andrews	Arnall	Barreiro
Albright	Argenio	Bainter	Bense
Alexander	Argenziano	Ball	Betancourt
Bilirakis	Feeney	Lacasa	Rojas
Bitner	Fiorentino	Lawson	Rubio
Bloom	Flanagan	Lee	Russell
Boyd	Frankel	Levine	Ryan
Bradley	Fuller	Littlefield	Sanderson
Bronson	Futch	Logan	Sembler
Brown	Garcia	Lynn	Smith, C.
Brummer	Gay	Maygarden	Smith, K.
Bucher	Goode	Melvin	Sobel
Bullard	Goodlette	Merchant	Sorensen
Bush	Gottlieb	Miller, J.	Spratt
Byrd	Green, C.	Miller, L.	Stafford
Cantens	Greene, A.	Minton	Stansel
Casey	Greenstein	Morroni	Starks
Chestnut	Hafner	Murman	Suarez
Constantine	Harrington	Ogles	Sublette
Cosgrove	Hart	Patterson	Trovillion
Crist	Henriquez	Peaden	Tullis
Crow	Heyman	Posey	Turnbull
Detert	Hill	Prieguez	Villalobos
Diaz de la Portilla, R.	Jacobs	Pruitt	Wallace
Dockery	Johnson	Putnam	Wasserman Schultz
Edwards	Jones	Rayson	Waters
Effman	Kelly	Reddick	Wiles
Eggelletion	Kilmer	Ritchie	Wilson
Farkas	Kosmas	Ritter	Wise
Fasano	Kyle	Roberts	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1266, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senator McKay—

CS for SB 1266—A bill to be entitled An act relating to victims; creating the Task Force on Victims of Self-Inflicted Crimes within the Executive Office of the Governor; providing for membership of the task force; requiring the task force to review the problems of victims of self-inflicted crimes and propose solutions to remediate this behavior; requiring the task force to hold a specified number of public meetings; providing requirements for a written report by the task force; providing for members of the task force to be reimbursed for travel and per diem expenses; authorizing the task force to employ an executive director; abolishing the task force after a specified date; providing an appropriation; providing an effective date.

—was read the first time by title. On motion by Rep. Jones, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 612

Yeas—113

Albright	Bilirakis	Byrd	Effman
Alexander	Bitner	Cantens	Eggelletion
Andrews	Bloom	Casey	Farkas
Argenio	Boyd	Chestnut	Fasano
Argenziano	Bradley	Constantine	Feeney
Arnall	Bronson	Crady	Fiorentino
Bainter	Brown	Crow	Fuller
Ball	Brummer	Detert	Futch
Barreiro	Bucher	Diaz de la Portilla, R.	Garcia
Bense	Bullard	Dockery	Gay
Betancourt	Bush	Edwards	Goode

Goodlette	Lacasa	Prieguez	Stafford
Gottlieb	Lawson	Pruitt	Stansel
Green, C.	Lee	Putnam	Starks
Greene, A.	Levine	Rayson	Suarez
Greenstein	Littlefield	Reddick	Sublette
Hafner	Logan	Ritchie	Trovillion
Harrington	Maygarden	Ritter	Tullis
Hart	Melvin	Roberts	Turnbull
Henriquez	Merchant	Rojas	Villalobos
Heyman	Miller, J.	Rubio	Wallace
Hill	Miller, L.	Ryan	Wasserman Schultz
Jacobs	Minton	Sanderson	Waters
Johnson	Morroni	Sembler	Wiles
Jones	Murman	Smith, C.	Wilson
Kelly	Ogles	Smith, K.	Wise
Kilmer	Patterson	Sobel	
Kosmas	Peaden	Sorensen	
Kyle	Posey	Spratt	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/CS/HB 591, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/CS/HB 591—A bill to be entitled An act relating to health care services; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 400.606, F.S.; conforming to the act provisions relating to certificate-of-need requirements for hospice licensure; amending s. 408.032, F.S.; revising definitions; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensing of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemption for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; providing an additional exemption for construction of certain skilled nursing facilities; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing "department" with "agency"; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for nonresidents; requiring a facility to report such use after the expiration of the extension; creating the Public Cord Blood Tissue Bank as a statewide consortium; providing purposes, membership, and duties of the consortium; providing duties of the Agency for Health Care Administration and the Department of Health; providing an exception from provisions of the act; requiring specified written disclosure by certain health care facilities and providers; specifying that donation under the act is voluntary; authorizing the consortium to charge fees; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; reducing allocation of positions and funds; providing effective dates.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Subsections (1) and (2) of section 400.408, Florida Statutes, are amended to read:

400.408 Unlicensed facilities; referral of person for residency to unlicensed facility; penalties; verification of licensure status.—

(1)(a) It is unlawful to own, operate, or maintain an assisted living facility without obtaining a license under this part.

(b) Except as provided under paragraph (d), any person who owns, operates, or maintains an unlicensed assisted living facility commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(c) Any person found guilty of violating paragraph (a) a second or subsequent time commits a felony of the second degree, punishable as provided under s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(d) Any person who owns, operates, or maintains an unlicensed assisted living facility due to a change in this part or a modification in department rule within 6 months after the effective date of such change and who, within 10 working days after receiving notification from the agency, fails to cease operation or apply for a license under this part commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(e) Any facility that fails to cease operation after agency notification may be fined for each day of noncompliance pursuant to s. 400.419.

(f) When a licensee has an interest in more than one assisted living facility, and fails to license any one of these facilities, the agency may revoke the license, impose a moratorium, or impose a fine pursuant to s. 400.419, on any or all of the licensed facilities until such time as the unlicensed facility is licensed or ceases operation.

(g) If the agency determines that an owner is operating or maintaining an assisted living facility without obtaining a license and determines that a condition exists in the facility that poses a threat to the health, safety, or welfare of a resident of the facility, the owner is subject to the same actions and fines imposed against a licensed facility as specified in ss. 400.414 and 400.419.

(h) Any person aware of the operation of an unlicensed assisted living facility must report that facility to the agency. The agency shall provide to the department's elder information and referral providers a list, by county, of licensed assisted living facilities, to assist persons who are considering an assisted living facility placement in locating a licensed facility.

(i) Each field office of the Agency for Health Care Administration shall establish a local coordinating workgroup which includes representatives of local law enforcement agencies, state attorneys, local fire authorities, the Department of Children and Family Services, the district long-term care ombudsman council, and the district human rights advocacy committee to assist in identifying the operation of unlicensed facilities and to develop and implement a plan to ensure effective enforcement of state laws relating to such facilities. The workgroup shall report its findings, actions, and recommendations semi-annually to the Director of Health Facility Regulation of the agency.

(2) It is unlawful to knowingly refer a person for residency to an unlicensed assisted living facility; to an assisted living facility the license of which is under denial or has been suspended or revoked; or to

an assisted living facility that has a moratorium on admissions. Any person who violates this subsection commits a noncriminal violation, punishable by a fine not exceeding $500 as provided in s. 775.083.

(a) Any health care practitioner, as defined in s. 455.501, which is aware of the operation of an unlicensed facility shall report that facility to the agency. Failure to report a facility that the practitioner knows or has reasonable cause to suspect is unlicensed shall be reported to the practitioner's licensing board.

(b) Any hospital or community mental health center licensed under chapter 395 or chapter 394 which knowingly discharges a patient or client to an unlicensed facility is subject to sanction by the agency.

(c)~~(a)~~ Any employee of the agency or department, or the Department of Children and Family Services, who knowingly refers a person for residency to an unlicensed facility; to a facility the license of which is under denial or has been suspended or revoked; or to a facility that has a moratorium on admissions is subject to disciplinary action by the agency or department, or the Department of Children and Family Services.

(d)~~(b)~~ The employer of any person who is under contract with the agency or department, or the Department of Children and Family Services, and who knowingly refers a person for residency to an unlicensed facility; to a facility the license of which is under denial or has been suspended or revoked; or to a facility that has a moratorium on admissions shall be fined and required to prepare a corrective action plan designed to prevent such referrals.

(e)~~(c)~~ The agency shall provide the department and the Department of Children and Family Services with a list of licensed facilities within each county and shall update the list at least quarterly.

(f)~~(d)~~ At least annually, the agency shall notify, in appropriate trade publications, physicians licensed under chapter 458 or chapter 459, hospitals licensed under chapter 395, nursing home facilities licensed under part II of this chapter, and employees of the agency or the department, or the Department of Children and Family Services, who are responsible for referring persons for residency, that it is unlawful to knowingly refer a person for residency to an unlicensed assisted living facility and shall notify them of the penalty for violating such prohibition. The department and the Department of Children and Family Services shall, in turn, notify service providers under contract to the respective departments who have responsibility for resident referrals to facilities. Further, the notice must direct each noticed facility and individual to contact the appropriate agency office in order to verify the licensure status of any facility prior to referring any person for residency. Each notice must include the name, telephone number, and mailing address of the appropriate office to contact.

Section 2. Subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, *paramedic, emergency medical technician,* or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. An employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments under s. 509.032;

7.~~6.~~ Human rights advocacy committee or long-term care ombudsman council member; or

8.~~7.~~ Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

(b) To the extent possible, a report made pursuant to paragraph (a) must contain, but need not be limited to, the following information:

1. Name, age, race, sex, physical description, and location of each disabled adult or an elderly person alleged to have been abused, neglected, or exploited.

2. Names, addresses, and telephone numbers of the disabled adult's or elderly person's family members.

3. Name, address, and telephone number of each alleged perpetrator.

4. Name, address, and telephone number of the caregiver of the disabled adult or elderly person, if different from the alleged perpetrator.

5. Name, address, and telephone number of the person reporting the alleged abuse, neglect, or exploitation.

6. Description of the physical or psychological injuries sustained.

7. Actions taken by the reporter, if any, such as notification of the criminal justice agency.

8. Any other information available to the reporting person which may establish the cause of abuse, neglect, or exploitation that occurred or is occurring.

Section 3. Subsections (2) and (11) of section 400.471, Florida Statutes, are amended to read:

400.471 Application for license; fee; provisional license; temporary permit.—

(2) The applicant must file with the application satisfactory proof that the home health agency is in compliance with this part and applicable rules, including:

(a) A listing of services to be provided, either directly by the applicant or through contractual arrangements with existing providers;

(b) The number and discipline of professional staff to be employed; and

(c) Proof of financial ability to operate.

~~If the applicant has applied for a certificate of need under ss. 408.0331-408.045 within the preceding 12 months, the applicant may submit the proof required during the certificate-of-need process along with an attestation that there has been no substantial change in the facts and circumstances underlying the original submission.~~

(11) The agency may not issue a license designated as certified to a home health agency that fails to ~~receive a certificate of need under ss. 408.031-408.045 or that fails to~~ satisfy the requirements of a Medicare certification survey from the agency.

Section 4. Section 408.032, Florida Statutes, is amended to read:

408.032 Definitions.—As used in ss. 408.031-408.045, the term:

(1) "Agency" means the Agency for Health Care Administration.

(2) "Capital expenditure" means an expenditure, including an expenditure for a construction project undertaken by a health care facility as its own contractor, which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, which is made to change the bed capacity of the facility, or substantially change the services or service area of the health care facility, health service provider, or hospice, and which includes the cost of the studies, surveys, designs, plans, working drawings, specifications, initial financing costs, and other activities essential to acquisition, improvement, expansion, or replacement of the plant and equipment.

(3) "Certificate of need" means a written statement issued by the agency evidencing community need for a new, converted, expanded, or otherwise significantly modified health care facility, health service, or hospice.

(4) "Commenced construction" means initiation of and continuous activities beyond site preparation associated with erecting or modifying a health care facility, including procurement of a building permit applying the use of agency-approved construction documents, proof of an executed owner/contractor agreement or an irrevocable or binding forced account, and actual undertaking of foundation forming with steel installation and concrete placing.

(5) "District" means a health service planning district composed of the following counties:

District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties.

District 2.—Holmes, Washington, Bay, Jackson, Franklin, Gulf, Gadsden, Liberty, Calhoun, Leon, Wakulla, Jefferson, Madison, and Taylor Counties.

District 3.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, Alachua, Marion, Citrus, Hernando, Sumter, and Lake Counties.

District 4.—Baker, Nassau, Duval, Clay, St. Johns, Flagler, and Volusia Counties.

District 5.—Pasco and Pinellas Counties.

District 6.—Hillsborough, Manatee, Polk, Hardee, and Highlands Counties.

District 7.—Seminole, Orange, Osceola, and Brevard Counties.

District 8.—Sarasota, DeSoto, Charlotte, Lee, Glades, Hendry, and Collier Counties.

District 9.—Indian River, Okeechobee, St. Lucie, Martin, and Palm Beach Counties.

District 10.—Broward County.

District 11.—Dade and Monroe Counties.

(6) "Exemption" means the process by which a proposal that would otherwise require a certificate of need may proceed without a certificate of need.

(7)~~(6)~~ "Expedited review" means the process by which certain types of applications are not subject to the review cycle requirements contained in s. 408.039(1), and the letter of intent requirements contained in s. 408.039(2).

(8)~~(7)~~ "Health care facility" means a hospital, long-term care hospital, skilled nursing facility, hospice, ~~intermediate care facility,~~ or intermediate care facility for the developmentally disabled. A facility relying solely on spiritual means through prayer for healing is not included as a health care facility.

(9)~~(8)~~ "Health services" means diagnostic, curative, or rehabilitative services and includes ~~alcohol treatment, drug abuse treatment, and~~ mental health services. *Obstetric services are not health services for purposes of ss. 408.031-408.045.*

~~(9) "Home health agency" means an organization, as defined in s. 400.462(4), that is certified or seeks certification as a Medicare home health service provider.~~

(10) "Hospice" or "hospice program" means a hospice as defined in part VI of chapter 400.

(11) "Hospital" means a health care facility licensed under chapter 395.

~~(12) "Institutional health service" means a health service which is provided by or through a health care facility and which entails an annual operating cost of $500,000 or more. The agency shall, by rule, adjust the annual operating cost threshold annually using an appropriate inflation index.~~

~~(13) "Intermediate care facility" means an institution which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who, because of their mental or physical condition, require health-related care and services above the level of room and board.~~

(12)~~(14)~~ "Intermediate care facility for the developmentally disabled" means a residential facility licensed under chapter 393 and certified by the Federal Government pursuant to the Social Security Act as a provider of Medicaid services to persons who are mentally retarded or who have a related condition.

(13)~~(15)~~ "Long-term care hospital" means a hospital licensed under chapter 395 which meets the requirements of 42 C.F.R. s. 412.23(e) and seeks exclusion from the Medicare prospective payment system for inpatient hospital services.

(14) "Mental health services" means inpatient services provided in a hospital licensed under chapter 395 and listed on the hospital license as psychiatric beds for adults; psychiatric beds for children and adolescents; intensive residential treatment beds for children and adolescents; substance abuse beds for adults; or substance abuse beds for children and adolescents.

~~(16) "Multifacility project" means an integrated residential and health care facility consisting of independent living units, assisted living facility units, and nursing home beds certificated on or after January 1, 1987, where:~~

~~(a) The aggregate total number of independent living units and assisted living facility units exceeds the number of nursing home beds.~~

~~(b) The developer of the project has expended the sum of $500,000 or more on the certificated and noncertificated elements of the project combined, exclusive of land costs, by the conclusion of the 18th month of the life of the certificate of need.~~

~~(c) The total aggregate cost of construction of the certificated element of the project, when combined with other, noncertificated elements, is $10 million or more.~~

~~(d) All elements of the project are contiguous or immediately adjacent to each other and construction of all elements will be continuous.~~

(15)~~(17)~~ "Nursing home geographically underserved area" means:

(a) A county in which there is no existing or approved nursing home;

(b) An area with a radius of at least 20 miles in which there is no existing or approved nursing home; or

(c) An area with a radius of at least 20 miles in which all existing nursing homes have maintained at least a 95 percent occupancy rate for the most recent 6 months or a 90 percent occupancy rate for the most recent 12 months.

~~(18) "Respite care" means short-term care in a licensed health care facility which is personal or custodial and is provided for chronic illness, physical infirmity, or advanced age for the purpose of temporarily~~

~~relieving family members of the burden of providing care and attendance.~~

(16)~~(19)~~ "Skilled nursing facility" means an institution, or a distinct part of an institution, which is primarily engaged in providing, to inpatients, skilled nursing care and related services for patients who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

(17)~~(20)~~ "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost-effectiveness of such service. Examples of such service include, but are not limited to, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The agency shall establish by rule a list of all tertiary health services.

(18)~~(21)~~ "Regional area" means any of those regional health planning areas established by the agency to which local and district health planning funds are directed to local health councils through the General Appropriations Act.

Section 5. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 408.033, Florida Statutes, are amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(b) Each local health council may:

1. Develop a district or regional area health plan that *permits* ~~is consistent with the objectives and strategies in the state health plan, but that shall permit~~ each local health council to develop strategies and set priorities for implementation based on its unique local health needs. The district or regional area health plan must contain preferences for the development of health services and facilities, which may be considered by the agency in its review of certificate-of-need applications. The district health plan shall be submitted to the agency and updated periodically. The district health plans shall use a uniform format and be submitted to the agency according to a schedule developed by the agency in conjunction with the local health councils. The schedule must provide for ~~coordination between the development of the state health plan and the district health plans and for~~ the development of district health plans by major sections over a multiyear period. The elements of a district plan which are necessary to the review of certificate-of-need applications for proposed projects within the district may be adopted by the agency as a part of its rules.

2. Advise the agency on health care issues and resource allocations.

3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.

4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.

5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.

6. Advise and assist any regional planning councils within each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.

7. Advise and assist local governments within each district on the development of an optional health plan element of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:

a. A copy and appropriate updates of the district health plan;

b. A report of hospital and nursing home utilization statistics for facilities within the local government jurisdiction; and

c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.

8. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.

9. In conjunction with the Agency for Health Care Administration, plan for services at the local level for persons infected with the human immunodeficiency virus.

10. Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals, objectives, and policies adopted by the local health council.

11. Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health services and facilities in the district.

(3) DUTIES AND RESPONSIBILITIES OF THE AGENCY.—

(a) The agency, in conjunction with the local health councils, is responsible for the *coordinated* planning of ~~all~~ health care services in the state ~~and for the preparation of the state health plan~~.

Section 6. Subsection (2) of section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.—

(2) In the exercise of its authority to issue licenses to health care facilities and health service providers, as provided under chapters 393, 395, and parts II~~, IV,~~ and VI of chapter 400, the agency may not issue a license to any health care facility, health service provider, hospice, or part of a health care facility which fails to receive a certificate of need *or an exemption* for the licensed facility or service.

Section 7. Section 408.035, Florida Statutes, is amended to read:

408.035 Review criteria.—

~~(1)~~ The agency shall determine the reviewability of applications and shall review applications for certificate-of-need determinations for health care facilities and health services in context with the following criteria:

(1)~~(a)~~ The need for the health care facilities and health services being proposed in relation to the applicable district *health* plan~~, except in emergency circumstances that pose a threat to the public health~~.

(2)~~(b)~~ The availability, quality of care, efficiency, ~~appropriateness,~~ accessibility, *and* extent of utilization *of*~~, and adequacy of like and~~ existing health care facilities and health services in the service district of the applicant.

(3)~~(c)~~ The ability of the applicant to provide quality of care and the applicant's record of providing quality of care.

~~(d) The availability and adequacy of other health care facilities and health services in the service district of the applicant, such as outpatient care and ambulatory or home care services, which may serve as alternatives for the health care facilities and health services to be provided by the applicant.~~

~~(e) Probable economies and improvements in service which may be derived from operation of joint, cooperative, or shared health care resources.~~

(4)~~(f)~~ The need in the service district of the applicant for special *health care* ~~equipment and~~ services that are not reasonably and economically accessible in adjoining areas.

(5)~~(g)~~ The *needs of* ~~need for~~ research and educational facilities, including, but not limited to, *facilities with* institutional training programs and community training programs for health care practitioners and for doctors of osteopathic medicine and medicine at the student, internship, and residency training levels.

(6)~~(h)~~ The availability of resources, including health personnel, management personnel, and funds for capital and operating expenditures, for project accomplishment and operation.~~; the effects the project will have on clinical needs of health professional training programs in the service district; the extent to which the services will be accessible to schools for health professions in the service district for training purposes if such services are available in a limited number of facilities; the availability of alternative uses of such resources for the provision of other health services; and~~

(7) The extent to which the proposed services will *enhance access to health care for* ~~be accessible to all~~ residents of the service district.

(8)~~(i)~~ The immediate and long-term financial feasibility of the proposal.

~~(j) The special needs and circumstances of health maintenance organizations.~~

~~(k) The needs and circumstances of those entities that provide a substantial portion of their services or resources, or both, to individuals not residing in the service district in which the entities are located or in adjacent service districts. Such entities may include medical and other health professions, schools, multidisciplinary clinics, and specialty services such as open-heart surgery, radiation therapy, and renal transplantation.~~

(9)~~(l)~~ *The extent to which the proposal will foster competition that promotes quality and cost-effectiveness.* ~~The probable impact of the proposed project on the costs of providing health services proposed by the applicant, upon consideration of factors including, but not limited to, the effects of competition on the supply of health services being proposed and the improvements or innovations in the financing and delivery of health services which foster competition and service to promote quality assurance and cost-effectiveness.~~

(10)~~(m)~~ The costs and methods of the proposed construction, including the costs and methods of energy provision and the availability of alternative, less costly, or more effective methods of construction.

(11)~~(n)~~ The applicant's past and proposed provision of health care services to Medicaid patients and the medically indigent.

~~(o) The applicant's past and proposed provision of services that promote a continuum of care in a multilevel health care system, which may include, but are not limited to, acute care, skilled nursing care, home health care, and assisted living facilities.~~

(12)~~(p)~~ The applicant's designation as a Gold Seal Program nursing facility pursuant to s. 400.235, when the applicant is requesting additional nursing home beds at that facility.

~~(2) In cases of capital expenditure proposals for the provision of new health services to inpatients, the agency shall also reference each of the following in its findings of fact:~~

~~(a) That less costly, more efficient, or more appropriate alternatives to such inpatient services are not available and the development of such alternatives has been studied and found not practicable.~~

~~(b) That existing inpatient facilities providing inpatient services similar to those proposed are being used in an appropriate and efficient manner.~~

~~(c) In the case of new construction or replacement construction, that alternatives to the construction, for example, modernization or sharing arrangements, have been considered and have been implemented to the maximum extent practicable.~~

~~(d) That patients will experience serious problems in obtaining inpatient care of the type proposed, in the absence of the proposed new service.~~

~~(e) In the case of a proposal for the addition of beds for the provision of skilled nursing or intermediate care services, that the addition will be consistent with the plans of other agencies of the state responsible for the provision and financing of long-term care, including home health services.~~

Section 8. Section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review.—

(1) APPLICABILITY.—Unless exempt under subsection (3), all health-care-related projects, as described in paragraphs (a)-*(h)*~~(k)~~, are subject to review and must file an application for a certificate of need with the agency. The agency is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(a) The addition of beds by new construction or alteration.

(b) The new construction or establishment of additional health care facilities, including a replacement health care facility when the proposed project site is not located on the same site as the existing health care facility.

(c) The conversion from one type of health care facility to another~~, including the conversion from one level of care to another, in a skilled or intermediate nursing facility, if the conversion effects a change in the level of care of 10 beds or 10 percent of total bed capacity of the skilled or intermediate nursing facility within a 2-year period. If the nursing facility is certified for both skilled and intermediate nursing care, the provisions of this paragraph do not apply~~.

(d) *An* ~~Any~~ increase in *the total* licensed bed capacity *of a health care facility*.

(e) ~~Subject to the provisions of paragraph (3)(i),~~ The establishment of a ~~Medicare-certified home health agency, the establishment of a~~ hospice *or hospice inpatient facility, except as provided in s. 408.043* ~~or the direct provision of such services by a health care facility or health maintenance organization for those other than the subscribers of the health maintenance organization; except that this paragraph does not apply to the establishment of a Medicare-certified home health agency by a facility described in paragraph (3)(h)~~.

~~(f) An acquisition by or on behalf of a health care facility or health maintenance organization, by any means, which acquisition would have required review if the acquisition had been by purchase.~~

(f)~~(g)~~ The establishment of inpatient ~~institutional~~ health services by a health care facility, or a substantial change in such services.

~~(h) The acquisition by any means of an existing health care facility by any person, unless the person provides the agency with at least 30 days' written notice of the proposed acquisition, which notice is to include the services to be offered and the bed capacity of the facility, and unless the agency does not determine, within 30 days after receipt of such notice, that the services to be provided and the bed capacity of the facility will be changed.~~

~~(i) An increase in the cost of a project for which a certificate of need has been issued when the increase in cost exceeds 20 percent of the originally approved cost of the project, except that a cost overrun review is not necessary when the cost overrun is less than $20,000.~~

(g)~~(j)~~ An increase in the number of *beds for acute care, nursing home care beds, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, mental health services, or hospital-based*

distinct part skilled nursing units, or at a long-term care hospital ~~psychiatric or rehabilitation beds~~.

(h)~~(k)~~ The establishment of tertiary health services.

(2) PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt pursuant to subsection (3), projects subject to an expedited review shall include, but not be limited to:

~~(a) Cost overruns, as defined in paragraph (1)(i).~~

(a)~~(b)~~ Research, education, and training programs.

(b)~~(c)~~ Shared services contracts or projects.

(c)~~(d)~~ A transfer of a certificate of need.

(d)~~(e)~~ A 50-percent increase in nursing home beds for a facility incorporated and operating in this state for at least 60 years on or before July 1, 1988, which has a licensed nursing home facility located on a campus providing a variety of residential settings and supportive services. The increased nursing home beds shall be for the exclusive use of the campus residents. Any application on behalf of an applicant meeting this requirement shall be subject to the base fee of $5,000 provided in s. 408.038.

~~(f) Combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict.~~

~~(g) Division into two or more nursing home facilities of beds or services authorized by one certificate of need issued in the same planning subdistrict. Such division shall not be approved if it would adversely affect the original certificate's approved cost.~~

(e)~~(h)~~ Replacement of a health care facility when the proposed project site is located in the same district and within a 1-mile radius of the replaced health care facility.

(f) The conversion of mental health services beds licensed under chapter 395 or hospital-based distinct part skilled nursing unit beds to general acute care beds; the conversion of mental health services beds between or among the licensed bed categories defined as beds for mental health services; or the conversion of general acute care beds to beds for mental health services.

1. Conversion under this paragraph shall not establish a new licensed bed category at the hospital but shall apply only to categories of beds licensed at that hospital.

2. Beds converted under this paragraph must be licensed and operational for at least 12 months before the hospital may apply for additional conversion affecting beds of the same type.

The agency shall develop rules to implement the provisions for expedited review, including time schedule, application content *which may be reduced from the full requirements of s. 408.037(1),* and application processing.

(3) EXEMPTIONS.—Upon request, *the following projects are subject to* ~~supported by such documentation as the agency requires, the agency shall grant an~~ exemption from the provisions of subsection (1):

~~(a) For the initiation or expansion of obstetric services.~~

(a)~~(b)~~ For *replacement of* ~~any expenditure to replace or renovate any part of~~ a licensed health care facility *on the same site,* provided that the number of ~~licensed~~ beds *in each licensed bed category* will not increase ~~and, in the case of a replacement facility, the project site is the same as the facility being replaced~~.

~~(c) For providing respite care services. An individual may be admitted to a respite care program in a hospital without regard to inpatient requirements relating to admitting order and attendance of a member of a medical staff.~~

(b)~~(d)~~ For hospice services or ~~home health services provided by a rural hospital, as defined in s. 395.602, or~~ for swing beds in *a* ~~such~~ rural hospital*, as defined in s. 395.602,* in a number that does not exceed one-half of its licensed beds.

(c)~~(e)~~ For the conversion of licensed acute care hospital beds to Medicare and Medicaid certified skilled nursing beds in a rural hospital, as defined in s. 395.602, so long as the conversion of the beds does not involve the construction of new facilities. The total number of skilled nursing beds, including swing beds, may not exceed one-half of the total number of licensed beds in the rural hospital as of July 1, 1993. Certified skilled nursing beds designated under this paragraph, excluding swing beds, shall be included in the community nursing home bed inventory. A rural hospital which subsequently decertifies any acute care beds exempted under this paragraph shall notify the agency of the decertification, and the agency shall adjust the community nursing home bed inventory accordingly.

(d)~~(f)~~ For the addition of nursing home beds at a skilled nursing facility that is part of a retirement community that provides a variety of residential settings and supportive services and that has been incorporated and operated in this state for at least 65 years on or before July 1, 1994. All nursing home beds must not be available to the public but must be for the exclusive use of the community residents.

(e)~~(g)~~ For an increase in the bed capacity of a nursing facility licensed for at least 50 beds as of January 1, 1994, under part II of chapter 400 which is not part of a continuing care facility if, after the increase, the total licensed bed capacity of that facility is not more than 60 beds and if the facility has been continuously licensed since 1950 and has received a superior rating on each of its two most recent licensure surveys.

~~(h) For the establishment of a Medicare-certified home health agency by a facility certified under chapter 651; a retirement community, as defined in s. 400.404(2)(g); or a residential facility that serves only retired military personnel, their dependents, and the surviving dependents of deceased military personnel. Medicare-reimbursed home health services provided through such agency shall be offered exclusively to residents of the facility or retirement community or to residents of facilities or retirement communities owned, operated, or managed by the same corporate entity. Each visit made to deliver Medicare-reimbursable home health services to a home health patient who, at the time of service, is not a resident of the facility or retirement community shall be a deceptive and unfair trade practice and constitutes a violation of ss. 501.201-501.213.~~

~~(i) For the establishment of a Medicare-certified home health agency. This paragraph shall take effect 90 days after the adjournment sine die of the next regular session of the Legislature occurring after the legislative session in which the Legislature receives a report from the Director of Health Care Administration certifying that the federal Health Care Financing Administration has implemented a per-episode prospective pay system for Medicare-certified home health agencies.~~

(f)~~(j)~~ For an inmate health care facility built by or for the exclusive use of the Department of Corrections as provided in chapter 945. This exemption expires when such facility is converted to other uses.

~~(k) For an expenditure by or on behalf of a health care facility to provide a health service exclusively on an outpatient basis.~~

(g)~~(l)~~ For the termination of *an inpatient* ~~a~~ health care service.

(h)~~(m)~~ For the delicensure of beds. *A request for exemption* ~~An application~~ submitted under this paragraph must identify the number, the *category of beds* ~~classification~~, and the name of the facility in which the beds to be delicensed are located.

(i)~~(n)~~ For the provision of adult inpatient diagnostic cardiac catheterization services in a hospital.

1. In addition to any other documentation otherwise required by the agency, a request for an exemption submitted under this paragraph must comply with the following criteria:

a. The applicant must certify it will not provide therapeutic cardiac catheterization pursuant to the grant of the exemption.

b. The applicant must certify it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing such programs pursuant to subparagraph 2.

c. The applicant must certify it will provide a minimum of 2 percent of its services to charity and Medicaid patients.

2. The agency shall adopt licensure requirements by rule which govern the operation of adult inpatient diagnostic cardiac catheterization programs established pursuant to the exemption provided in this paragraph. The rules shall ensure that such programs:

a. Perform only adult inpatient diagnostic cardiac catheterization services authorized by the exemption and will not provide therapeutic cardiac catheterization or any other services not authorized by the exemption.

b. Maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. Maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. Maintain appropriate program volumes to ensure quality and safety.

e. Provide a minimum of 2 percent of its services to charity and Medicaid patients each year.

3.a. The exemption provided by this paragraph shall not apply unless the agency determines that the program is in compliance with the requirements of subparagraph 1. and that the program will, after beginning operation, continuously comply with the rules adopted pursuant to subparagraph 2. The agency shall monitor such programs to ensure compliance with the requirements of subparagraph 2.

b.(I) The exemption for a program shall expire immediately when the program fails to comply with the rules adopted pursuant to sub-subparagraphs 2.a., b., and c.

(II) Beginning 18 months after a program first begins treating patients, the exemption for a program shall expire when the program fails to comply with the rules adopted pursuant to sub-subparagraphs 2.d. and e.

(III) If the exemption for a program expires pursuant to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the agency shall not grant an exemption pursuant to this paragraph for an adult inpatient diagnostic cardiac catheterization program located at the same hospital until 2 years following the date of the determination by the agency that the program failed to comply with the rules adopted pursuant to subparagraph 2.

~~4. The agency shall not grant any exemption under this paragraph until the adoption of the rules required under this paragraph, or until March 1, 1998, whichever comes first. However, if final rules have not been adopted by March 1, 1998, the proposed rules governing the exemptions shall be used by the agency to grant exemptions under the provisions of this paragraph until final rules become effective.~~

(j)~~(o)~~ For ~~any expenditure to provide~~ mobile surgical facilities and related health care services *provided* under contract with the Department of Corrections or a private correctional facility operating pursuant to chapter 957.

(k)~~(p)~~ For state veterans' nursing homes operated by or on behalf of the Florida Department of Veterans' Affairs in accordance with part II of chapter 296 for which at least 50 percent of the construction cost is federally funded and for which the Federal Government pays a per diem rate not to exceed one-half of the cost of the veterans' care in such state nursing homes. These beds shall not be included in the nursing home bed inventory.

(l) For combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict. An exemption granted under this paragraph shall extend the validity period of the certificates of need to be consolidated by the length of the period beginning upon submission of the exemption request and ending with issuance of the exemption. The longest validity period among the certificates shall be applicable to each of the combined certificates.

(m) For division into two or more nursing home facilities of beds or services authorized by one certificate of need issued in the same planning subdistrict. An exemption granted under this paragraph shall extend the validity period of the certificate of need to be divided by the length of the period beginning upon submission of the exemption request and ending with issuance of the exemption.

(n) For the addition of hospital beds licensed under chapter 395 for acute care, mental health services, or a hospital-based distinct part skilled nursing unit in a number that may not exceed 10 total beds or 10 percent of the licensed capacity of the bed category being expanded, whichever is greater. Beds for specialty burn units, neonatal intensive care units, or comprehensive rehabilitation, or at a long-term care hospital, may not be increased under this paragraph.

1. In addition to any other documentation otherwise required by the agency, a request for exemption submitted under this paragraph must:

a. Certify that the prior 12-month average occupancy rate for the category of licensed beds being expanded at the facility meets or exceeds 80 percent or, for a hospital-based distinct part skilled nursing unit, the prior 12-month average occupancy rate meets or exceeds 96 percent.

b. Certify that any beds of the same type authorized for the facility under this paragraph before the date of the current request for an exemption have been licensed and operational for at least 12 months.

2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.

3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of hospital beds until the beds are licensed.

(o) For the addition of acute care beds, as authorized by rule consistent with s. 395.003(4), in a number that may not exceed 10 total beds or 10 percent of licensed bed capacity, whichever is greater, for temporary beds in a hospital that has experienced high seasonal occupancy within the prior 12-month period or in a hospital that must respond to emergency or exigent circumstances.

(p) For the addition of nursing home beds licensed under chapter 400 in a number not exceeding 10 total beds or 10 percent of the number of beds licensed in the facility being expanded, whichever is greater.

1. In addition to any other documentation required by the agency, a request for exemption submitted under this paragraph must:

a. Effective until June 30, 2001, certify that the facility has not had any class I or class II deficiencies within the 30 months preceding the request for addition.

b. Effective on July 1, 2001, certify that the facility has been designated as a Gold Seal nursing home under s. 400.235.

c. Certify that the prior 12-month average occupancy rate for the nursing home beds at the facility meets or exceeds 96 percent.

d. Certify that any beds authorized for the facility under this paragraph before the date of the current request for an exemption have been licensed and operational for at least 12 months.

2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.

3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of nursing home beds until the beds are licensed.

(4) A request for exemption under ~~this~~ subsection *(3)* may be made at any time and is not subject to the batching requirements of this section. *The request shall be supported by such documentation as the*

agency requires by rule. The agency shall assess a fee of $250 for each request for exemption submitted under subsection (3).

Section 9. Paragraph (a) of subsection (1) of section 408.037, Florida Statutes, is amended to read:

408.037 Application content.—

(1) An application for a certificate of need must contain:

(a) A detailed description of the proposed project and statement of its purpose and need in relation to the local health plan ~~and the state health plan~~.

Section 10. Section 408.038, Florida Statutes, is amended to read:

408.038 Fees.—The *agency* ~~department~~ shall assess fees on certificate-of-need applications. Such fees shall be for the purpose of funding the functions of the local health councils and the activities of the *agency* ~~department~~ and shall be allocated as provided in s. 408.033. The fee shall be determined as follows:

(1) A minimum base fee of $5,000.

(2) In addition to the base fee of $5,000, 0.015 of each dollar of proposed expenditure, except that a fee may not exceed $22,000.

Section 11. Subsections (3) and (4) and paragraphs (a) and (b) of subsection (6) of section 408.039, Florida Statutes, are amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(3) APPLICATION PROCESSING.—

(a) An applicant shall file an application with the *agency* ~~department~~, and shall furnish a copy of the application to the local health council and the *agency* ~~department~~. Within 15 days after the applicable application filing deadline established by *agency* ~~department~~ rule, the staff of the *agency* ~~department~~ shall determine if the application is complete. If the application is incomplete, the staff shall request specific information from the applicant necessary for the application to be complete; however, the staff may make only one such request. If the requested information is not filed with the *agency* ~~department~~ within 21 days of the receipt of the staff's request, the application shall be deemed incomplete and deemed withdrawn from consideration.

(b) Upon the request of any applicant or substantially affected person within 14 days after notice that an application has been filed, a public hearing may be held at the *agency's* ~~department's~~ discretion if the *agency* ~~department~~ determines that a proposed project involves issues of great local public interest. The public hearing shall allow applicants and other interested parties reasonable time to present their positions and to present rebuttal information. A recorded verbatim record of the hearing shall be maintained. The public hearing shall be held at the local level within 21 days after the application is deemed complete.

(4) STAFF RECOMMENDATIONS.—

(a) The *agency's* ~~department's~~ review of and final agency action on applications shall be in accordance with the district *health* plan, and statutory criteria, and the implementing administrative rules. In the application review process, the *agency* ~~department~~ shall give a preference, as defined by rule of the *agency* ~~department~~, to an applicant which proposes to develop a nursing home in a nursing home geographically underserved area.

(b) Within 60 days after all the applications in a review cycle are determined to be complete, the *agency* ~~department~~ shall issue its State Agency Action Report and Notice of Intent to grant a certificate of need for the project in its entirety, to grant a certificate of need for identifiable portions of the project, or to deny a certificate of need. The State Agency Action Report shall set forth in writing its findings of fact and determinations upon which its decision is based. If a finding of fact or determination by the *agency* ~~department~~ is counter to the district *health* plan of the local health council, the *agency* ~~department~~ shall provide in writing its reason for its findings, item by item, to the local health council. If the *agency* ~~department~~ intends to grant a certificate of need, the State Agency Action Report or the Notice of Intent shall also include any conditions which the *agency* ~~department~~ intends to attach to the certificate of need. The *agency* ~~department~~ shall designate by rule a senior staff person, other than the person who issues the final order, to issue State Agency Action Reports and Notices of Intent.

(c) The *agency* ~~department~~ shall publish its proposed decision set forth in the Notice of Intent in the Florida Administrative Weekly within 14 days after the Notice of Intent is issued.

(d) If no administrative hearing is requested pursuant to subsection (5), the State Agency Action Report and the Notice of Intent shall become the final order of the *agency* ~~department~~. The *agency* ~~department~~ shall provide a copy of the final order to the appropriate local health council.

(6) JUDICIAL REVIEW.—

(a) A party to an administrative hearing for an application for a certificate of need has the right, within not more than 30 days after the date of the final order, to seek judicial review in the District Court of Appeal pursuant to s. 120.68. The *agency* ~~department~~ shall be a party in any such proceeding.

(b) In such judicial review, the court shall affirm the final order of the *agency* ~~department~~, unless the decision is arbitrary, capricious, or not in compliance with ss. 408.031-408.045.

Section 12. Subsections (1) and (2) of section 408.040, Florida Statutes, are amended to read:

408.040 Conditions and monitoring.—

(1)(a) The agency may issue a certificate of need predicated upon statements of intent expressed by an applicant in the application for a certificate of need. *Any conditions imposed on a certificate of need based on such statements of intent shall be stated on the face of the certificate of need.*

~~1. Any certificate of need issued for construction of a new hospital or for the addition of beds to an existing hospital shall include a statement of the number of beds approved by category of service, including rehabilitation or psychiatric service, for which the agency has adopted by rule a specialty bed need methodology. All beds that are approved, but are not covered by any specialty bed need methodology, shall be designated as general.~~

(b)~~2.~~ The agency may consider, in addition to the other criteria specified in s. 408.035, a statement of intent by the applicant *that a specified* ~~to designate a~~ percentage of the *annual patient days at* ~~beds of~~ the facility *will be utilized* ~~for use~~ by patients eligible for care under Title XIX of the Social Security Act. Any certificate of need issued to a nursing home in reliance upon an applicant's statements *that* ~~to provide~~ a specified *percentage* ~~number~~ of *annual patient days will be utilized* ~~beds for use~~ by residents eligible for care under Title XIX of the Social Security Act must include a statement that such certification is a condition of issuance of the certificate of need. The certificate-of-need program shall notify the Medicaid program office and the Department of Elderly Affairs when it imposes conditions as authorized in this *paragraph* ~~subparagraph~~ in an area in which a community diversion pilot project is implemented.

(c)~~(b)~~ A certificateholder may apply to the agency for a modification of conditions imposed under paragraph (a) *or paragraph (b)*. If the holder of a certificate of need demonstrates good cause why the certificate should be modified, the agency shall reissue the certificate of need with such modifications as may be appropriate. The agency shall by rule define the factors constituting good cause for modification.

(d)~~(c)~~ If the holder of a certificate of need fails to comply with a condition upon which the issuance of the certificate was predicated, the agency may assess an administrative fine against the certificateholder in an amount not to exceed $1,000 per failure per day. In assessing the penalty, the agency shall take into account as mitigation the relative

lack of severity of a particular failure. Proceeds of such penalties shall be deposited in the Public Medical Assistance Trust Fund.

(2)(a) Unless the applicant has commenced construction, if the project provides for construction, unless the applicant has incurred an enforceable capital expenditure commitment for a project, if the project does not provide for construction, or unless subject to paragraph (b), a certificate of need shall terminate 18 months after the date of issuance~~, except in the case of a multifacility project, as defined in s. 408.032, where the certificate of need shall terminate 2 years after the date of issuance~~. The agency shall monitor the progress of the holder of the certificate of need in meeting the timetable for project development specified in the application with the assistance of the local health council as specified in s. 408.033(1)(b)5., and may revoke the certificate of need, if the holder of the certificate is not meeting such timetable and is not making a *good-faith* ~~good faith~~ effort, as defined by rule, to meet it.

(b) A certificate of need issued to an applicant holding a provisional certificate of authority under chapter 651 shall terminate 1 year after the applicant receives a valid certificate of authority from the Department of Insurance.

(c) The certificate-of-need validity period for a project shall be extended by the agency, to the extent that the applicant demonstrates to the satisfaction of the agency that *good-faith* ~~good faith~~ commencement of the project is being delayed by litigation or by governmental action or inaction with respect to regulations or permitting precluding commencement of the project.

~~(d) If an application is filed to consolidate two or more certificates as authorized by s. 408.036(2)(f) or to divide a certificate of need into two or more facilities as authorized by s. 408.036(2)(g), the validity period of the certificate or certificates of need to be consolidated or divided shall be extended for the period beginning upon submission of the application and ending when final agency action and any appeal from such action has been concluded. However, no such suspension shall be effected if the application is withdrawn by the applicant.~~

Section 13. Section 408.044, Florida Statutes, is amended to read:

408.044 Injunction.—Notwithstanding the existence or pursuit of any other remedy, the *agency* ~~department~~ may maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the pursuit of a project subject to review under ss. 408.031-408.045, in the absence of a valid certificate of need.

Section 14. Section 408.045, Florida Statutes, is amended to read:

408.045 Certificate of need; competitive sealed proposals.—

(1) The application, review, and issuance procedures for a certificate of need for an intermediate care facility for the developmentally disabled may be made by the *agency* ~~department~~ by competitive sealed proposals.

(2) The *agency* ~~department~~ shall make a decision regarding the issuance of the certificate of need in accordance with the provisions of s. 287.057(15), rules adopted by the *agency* ~~department~~ relating to intermediate care facilities for the developmentally disabled, and the criteria in s. 408.035, as further defined by rule.

(3) Notification of the decision shall be issued to all applicants not later than 28 calendar days after the date responses to a request for proposal are due.

(4) The procedures provided for under this section are exempt from the batching cycle requirements and the public hearing requirement of s. 408.039.

(5) The *agency* ~~department~~ may use the competitive sealed proposal procedure for determining a certificate of need for other types of health care facilities and services if the *agency* ~~department~~ identifies an unmet health care need and when funding in whole or in part for such health care facilities or services is authorized by the Legislature.

Section 15. *(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.*

(b) Workgroup participants shall be responsible for only the expenses that they generate individually through workgroup participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) The workgroup shall consist of 30 members, 10 appointed by the Governor, 10 appointed by the President of the Senate, and 10 appointed by the Speaker of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private-sector consultant.

(3) Appointment to the workgroup shall be as follows:

(a) The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long-term-care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.

(b) The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term-care community diversion program, and a health care market consultant with expertise in health care economics.

(c) The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, and one representative of a consumer organization.

(4) The workgroup shall study issues pertaining to the certificate-of-need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate-of-need program.

(5) The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit an interim report by December 31, 2001, and a final report by December 31, 2002. The workgroup is abolished effective July 1, 2003.

Section 16. Subsection (7) of section 651.118, Florida Statutes, is amended to read:

651.118 Agency for Health Care Administration; certificates of need; sheltered beds; community beds.—

(7) Notwithstanding the provisions of subsection (2), at the discretion of the continuing care provider, sheltered nursing home beds may be used for persons who are not residents of the facility and who are not parties to a continuing care contract for a period of up to 5 years after the date of issuance of the initial nursing home license. A provider whose 5-year period has expired or is expiring may request the Agency for Health Care Administration for an extension, not to exceed 30 percent of the total sheltered nursing home beds, if the utilization by residents of the facility in the sheltered beds will not generate sufficient income to cover facility expenses, as evidenced by one of the following:

(a) The facility has a net loss for the most recent fiscal year as determined under generally accepted accounting principles, excluding the effects of extraordinary or unusual items, as demonstrated in the most recently audited financial statement; or

(b) The facility would have had a pro forma loss for the most recent fiscal year, excluding the effects of extraordinary or unusual items, if revenues were reduced by the amount of revenues from persons in sheltered beds who were not residents, as reported on by a certified public accountant.

The agency shall be authorized to grant an extension to the provider based on the evidence required in this subsection. The agency may request a facility to use up to 25 percent of the patient days generated by new admissions of nonresidents during the extension period to serve Medicaid recipients for those beds authorized for extended use if there is a demonstrated need in the respective service area and if funds are available. A provider who obtains an extension is prohibited from applying for additional sheltered beds under the provision of subsection (2), unless additional residential units are built or the provider can demonstrate need by facility residents to the Agency for Health Care Administration. *The 5-year limit does not apply to up to five sheltered beds designated for inpatient hospice care as part of a contractual arrangement with a hospice licensed under part VI of chapter 400. A facility that uses such beds after the 5-year period shall report such use to the Agency for Health Care Administration.* For purposes of this subsection, "resident" means a person who, upon admission to the facility, initially resides in a part of the facility not licensed under part II of chapter 400.

Section 17. *Subsection (3) of section 400.464, Florida Statutes, is repealed.*

Section 18. *Applications for certificates of need submitted under section 408.031-408.045, Florida Statutes, before the effective date of this act shall be governed by the law in effect at the time the application was submitted.*

Section 19. *Pursuant to section 187 of chapter 99-397, Laws of Florida, the Agency for Health Care Administration was directed to conduct a detailed study and analysis of clinical laboratory services for kidney dialysis patients in the State of Florida and to report back to the Legislature no later than February 1, 2000. The agency reported that additional time and investigative resources were necessary to adequately respond to the legislative directives. Therefore, the sum of $230,000 from the Agency for Health Care Administration Tobacco Settlement Trust Fund is appropriated to the Agency for Health Care Administration to contract with the University of South Florida to conduct a review of laboratory test utilization, any self-referral to clinical laboratories, financial arrangements among kidney dialysis centers, their medical directors, referring physicians, and any business relationships and affiliations with clinical laboratories, and the quality and effectiveness of kidney dialysis treatment in this state. A report on the findings from such review shall be presented to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature no later than February 1, 2001.*

Section 20. Subsections (1) and (3) of section 455.564, Florida Statutes, are amended to read:

455.564 Department; general licensing provisions.—

(1)*(a)* Any person desiring to be licensed in a profession within the jurisdiction of the department shall apply to the department in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the department. *The application form must be available on the World Wide Web and the department may accept electronically submitted applications beginning July 1, 2001. The application* ~~and~~ shall require the social security number of the applicant*, except as provided in paragraph (b).* The form shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. *If an application is submitted electronically, the department may require supplemental materials, including an original signature of the applicant and verification of credentials, to be submitted in a non-electronic format.* An incomplete application shall expire 1 year after initial filing. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.

(b) If an applicant has not been issued a social security number by the Federal Government at the time of application because the applicant is not a citizen or resident of this country, the department may process the application using a unique personal identification number. If such an applicant is otherwise eligible for licensure, the board, or the department when there is no board, may issue a temporary license to the applicant, which shall expire 30 days after issuance unless a social security number is obtained and submitted in writing to the department. Upon receipt of the applicant's social security number, the department shall issue a new license, which shall expire at the end of the current biennium.

(3)*(a)* The board, or the department when there is no board, may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this part or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete*, and the time period in which the licensure application must be granted or denied shall be tolled until 15 days after the receipt of the final results of the investigation or prosecution.*

(b) If an applicant has been convicted of a felony related to the practice or ability to practice any health care profession, the board, or the department when there is no board, may require the applicant to prove that his or her civil rights have been restored.

(c) In considering applications for licensure, the board, or the department when there is no board, may require a personal appearance of the applicant. If the applicant is required to appear, the time period in which a licensure application must be granted or denied shall be tolled until such time as the applicant appears. However, if the applicant fails to appear before the board at either of the next two regularly scheduled board meetings, or fails to appear before the department within 30 days if there is no board, the application for licensure shall be denied.

Section 21. Paragraph (d) is added to subsection (4) of section 455.565, Florida Statutes, to read:

455.565 Designated health care professionals; information required for licensure.—

(4)

(d) Any applicant for initial licensure or renewal of licensure as a health care practitioner who submits to the Department of Health a set of fingerprints or information required for the criminal history check required under this section shall not be required to provide a subsequent set of fingerprints or other duplicate information required for a criminal history check to the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services for employment or licensure with such agency or department if the applicant has undergone a criminal history check as a condition of initial licensure or licensure renewal as a health care practitioner with the Department of Health or any of its regulatory boards, notwithstanding any other provision of law to the contrary. In lieu of such duplicate submission, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Children and Family Services shall obtain criminal history information for employment or licensure of health care practitioners by such agency and departments from the Department of Health's health care practitioner credentialing system.

Section 22. Section 455.5651, Florida Statutes, is amended to read:

455.5651 Practitioner profile; creation.—

(1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to s. 455.565 into a practitioner

profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under s. 455.565(4)(b).

(2) On the profile *published* ~~required~~ under subsection (1), the department shall indicate if the information provided under s. 455.565(1)(a)7. is not corroborated by a criminal history check conducted according to this subsection. If the information provided under s. 455.565(1)(a)7. is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. *The department shall include, with respect to practitioners subject to s. 455.694, a statement of how the practitioner has elected to comply with the financial responsibility requirements of that section.* The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, information relating to liability actions which has been reported under s. 455.697 or s. 627.912 within the previous 10 years for any paid claim that exceeds $5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other *practitioners* ~~physicians~~ within the same specialty*, or profession if the practitioner is not a specialist,* to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the *practitioner* ~~physician~~. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may not include disciplinary action taken by a licensed hospital or an ambulatory surgical center in the practitioner profile.

(6) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with the board having regulatory authority over the practitioner before such information is included in his or her profile.

(7) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution.

(8) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under s. 120.57 may be sought.

Section 23. Section 455.5653, Florida Statutes, is amended to read:

455.5653 Practitioner profiles; data storage.—Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. ~~The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public.~~ The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119 and s. 24(a), Art. I of the State Constitution, so that the Department of Health may corroborate any information that *practitioners* ~~physicians~~ are required to report under s. 455.565.

Section 24. Section 455.5654, Florida Statutes, is amended to read:

455.5654 Practitioner profiles; rules; workshops.—Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, must hold public workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under s. 455.565.

Section 25. Subsection (1) of section 455.567, Florida Statutes, is amended to read:

455.567 Sexual misconduct; disqualification for license, certificate, or registration.—

(1) Sexual misconduct in the practice of a health care profession means violation of the professional relationship through which the health care practitioner uses such relationship to engage or attempt to engage the patient or client, or an immediate family member*, guardian, or representative* of the patient or client in, or to induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession. Sexual misconduct in the practice of a health care profession is prohibited.

Section 26. Paragraphs (f) and (u) of subsection (1), paragraph (c) of subsection (2), and subsection (3) of section 455.624, Florida Statutes, are amended, and paragraphs (y) and (z) are added to subsection (1) of said section, to read:

455.624 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(f) Having a license or the authority to practice *any* ~~the~~ regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(u) Engaging or attempting to engage *in sexual misconduct as defined and prohibited in s. 455.567(1)* ~~a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity~~.

(y) Being unable to practice with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession with reasonable skill and safety to patients.

(z) Testing positive for any drug, as defined in s. 112.0455, on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(c) Restriction of practice *or license.*

In determining what action is appropriate, the board, or department when there is no board, must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the practitioner. All costs associated with compliance with orders issued under this subsection are the obligation of the practitioner.

(3)*(a)* Notwithstanding subsection (2), if the ground for disciplinary action is the first-time failure of the licensee to satisfy continuing education requirements established by the board, or by the department if there is no board, the board or department, as applicable, shall issue a citation in accordance with s. 455.617 and assess a fine, as determined by the board or department by rule. In addition, for each hour of continuing education not completed or completed late, the board or department, as applicable, may require the licensee to take 1 additional hour of continuing education for each hour not completed or completed late.

(b) Notwithstanding subsection (2), if the ground for disciplinary action is the first-time violation of a practice act for unprofessional conduct, as used in ss. 464.018(1)(h), 467.203(1)(f), 468.365(1)(f), and 478.52(1)(f), and no actual harm to the patient occurred, the board or department, as applicable, shall issue a citation in accordance with s. 455.617 and assess a penalty as determined by rule of the board or department.

Section 27. For the purpose of incorporating the amendment to section 455.624, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

455.577 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department, whether such examination is reproduced or copied in part or in whole and by any means, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

455.631 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the act of knowingly giving false information in the course of applying for or obtaining a license from the department, or any board thereunder, with intent to mislead a public servant in the performance of his or her official duties, or the act of attempting to obtain or obtaining a license from the department, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

455.651 Disclosure of confidential information.—

(2) Any person who willfully violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be subject to discipline pursuant to s. 455.624, and, if applicable, shall be removed from office, employment, or the contractual relationship.

455.712 Business establishments; requirements for active status licenses.—

(1) A business establishment regulated by the Division of Medical Quality Assurance pursuant to this part may provide regulated services only if the business establishment has an active status license. A business establishment that provides regulated services without an active status license is in violation of this section and s. 455.624, and the board, or the department if there is no board, may impose discipline on the business establishment.

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(g) The Board of Medicine may impose any of the penalties specified in ss. 455.624 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or part II of chapter 455.

459.022 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(f) The Board of Osteopathic Medicine may impose any of the penalties specified in ss. 455.624 and 459.015(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or part II of chapter 455.

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violation of any provision of s. 455.624(1) or s. 468.1745(1).

468.719 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary actions provided for in subsection (2):

(a) A violation of any law relating to the practice of athletic training, including, but not limited to, any violation of this part, s. 455.624, or any rule adopted pursuant thereto.

(2) When the board finds any person guilty of any of the acts set forth in subsection (1), the board may enter an order imposing one or more of the penalties provided in s. 455.624.

468.811 Disciplinary proceedings.—

(1) The following acts are grounds for disciplinary action against a licensee and the issuance of cease and desist orders or other related action by the department, pursuant to s. 455.624, against any person who engages in or aids in a violation.

(a) Attempting to procure a license by fraudulent misrepresentation.

(b) Having a license to practice orthotics, prosthetics, or pedorthics revoked, suspended, or otherwise acted against, including the denial of licensure in another jurisdiction.

(c) Being convicted or found guilty of or pleading nolo contendere to, regardless of adjudication, in any jurisdiction, a crime that directly relates to the practice of orthotics, prosthetics, or pedorthics, including violations of federal laws or regulations regarding orthotics, prosthetics, or pedorthics.

(d) Filing a report or record that the licensee knows is false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only reports or records that are signed in a person's capacity as a licensee under this act.

(e) Advertising goods or services in a fraudulent, false, deceptive, or misleading manner.

(f) Violation of this act or part II of chapter 455, or any rules adopted thereunder.

(g) Violation of an order of the board, agency, or department previously entered in a disciplinary hearing or failure to comply with a subpoena issued by the board, agency, or department.

(h) Practicing with a revoked, suspended, or inactive license.

(i) Gross or repeated malpractice or the failure to deliver orthotic, prosthetic, or pedorthic services with that level of care and skill which is recognized by a reasonably prudent licensed practitioner with similar professional training as being acceptable under similar conditions and circumstances.

(j) Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient.

(2) The board may enter an order imposing one or more of the penalties in s. 455.624(2) against any person who violates any provision of subsection (1).

484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 455.637 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

(a) Violation of any provision of s. 455.624(1), s. 484.0512, or s. 484.053.

Section 28. *Section 455.704, Florida Statutes, is repealed.*

Section 29. Subsections (1), (2), and (3) of section 455.707, Florida Statutes, are amended to read:

455.707 Treatment programs for impaired practitioners.—

(1) For professions that do not have impaired practitioner programs provided for in their practice acts, the department shall, by rule, designate approved *impaired practitioner* ~~treatment~~ programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers ~~based on the policies and guidelines established by the Impaired Practitioners Committee~~. The rules *may* ~~must~~ specify the manner in which the consultant, *retained as set forth in subsection (2),* works with the department in intervention, requirements for evaluating and treating a professional, and requirements for the continued care and monitoring of a professional by the consultant *by an approved* ~~at a department-approved~~ treatment provider. ~~The department shall not compel any impaired practitioner program in existence on October 1, 1992, to serve additional professions.~~

(2) The department shall retain one or more impaired practitioner consultants ~~as recommended by the committee~~. A consultant shall be a licensee ~~or recovered licensee~~ under the jurisdiction of the Division of Medical Quality Assurance within the department, and at least one consultant must be a practitioner or recovered practitioner licensed under chapter 458, chapter 459, or chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired.

(3)(a) Whenever the department receives a written or oral legally sufficient complaint alleging that a licensee under the jurisdiction of the Division of Medical Quality Assurance within the department is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition which could affect the licensee's ability to practice with skill and safety, and no complaint against the licensee other than impairment exists, the reporting of such information shall not constitute *grounds for discipline pursuant to s. 455.624 or the corresponding grounds for discipline within the applicable practice act* ~~a complaint within the meaning of s. 455.621~~ if the probable cause panel of the appropriate board, or the department when there is no board, finds:

1. The licensee has acknowledged the impairment problem.

2. The licensee has voluntarily enrolled in an appropriate, approved treatment program.

3. The licensee has voluntarily withdrawn from practice or limited the scope of practice as *required by the consultant* ~~determined by the panel, or the department when there is no board~~, in each case, until such time as the panel, or the department when there is no board, is satisfied the licensee has successfully completed an approved treatment program.

4. The licensee has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the licensee's impairment and his or her participation in a treatment program.

(b) If, however, *the department has not received a legally sufficient complaint and* the licensee agrees to withdraw from practice until such time as the consultant determines the licensee has satisfactorily completed an approved treatment program or evaluation, the probable cause panel, or the department when there is no board, shall not become involved in the licensee's case.

(c) Inquiries related to impairment treatment programs designed to provide information to the licensee and others and which do not indicate that the licensee presents a danger to the public shall not constitute a complaint within the meaning of s. 455.621 and shall be exempt from the provisions of this subsection.

(d) Whenever the department receives a legally sufficient complaint alleging that a licensee is impaired as described in paragraph (a) and no complaint against the licensee other than impairment exists, the department shall forward all information in its possession regarding the impaired licensee to the consultant. For the purposes of this section, a suspension from hospital staff privileges due to the impairment does not constitute a complaint.

(e) The probable cause panel, or the department when there is no board, shall work directly with the consultant, and all information concerning a practitioner obtained from the consultant by the panel, or the department when there is no board, shall remain confidential and exempt from the provisions of s. 119.07(1), subject to the provisions of subsections (5) and (6).

(f) A finding of probable cause shall not be made as long as the panel, or the department when there is no board, is satisfied, based upon information it receives from the consultant and the department, that the licensee is progressing satisfactorily in an approved *impaired practitioner* ~~treatment~~ program *and no other complaint against the licensee exists.*

Section 30. Subsection (1) of section 310.102, Florida Statutes, is amended to read:

310.102 Treatment programs for impaired pilots and deputy pilots.—

(1) The department shall, by rule, designate approved treatment programs for *impaired* pilots and deputy pilots under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers ~~based on the policies and guidelines established by the Impaired Practitioners Committee under s. 455.704~~.

Section 31. Section 455.711, Florida Statutes, is amended to read:

455.711 *Licenses; active and* inactive ~~and delinquent~~ status*; delinquency*.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this section and s. 455.624, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status. ~~However, a licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee thereafter completes a licensure cycle on active status.~~

(3) Each board, or the department if there is no board, shall by rule impose a fee for *renewal of* an *active or* inactive status license. *The renewal fee for an inactive status license may not exceed* ~~which is no greater than~~ the fee for an active status license.

(4) *Notwithstanding any other provision of law to the contrary, a licensee may change licensure status at any time.*

(a) Active status licensees choosing inactive status at the time of license renewal must pay the inactive status renewal fee, and, if applicable, the delinquency fee and the fee to change licensure status. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.

(b) An inactive status licensee may change to active status at any time, if the licensee meets all requirements for active status~~, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the board, or the department if there is no board, and meets all continuing education requirements as specified in this section~~. *Inactive status licensees choosing active status at the time of license renewal must pay the active status renewal fee, any applicable reactivation fees as set by the board, or the department if there is no board, and, if applicable, the delinquency fee and the fee to change licensure status. Inactive status licensees choosing active status at any other time than at the time of license renewal must pay the difference between the inactive status renewal fee and the active status renewal fee, if any exists, any applicable reactivation fees as set by the board, or the department if there is no board, and the fee to change licensure status.*

(5) A licensee must apply with a complete application, as defined by rule of the board, or the department if there is no board, to renew an active ~~status~~ or inactive status license before the license expires. If a licensee fails to renew before the license expires, the license becomes delinquent in the license cycle following expiration.

(6) A delinquent ~~status~~ licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent ~~status~~ licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(7) Each board, or the department if there is no board, shall by rule impose an additional delinquency fee, not to exceed the biennial renewal fee for an active status license, on a delinquent ~~status~~ licensee when such licensee applies for active or inactive status.

(8) Each board, or the department if there is no board, shall by rule impose an additional fee, not to exceed the biennial renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department if there is no board, may by rule impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive *status licensee* or *a* delinquent licensee *who was inactive prior to becoming delinquent* must meet the same continuing education requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.

(11) The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) This section does not apply to a business establishment registered, permitted, or licensed by the department to do business.

(13) The board, or the department when there is no board, may adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

Section 32. Subsection (3) of section 455.587, Florida Statutes, is amended to read:

455.587 Fees; receipts; disposition.—

(3) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active *status licensee* and each ~~voluntary~~ inactive *status* licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of the professions as required in this section. Not more than one such assessment may be made in any 4-year period without specific legislative authorization.

Section 33. Subsection (1) of section 455.714, Florida Statutes, is amended to read:

455.714 Renewal and cancellation notices.—

(1) At least 90 days before the end of a licensure cycle, the department shall:

(a) Forward a licensure renewal notification to an active or inactive *status* licensee at the licensee's last known address of record with the department.

(b) Forward a notice of pending cancellation of licensure to a delinquent ~~status~~ licensee at the licensee's last known address of record with the department.

Section 34. Section 455.719, Florida Statutes, is created to read:

455.719 Health care professionals; exemption from disqualification from employment or contracting.—Any other provision of law to the contrary notwithstanding, only the appropriate regulatory board, or the department when there is no board, may grant an exemption from disqualification from employment or contracting as provided in s. 435.07 to a person under the licensing jurisdiction of that board or the department, as applicable.

Section 35. Section 455.637, Florida Statutes, is amended to read:

455.637 Unlicensed practice of a *health care* profession; *intent;* cease and desist notice; *penalties* ~~civil penalty~~; enforcement; citations; *fees;* allocation *and disposition* of moneys collected.—

(1) It is the intent of the Legislature that vigorous enforcement of licensure regulation for all health care professions is a state priority in order to protect Florida residents and visitors from the potentially serious and dangerous consequences of receiving medical and health care services from unlicensed persons whose professional education and training and other relevant qualifications have not been approved through the issuance of a license by the appropriate regulatory board or the department when there is no board. The unlicensed practice of a health care profession or the performance or delivery of medical or health care services to patients in this state without a valid, active license to practice that profession, regardless of the means of the performance or delivery of such services, is strictly prohibited.

(2) The penalties for unlicensed practice of a health care profession shall include the following:

(a)~~(1)~~ When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this part or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order.

(b) In addition to the ~~foregoing~~ remedies *under paragraph (a),* the department may impose *by citation* an administrative penalty not to exceed $5,000 per incident ~~pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3)~~. *The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. If the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The department may adopt rules to implement this section. The penalty shall be a fine of not less than $500 nor more than $5,000 as established by rule of the department. Each day that the unlicensed practice continues after issuance of a notice to cease and desist constitutes a separate violation. The department shall be entitled to recover the costs of investigation and prosecution in addition to the fine levied pursuant to the citation. Service of a citation may be made by personal service or by mail to the subject at the subject's last known address or place of practice.* If the department is required to seek enforcement of the *cease and desist or* agency order ~~for a penalty pursuant to s. 120.569~~, it shall be entitled to collect its attorney's fees and costs~~, together with any cost of collection~~.

(c)~~(2)~~ In addition to or in lieu of any *other administrative* remedy ~~provided in subsection (1)~~, the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist ~~under subsection (1)~~. The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation *and prosecution.*

(d) In addition to the administrative and civil remedies under paragraphs (b) and (c) and in addition to the criminal violations and penalties listed in the individual health care practice acts:

1. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to practice, attempt to practice, or offer to practice a health care profession without an active, valid Florida license to practice that profession. Practicing without an active, valid license also includes practicing on a suspended, revoked, or void license, but does not include practicing, attempting to practice, or offering to practice with an inactive or delinquent license for a period of up to 12 months which is addressed in subparagraph 3. Applying for employment for a position that requires a license without notifying the employer that the person does not currently possess a valid, active license to practice that profession shall be deemed to be an attempt or offer to practice that health care profession without a license. Holding oneself out, regardless of the means of communication, as able to practice a health care profession or as able to provide services that require a health care license shall be deemed to be an attempt or offer to practice such profession without a license. The minimum penalty for violating this subparagraph shall be a fine of $1,000 and a minimum mandatory period of incarceration of 1 year.

2. It is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to practice a health care profession without an active, valid Florida license to practice that profession when such practice results in serious bodily injury. For purposes of this section, "serious bodily injury" means death; brain or spinal damage; disfigurement; fracture or dislocation of bones or joints; limitation of neurological, physical, or sensory function; or any condition that required subsequent surgical repair. The minimum penalty for violating this subparagraph shall be a fine of $1,000 and a minimum mandatory period of incarceration of 1 year.

3. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, to practice, attempt to practice, or offer to practice a health care profession with an inactive or delinquent license for any period of time up to 12 months. However, practicing, attempting to practice, or offering to practice a health care profession when that person's license has been inactive or delinquent for a period of time of 12 months or more shall be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The minimum penalty for violating this subparagraph shall be a term of imprisonment of 30 days and a fine of $500.

(3) Because all enforcement costs should be covered by professions regulated by the department, the department shall impose, upon initial licensure and each licensure renewal, a special fee of $5 per licensee to fund efforts to combat unlicensed activity. Such fee shall be in addition to all other fees collected from each licensee. The board with concurrence of the department, or the department when there is no board, may earmark $5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. The department shall make direct charges to the Medical Quality Assurance Trust Fund by profession. The department shall seek board advice regarding enforcement methods and strategies. The department shall directly credit the Medical Quality Assurance Trust Fund, by profession, with the revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 455.587. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession. The department shall also use these funds to inform and educate consumers generally on the importance of using licensed health care practitioners.

~~(3)(a) Notwithstanding the provisions of s. 455.621, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the subject disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the subject does not dispute the matter in the citation with the department~~

~~within 30 days after the citation is served, the citation shall become a final order of the department. The penalty shall be a fine of not less than $500 or more than $5,000 or other conditions as established by rule.~~

~~(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.~~

~~(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.~~

~~(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.~~

~~(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the professions in the manner provided for in s. 455.641 for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.~~

(4)~~(5)~~ The provisions of this section apply only to *health care* ~~the~~ professional practice acts administered by the department.

(5) Nothing herein shall be construed to limit or restrict the sale, use, or recommendation of the use of a dietary supplement, as defined by the Food, Drug, and Cosmetic Act, Title 21, s. 321, so long as the person selling, using, or recommending the dietary supplement does so in compliance with federal and state law.

Section 36. Section 458.3135, Florida Statutes, is created to read:

458.3135 Temporary certificate for visiting physicians to practice in approved cancer centers.—

(1) Any physician who has been accepted for a course of training by a cancer center approved by the board and who meets all of the qualifications set forth in this section may be issued a temporary certificate to practice in a board-approved cancer center under the International Cancer Center Visiting Physician Program. A certificate may be issued to a physician who will be training under the direct supervision of a physician employed by or under contract with an approved cancer center for a period of no more than 1 year. The purpose of the International Cancer Center Visiting Physician Program is to provide to internationally respected and highly qualified physicians advanced education and training on cancer treatment techniques developed at an approved cancer center. The board may issue this temporary certificate in accordance with the restrictions set forth in this section.

(2) A temporary certificate for practice in an approved cancer center may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid and unencumbered license to practice medicine in another country;

(c) Has completed the application form adopted by the board and remitted a nonrefundable application fee not to exceed $300;

(d) Has not committed any act in this or any other jurisdiction which would constitute the basis for disciplining a physician under s. 455.624 or s. 458.331;

(e) Meets the financial responsibility requirements of s. 458.320; and

(f) Has been accepted for a course of training by a cancer center approved by the board.

(3) The board shall by rule establish qualifications for approval of cancer centers under this section, which at a minimum shall require the cancer center to be licensed under chapter 395 and have met the standards required to be a National Cancer Institute-designated cancer center. The board shall review the cancer centers approved under this section not less than annually to ascertain that the minimum requirements of this chapter and the rules adopted thereunder are being complied with. If it is determined that such minimum requirements are not being met by an approved cancer center, the board shall rescind its approval of that cancer center and no temporary certificate for that cancer center shall be valid until such time as the board reinstates its approval of that cancer center.

(4) A recipient of a temporary certificate for practice in an approved cancer center may use the certificate to practice for the duration of the course of training at the approved cancer center so long as the duration of the course does not exceed 1 year. If at any time the cancer center is no longer approved by the board, the temporary certificate shall expire and the recipient shall no longer be authorized to practice in this state.

(5) A recipient of a temporary certificate for practice in an approved cancer center is limited to practicing in facilities owned or operated by that approved cancer center and is limited to only practicing under the direct supervision of a physician who holds a valid, active, and unencumbered license to practice medicine in this state issued under this chapter or chapter 459.

(6) The board shall not issue a temporary certificate for practice in an approved cancer center to any physician who is under investigation in another jurisdiction for an act that would constitute a violation of this chapter or chapter 455 until such time as the investigation is complete and the physician is found innocent of all charges.

(7) A physician applying under this section is exempt from the requirements of ss. 455.565-455.5656. All other provisions of chapters 455 and 458 apply.

(8) In any year, the maximum number of temporary certificates that may be issued by the board under this section may not exceed 10 at each approved cancer center.

(9) The board may adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

(10) Nothing in this section may be construed to authorize a physician who is not licensed to practice medicine in this state to qualify for or otherwise engage in the practice of medicine in this state, except as provided in this section.

Section 37. Paragraph (i) of subsection (1), and subsection (4) of section 458.3145, Florida Statutes, are amended to read:

458.3145 Medical faculty certificate.—

(1) A medical faculty certificate may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid, current license to practice medicine in another jurisdiction;

(c) Has completed the application form and remitted a nonrefundable application fee not to exceed $500;

(d) Has completed an approved residency or fellowship of at least 1 year or has received training which has been determined by the board to be equivalent to the 1-year residency requirement;

(e) Is at least 21 years of age;

(f) Is of good moral character;

(g) Has not committed any act in this or any other jurisdiction which would constitute the basis for disciplining a physician under s. 458.331;

(h) For any applicant who has graduated from medical school after October 1, 1992, has completed, before entering medical school, the equivalent of 2 academic years of preprofessional, postsecondary education, as determined by rule of the board, which must include, at a minimum, courses in such fields as anatomy, biology, and chemistry; and

(i) Has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at:

1. The University of Florida,

2. The University of Miami,

3. The University of South Florida, ~~or~~

4. The Florida State University, or

*5*4. The Mayo *Medical School at the Mayo* Clinic *in* Jacksonville, Florida.

(2) The certificate authorizes the holder to practice only in conjunction with his or her faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals that are registered with the Board of Medicine as sites at which holders of medical faculty certificates will be practicing. Such certificate automatically expires when the holder's relationship with the medical school is terminated or after a period of 24 months, whichever occurs sooner, and is renewable every 2 years by a holder who applies to the board on a form prescribed by the board and provides certification by the dean of the medical school that the holder is a distinguished medical scholar and an outstanding practicing physician.

(3) The holder of a medical faculty certificate issued under this section has all rights and responsibilities prescribed by law for the holder of a license issued under s. 458.311, except as specifically provided otherwise by law. Such responsibilities include compliance with continuing medical education requirements as set forth by rule of the board. A hospital or ambulatory surgical center licensed under chapter 395, health maintenance organization certified under chapter 641, insurer as defined in s. 624.03, multiple-employer welfare arrangement as defined in s. 624.437, or any other entity in this state, in considering and acting upon an application for staff membership, clinical privileges, or other credentials as a health care provider, may not deny the application of an otherwise qualified physician for such staff membership, clinical privileges, or other credentials solely because the applicant is a holder of a medical faculty certificate under this section.

(4) In any year, the maximum number of extended medical faculty certificateholders as provided in subsection (2) may not exceed 15 persons at each institution named in subparagraphs (1)(i)1.-*4*~~3~~. and at the facility named in s. 240.512 and may not exceed 5 persons at the institution named in subparagraph (1)(i)*5*4.

5. Annual review of all such certificate recipients will be made by the deans of the accredited 4-year medical schools within this state and reported to the Board of Medicine.

(5) Notwithstanding subsection (1), any physician, when providing medical care or treatment in connection with the education of students, residents, or faculty at the request of the dean of an accredited medical school within this state or at the request of the medical director of a statutory teaching hospital as defined in s. 408.07, may do so upon registration with the board and demonstration of financial responsibility pursuant to s. 458.320(1) or (2) unless such physician is exempt under s. 458.320(5)(a). The performance of such medical care or treatment must be limited to a single period of time, which may not exceed 180 consecutive days, and must be rendered within a facility registered under subsection (2) or within a statutory teaching hospital as defined in s. 408.07. A registration fee not to exceed $300, as set by the board, is required of each physician registered under this subsection. However, no more than three physicians per year per institution may be registered under this subsection, and an exemption under this subsection may not be granted to a physician more than once in any given 5-year period.

Section 38. Subsection (5) is added to section 458.315, Florida Statutes, to read:

458.315 Temporary certificate for practice in areas of critical need.—Any physician who is licensed to practice in any other state, whose license is currently valid, and who pays an application fee of $300 may be issued a temporary certificate to practice in communities of Florida where there is a critical need for physicians. A certificate may be issued to a physician who will be employed by a county health department, correctional facility, community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other entity that provides health care to indigents and that is approved by the State Health Officer. The Board of Medicine may issue this temporary certificate with the following restrictions:

(5) The application fee and all licensure fees, including neurological injury compensation assessments, shall be waived for those persons obtaining a temporary certificate to practice in areas of critical need for the purpose of providing volunteer, uncompensated care for low-income Floridians. The applicant must submit an affidavit from the employing agency or institution stating that the physician will not receive any compensation for any service involving the practice of medicine.

Section 39. Section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state*, or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(44) or s. 395.805(2),* who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed $300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:

(a) Is at least 21 years of age.

(b) Has not committed any act or offense within or without the state which would constitute the basis for refusal to certify an application for licensure pursuant to s. 458.331.

(c) Is a graduate of a medical school or college as specified in s. 458.311(1)(f).

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute the basis for imposing a disciplinary penalty specified in s. 458.331(2)(b) until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

(3) Every hospital *or teaching hospital* employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training *registered under this section* ~~which leads to subspecialty board certification~~ shall designate a person who shall, on dates designated by the board, in consultation with the department, furnish the department with a list of *such* ~~the~~ hospital's employees and such other information as the board may direct. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.

(4) Registration under this section shall automatically expire after 2 years without further action by the board or the department unless an application for renewal is approved by the board. No person registered under this section may be employed or utilized as a house physician or act as a resident physician, an assistant resident physician, an intern, or a fellow in fellowship training ~~which leads to a subspecialty board certification~~ in a hospital *or teaching hospital* of this state for more than 2 years without a valid, active license or renewal of registration under this section. Requirements for renewal of registration shall be established by rule of the board. An application fee not to exceed $300 as set by the board shall accompany the application for renewal, except that resident physicians, assistant resident physicians, interns, and fellows in fellowship training *registered under this section* ~~which leads to subspecialty board certification~~ shall be exempt from payment of any renewal fees.

(5) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 458.331.

(6) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital *or teaching hospital* by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to *such* ~~the~~ hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

(7) Any person willfully violating this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The board shall promulgate rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

Section 40. Subsection (3) of section 458.348, Florida Statutes, is created to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(3) PROTOCOLS REQUIRING DIRECT SUPERVISION.—All protocols relating to electrolysis or electrology using laser or light-based hair removal or reduction by persons other than physicians licensed under this chapter or chapter 459 shall require the person performing such service to be appropriately trained and work only under the direct supervision and responsibility of a physician licensed under this chapter or chapter 459.

Section 41. Section 459.021, Florida Statutes, is amended to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(1) Any person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association who desires to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, *or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(44) or s. 395.805(2),* who does not hold an active license issued under this chapter shall apply to the department to be registered, on an application provided by the department, within 30 days of commencing such a training program and shall remit a fee not to exceed $300 as set by the board.

(2) Any person required to be registered under this section shall renew such registration annually. Such registration shall be terminated upon the registrant's receipt of an active license issued under this chapter. No person shall be registered under this section for an aggregate of more than 5 years, unless additional years are approved by the board.

(3) Every hospital *or teaching hospital* having employed or contracted with or utilized the services of a person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training *registered under this section* ~~which leads to subspecialty board certification~~ shall designate a person who shall furnish, on dates designated by the board, in consultation with the department, to the department a list of all such persons who have served in *such* ~~the~~ hospital during the preceding 6-month period. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.

(4) The registration may be revoked or the department may refuse to issue any registration for any cause which would be a ground for its revocation or refusal to issue a license to practice osteopathic medicine, as well as on the following grounds:

(a) Omission of the name of an intern, resident physician, assistant resident physician, house physician, or fellow in fellowship training from the list of employees required by subsection (3) to be furnished to the department by the hospital *or teaching hospital* served by the employee.

(b) Practicing osteopathic medicine outside of a bona fide hospital training program.

(5) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 for any hospital *or teaching hospital*, and also for the superintendent, administrator, and other person or persons having administrative authority in *such* ~~a~~ hospital:

(a) To employ the services in *such* ~~the~~ hospital of any person listed in subsection (3), unless such person is registered with the department under the law or the holder of a license to practice osteopathic medicine under this chapter.

(b) To fail to furnish to the department the list and information required by subsection (3).

(6) Any person desiring registration pursuant to this section shall meet all the requirements of s. 459.0055.

(7) The board shall promulgate rules *pursuant to ss. 120.536(1) and 120.54* as necessary to implement this section.

(8) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 459.015.

(9) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital *or teaching hospital* by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to *such* ~~the~~ hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

Section 42. Subsection (nn) is added to section 458.331(1), Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(nn) Delegating ocular post-operative responsibilities to a person not licensed under chapters 458 or 459.

Section 43. Subsection (pp) is added to section 459.015(1), Florida Statutes, to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) Delegating ocular post-operative responsibilities to a person not licensed under chapters 458 or 459.

Section 44. Paragraph (d) is added to subsection (9) of section 458.347, Florida Statutes, to read:

458.347 Physician assistants.—

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician and a member of the Board of Osteopathic Medicine.

3. The secretary of the department or his or her designee shall appoint a fully licensed physician assistant licensed under this chapter or chapter 459.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the department the licensure of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under this chapter and chapter 459, except for rules relating to the formulary developed under paragraph (4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of licensed physician assistants.

(d) When the Council finds that an applicant for licensure has failed to meet, to the Council's satisfaction, each of the requirements for licensure set forth in this section, the Council may enter an order to:

1. Refuse to certify the applicant for licensure;

2. Approve the applicant for licensure with restrictions on the scope of practice or license; or

3. Approve the applicant for conditional licensure. Such conditions may include placement of the licensee on probation for a period of time and subject to such conditions as the Council may specify, including but not limited to, requiring the licensee to undergo treatment, to attend continuing education courses, to work under the direct supervision of a physician licensed in this state, or to take corrective action.

Section 45. Paragraph (d) is added to subsection (9) of section 459.022, Florida Statutes, to read:

459.022 Physician assistants.—

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician and a member of the Board of Osteopathic Medicine.

3. The secretary of the department or her or his designee shall appoint a fully licensed physician assistant licensed under chapter 458 or this chapter.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the department the licensure of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under chapter 458 and this chapter, except for rules relating to the formulary developed under s. 458.347(4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of licensed physician assistants.

(d) When the Council finds that an applicant for licensure has failed to meet, to the Council's satisfaction, each of the requirements for licensure set forth in this section, the Council may enter an order to:

1. Refuse to certify the applicant for licensure;

2. Approve the applicant for licensure with restrictions on the scope of practice or license; or

3. Approve the applicant for conditional licensure. Such conditions may include placement of the licensee on probation for a period of time and subject to such conditions as the Council may specify, including but not limited to, requiring the licensee to undergo treatment, to attend

continuing education courses, to work under the direct supervision of a physician licensed in this state, or to take corrective action.

Section 46. *The amendment of s. 455.637, Florida Statutes, by this act applies to offenses committed on or after the effective date of such section.*

Section 47. *Section 455.641, Florida Statutes, is repealed.*

Section 48. For the purpose of incorporating the amendment to section 455.637, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

455.574 Department of Health; examinations.—

(1)

(d) Each board, or the department when there is no board, shall adopt rules regarding the security and monitoring of examinations. The department shall implement those rules adopted by the respective boards. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 455.637 to seek fines and injunctive relief against an examinee who violates the provisions of s. 455.577 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules.

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for both disciplinary actions as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 455.637:

(a) Procuring or attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Being proven guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, employing, or advising any licensee or business entity to practice speech-language pathology or audiology contrary to this part, part II of chapter 455, or any rule adopted pursuant thereto.

(m) Violating any provision of this part or part II of chapter 455 or any rule adopted pursuant thereto.

(n) Misrepresenting the professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or using any other term or title which might connote the availability of professional services when such use is not accurate.

(o) Representing, advertising, or implying that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(p) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be “custom-made,” “made to order,” or “prescription-made,” or in any other sense specially fabricated for an individual, when such is not the case.

(t) Canvassing from house to house or by telephone, either in person or by an agent, for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) Failing to notify the department in writing of a change in current mailing and place-of-practice address within 30 days after such change.

(v) Failing to provide all information as described in ss. 468.1225(5)(b), 468.1245(1), and 468.1246.

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(x) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.

(y) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

(z) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

(aa) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 468.1296.

(bb) Being unable to practice the profession for which he or she is licensed or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason

of illness, drunkenness, or use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his or her designee, or the board that probable cause exists to believe that the licensee or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee or certificateholder to submit to a mental or physical examination by a physician, psychologist, clinical social worker, marriage and family therapist, or mental health counselor designated by the department or board. If the licensee or certificateholder refuses to comply with the department's order directing the examination, such order may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee or certificateholder resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed or certified with reasonable skill and safety to patients.

484.014 Disciplinary actions.—

(1) The following acts relating to the practice of opticianry shall be grounds for both disciplinary action against an optician as set forth in this section and cease and desist or other related action by the department as set forth in s. 455.637 against any person operating an optical establishment who engages in, aids, or abets any such violation:

(a) Procuring or attempting to procure a license by misrepresentation, bribery, or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which the person is required to make or file as an optician.

(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Fraud or deceit, or negligence, incompetency, or misconduct, in the authorized practice of opticianry.

(g) Violation or repeated violation of this part or of part II of chapter 455 or any rules promulgated pursuant thereto.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(j) Violation of any provision of s. 484.012.

(k) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(l) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(m) Failing to keep written prescription files.

(n) Willfully failing to report any person who the licensee knows is in violation of this part or of rules of the department or the board.

(o) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(p) Gross or repeated malpractice.

(q) Permitting any person not licensed as an optician in this state to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

(r) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, in a court of this state or other jurisdiction, a crime which relates to the ability to practice opticianry or to the practice of opticianry.

(s) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida law or rules regulating opticianry.

(t) Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. An optician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of opticianry with reasonable skill and safety to her or his customers.

484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 455.637 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

(a) Violation of any provision of s. 455.624(1), s. 484.0512, or s. 484.053.

(b) Attempting to procure a license to dispense hearing aids by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(c) Having a license to dispense hearing aids revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dispensing hearing aids or the ability to practice dispensing hearing aids, including violations of any federal laws or regulations regarding hearing aids.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those reports or records which are signed in one's capacity as a licensed hearing aid specialist.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Proof that the licensee is guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of dispensing hearing aids.

(h) Violation or repeated violation of this part or of part II of chapter 455, or any rules promulgated pursuant thereto.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the board or department.

(j) Practicing with a revoked, suspended, inactive, or delinquent license.

(k) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(l) Showing or demonstrating, or, in the event of sale, delivery of, a product unusable or impractical for the purpose represented or implied by such action.

(m) Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of the terms "doctor," "clinic," "clinical," "medical audiologist," "clinical audiologist," "research audiologist," or "audiologic" or any other term or title which might connote the availability of professional services when such use is not accurate.

(n) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(o) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(p) Making any predictions or prognostications as to the future course of a hearing impairment, either in general terms or with reference to an individual person.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made" or in any other sense specially fabricated for an individual person when such is not the case.

(t) Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board.

(v) Failing to provide all information as described in s. 484.051(1).

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

Section 49. Paragraphs (a) and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than $300 but less than $20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
322.212(5)(a)	3rd	False application for driver's license or identification card.
370.13(3)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
372.663(1)	3rd	Poach any alligator or crocodilia.
414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than $200.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
~~458.327(1)(a)~~	~~3rd~~	~~Unlicensed practice of medicine.~~
~~466.026(1)(a)~~	~~3rd~~	~~Unlicensed practice of dentistry or dental hygiene.~~
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than $300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than $50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05 (2)(b)&(4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
838.015(3)	3rd	Bribery.
838.016(1)	3rd	Public servant receiving unlawful compensation.

Florida Statute	Felony Degree	Description
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
		(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.
455.637(2)	*3rd*	*Practicing a health care profession without a license.*
455.637(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.*
484.053	*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.
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.
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.
784.08(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.
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; property stolen while causing other property damage; 1st degree grand theft.

Florida Statute	Felony Degree	Description
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.
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), or (2)(b)) within 1,000 feet of a child care facility or school.
893.13(1)(e)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b), 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), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 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.

Section 50. Subsection (1) of section 458.327, Florida Statutes, reads:

458.327 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) The practice of medicine or an attempt to practice medicine without a license to practice in Florida.

(b) The use or attempted use of a license which is suspended or revoked to practice medicine.

(c) Attempting to obtain or obtaining a license to practice medicine by knowing misrepresentation.

(d) Attempting to obtain or obtaining a position as a medical practitioner or medical resident in a clinic or hospital through knowing misrepresentation of education, training, or experience.

Section 51. Subsection (1) of section 459.013, Florida Statutes, reads:

459.013 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) The practice of osteopathic medicine, or an attempt to practice osteopathic medicine, without an active license or certificate issued pursuant to this chapter.

(b) The practice of osteopathic medicine by a person holding a limited license, osteopathic faculty certificate, or other certificate issued under this chapter beyond the scope of practice authorized for such licensee or certificateholder.

(c) Attempting to obtain or obtaining a license to practice osteopathic medicine by knowing misrepresentation.

(d) Attempting to obtain or obtaining a position as an osteopathic medical practitioner or osteopathic medical resident in a clinic or hospital through knowing misrepresentation of education, training, or experience.

Section 52. Subsection (1) of section 460.411, Florida Statutes, reads:

460.411 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice chiropractic medicine without an active license or with a license fraudulently obtained.

(b) Using or attempting to use a license to practice chiropractic medicine which has been suspended or revoked.

Section 53. Subsection (1) of section 461.012, Florida Statutes, reads:

461.012 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice podiatric medicine without an active license or with a license fraudulently obtained.

(b) Advertising podiatric services without an active license obtained pursuant to this chapter or with a license fraudulently obtained.

(c) Using or attempting to use a license to practice podiatric medicine which has been suspended or revoked.

Section 54. Section 462.17, Florida Statutes, reads:

462.17 Penalty for offenses relating to naturopathy.—Any person who shall:

(1) Sell, fraudulently obtain, or furnish any naturopathic diploma, license, record, or registration or aid or abet in the same;

(2) Practice naturopathy under the cover of any diploma, license, record, or registration illegally or fraudulently obtained or secured or issued unlawfully or upon fraudulent representations;

(3) Advertise to practice naturopathy under a name other than her or his own or under an assumed name;

(4) Falsely impersonate another practitioner of a like or different name;

(5) Practice or advertise to practice naturopathy or use in connection with her or his name any designation tending to imply or to designate the person as a practitioner of naturopathy without then being lawfully licensed and authorized to practice naturopathy in this state; or

(6) Practice naturopathy during the time her or his license is suspended or revoked

shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 55. Subsection (1) of section 463.015, Florida Statutes, reads:

463.015 Violations and penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice optometry without a valid active license issued pursuant to this chapter.

(b) Attempting to obtain or obtaining a license to practice optometry by fraudulent misrepresentation.

(c) Using or attempting to use a license to practice optometry which has been suspended or revoked.

Section 56. Subsection (1) of section 464.016, Florida Statutes, reads:

464.016 Violations and penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing advanced or specialized, professional or practical nursing, as defined in this chapter, unless holding an active license or certificate to do so.

(b) Using or attempting to use a license or certificate which has been suspended or revoked.

(c) Knowingly employing unlicensed persons in the practice of nursing.

(d) Obtaining or attempting to obtain a license or certificate under this chapter by misleading statements or knowing misrepresentation.

Section 57. Subsection (2) of section 465.015, Florida Statutes, reads:

465.015 Violations and penalties.—

(2) It is unlawful for any person:

(a) To make a false or fraudulent statement, either for herself or himself or for another person, in any application, affidavit, or statement presented to the board or in any proceeding before the board.

(b) To fill, compound, or dispense prescriptions or to dispense medicinal drugs if such person does not hold an active license as a pharmacist in this state, is not registered as an intern in this state, or is an intern not acting under the direct and immediate personal supervision of a licensed pharmacist.

(c) To sell or dispense drugs as defined in s. 465.003(8) without first being furnished with a prescription.

(d) To sell samples or complimentary packages of drug products.

Section 58. Subsection (1) of section 466.026, Florida Statutes, reads:

466.026 Prohibitions; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing dentistry or dental hygiene unless the person has an appropriate, active license issued by the department pursuant to this chapter.

(b) Using or attempting to use a license issued pursuant to this chapter which license has been suspended or revoked.

(c) Knowingly employing any person to perform duties outside the scope allowed such person under this chapter or the rules of the board.

(d) Giving false or forged evidence to the department or board for the purpose of obtaining a license.

(e) Selling or offering to sell a diploma conferring a degree from a dental college or dental hygiene school or college, or a license issued pursuant to this chapter, or procuring such diploma or license with intent that it shall be used as evidence of that which the document stands for, by a person other than the one upon whom it was conferred or to whom it was granted.

Section 59. Section 467.201, Florida Statutes, reads:

467.201 Violations and penalties.—Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(1) Practicing midwifery, unless holding an active license to do so.

(2) Using or attempting to use a license which has been suspended or revoked.

(3) The willful practice of midwifery by a student midwife without a preceptor present, except in an emergency.

(4) Knowingly allowing a student midwife to practice midwifery without a preceptor present, except in an emergency.

(5) Obtaining or attempting to obtain a license under this chapter through bribery or fraudulent misrepresentation.

(6) Using the name or title “midwife” or “licensed midwife” or any other name or title which implies that a person is licensed to practice midwifery, unless such person is duly licensed as provided in this chapter.

(7) Knowingly concealing information relating to the enforcement of this chapter or rules adopted pursuant thereto.

Section 60. Section 468.366, Florida Statutes, reads:

468.366 Penalties for violations.—

(1) It is a violation of law for any person, including any firm, association, or corporation, to:

(a) Sell or fraudulently obtain, attempt to obtain, or furnish to any person a diploma, license, or record, or aid or abet in the sale, procurement, or attempted procurement thereof.

(b) Deliver respiratory care services, as defined by this part or by rule of the board, under cover of any diploma, license, or record that was illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.

(c) Deliver respiratory care services, as defined by this part or by rule of the board, unless such person is duly licensed to do so under the provisions of this part or unless such person is exempted pursuant to s. 468.368.

(d) Use, in connection with his or her name, any designation tending to imply that he or she is a respiratory care practitioner or a respiratory therapist, duly licensed under the provisions of this part, unless he or she is so licensed.

(e) Advertise an educational program as meeting the requirements of this part, or conduct an educational program for the preparation of respiratory care practitioners or respiratory therapists, unless such program has been approved by the board.

(f) Knowingly employ unlicensed persons in the delivery of respiratory care services, unless exempted by this part.

(g) Knowingly conceal information relative to any violation of this part.

(2) Any violation of this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 61. Subsection (1) of section 483.828, Florida Statutes, reads:

483.828 Penalties for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing as clinical laboratory personnel without an active license.

(b) Using or attempting to use a license to practice as clinical laboratory personnel which is suspended or revoked.

(c) Attempting to obtain or obtaining a license to practice as clinical laboratory personnel by knowing misrepresentation.

Section 62. Subsection (9) of section 483.901, Florida Statutes, reads:

483.901 Medical physicists; definitions; licensure.—

(9) PENALTY FOR VIOLATIONS.—It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to:

(a) Practice or attempt to practice medical physics or hold oneself out to be a licensed medical physicist without holding an active license.

(b) Practice or attempt to practice medical physics under a name other than one's own.

(c) Use or attempt to use a revoked or suspended license or the license of another.

Section 63. Section 484.053, Florida Statutes, reads:

484.053 Prohibitions; penalties.—

(1) A person may not:

(a) Practice dispensing hearing aids unless the person is a licensed hearing aid specialist;

(b) Use the name or title "hearing aid specialist" when the person has not been licensed under this part;

(c) Present as her or his own the license of another;

(d) Give false, incomplete, or forged evidence to the board or a member thereof for the purposes of obtaining a license;

(e) Use or attempt to use a hearing aid specialist license that is delinquent or has been suspended, revoked, or placed on inactive status;

(f) Knowingly employ unlicensed persons in the practice of dispensing hearing aids; or

(g) Knowingly conceal information relative to violations of this part.

(2) Any person who violates any of the provisions of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a person licensed under this part allows the sale of a hearing aid by an unlicensed person not registered as a trainee or fails to comply with the requirements of s. 484.0445(2) relating to supervision of trainees, the board shall, upon determination of that violation, order the full refund of moneys paid by the purchaser upon return of the hearing aid to the seller's place of business.

Section 64. Subsection (1) of section 457.102, Florida Statutes, is amended to read:

457.102 Definitions.—As used in this chapter:

(1) "Acupuncture" means a form of primary health care, based on traditional Chinese medical concepts and modern oriental medical techniques, that employs acupuncture diagnosis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture shall include, but not be limited to, the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body *and the use of electroacupuncture, Qi Gong, oriental massage, herbal therapy, dietary guidelines, and other adjunctive therapies, as defined by board rule.*

Section 65. Section 457.105, Florida Statutes, is amended to read:

457.105 Licensure qualifications and fees.—

(1) It is unlawful for any person to practice acupuncture in this state unless such person has been licensed by the board, is in a board-approved course of study, or is otherwise exempted by this chapter.

(2) A person may become licensed to practice acupuncture if the person applies to the department and:

(a) Is *21* ~~18~~ years of age or older*, has good moral character, and has the ability to communicate in English, which is demonstrated by having passed the national written examination in English or, if such examination was passed in a foreign language, by also having passed a nationally recognized English proficiency examination*;

(b) Has completed 60 college credits from an accredited postsecondary institution as a prerequisite to enrollment in an authorized 3-year course of study in acupuncture and oriental medicine, and has completed a 3-year course of study in acupuncture and oriental medicine, and effective July 31, 2001, a 4-year course of study in acupuncture and oriental medicine, which meets standards established by the board by rule, which standards include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, western pathology, western biomedical terminology, first aid, and cardiopulmonary resuscitation (CPR). However, any person who enrolled in an authorized course of study in acupuncture before August 1, 1997, must have completed only a 2-year course of study which meets standards established by the board by rule, which standards must include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology;

(c) Has successfully completed a board-approved national certification process, is actively licensed in a state that has examination requirements that are substantially equivalent to or more stringent than those of this state, or passes an examination administered by the department, which examination tests the applicant's competency and knowledge of the practice of acupuncture *and oriental medicine*. At the request of any applicant, oriental nomenclature for the points shall be used in the examination. The examination shall include a practical examination of the knowledge and skills required to practice *modern and traditional* acupuncture *and oriental medicine*, covering diagnostic and treatment techniques and procedures; and

(d) Pays the required fees set by the board by rule not to exceed the following amounts:

1. Examination fee: $500 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from a national organization approved by the board.

2. Application fee: $300.

3. Reexamination fee: $500 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from a national organization approved by the board.

4. Initial biennial licensure fee: $400, if licensed in the first half of the biennium, and $200, if licensed in the second half of the biennium.

Section 66. Subsection (1) of section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of licenses; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board by rule, not to exceed *$500* ~~$700~~.

Section 67. Section 483.824, Florida Statutes, is amended to read:

483.824 Qualifications of clinical laboratory director.—A clinical laboratory director must have 4 years of clinical laboratory experience with 2 years of experience in the specialty to be directed or be nationally board certified in the specialty to be directed, and must meet one of the following requirements:

(1) Be a physician licensed under chapter 458 or chapter 459;

(2) Hold an earned doctoral degree in a chemical, physical, or biological science from a regionally accredited institution and *maintain national certification requirements equal to those required by the federal Health Care Financing Administration* ~~be nationally certified~~; or

(3) For the subspecialty of oral pathology, be a physician licensed under chapter 458 or chapter 459 or a dentist licensed under chapter 466.

Section 68. *February 6th of each year is designated Florida Alzheimer's Disease Day.*

Section 69. Subsection (11) of section 641.51, Florida Statutes, is created to read:

641.51 Quality assurance program; second medical opinion requirement.—

(11) If a contracted primary care physician, licensed under Chapter 458 or Chapter 459, and the organization determine that a subscriber requires examination by a licensed ophthalmologist for medically necessary, contractually covered services, then the organization shall authorize the contracted primary care physician to send the subscriber to a contracted licensed ophthalmologist.

Section 70. *This act shall not be construed to prohibit anyone from seeking medical information on the Internet from any site.*

Section 71. *Effective upon this act becoming a law:*

(1) Any funds appropriated in Committee Substitute for House Bill 2339, enacted in the 2000 Regular Session of the Legislature, for the purpose of a review of current mandated health coverages shall revert to the fund from which appropriated, and such review may not be conducted.

(2) Notwithstanding any provision to the contrary contained in Committee Substitute for House Bill 2339, enacted in the 2000 Regular Session of the Legislature, the establishement of a specialty hospital offering a range of medical services restricted to a defined age or gender group of the population or a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical illnesses or disorders, through the transfer of beds and services from an existing hospital in the same county, is not exempt from the provisions of section 408.036(1), Florida Statutes.

Section 72. Paragraph (n) of subsection (3), paragraph (c) of subsection (5), and paragraphs (b) and (d) of subsection (6) of section 627.6699, Florida Statutes, are amended to read:

627.6699 Employee Health Care Access Act.—

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

(n) "Modified community rating" means a method used to develop carrier premiums which spreads financial risk across a large population and allows adjustments for age, gender, family composition, tobacco usage, and geographic area as determined under paragraph (5)(j)*; claims experience, health status, or duration of coverage as permitted under subparagraph (6)(b)5.; and administrative and acquisition expenses as permitted under subparagraph (6)(b)6.*

(5) AVAILABILITY OF COVERAGE.—

(c) Every small employer carrier must, as a condition of transacting business in this state:

1. Beginning *July 1, 2000,* ~~January 1, 1994,~~ offer and issue all small employer health benefit plans on a guaranteed-issue basis to every eligible small employer, with *2* ~~3~~ to 50 eligible employees, that elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. A rider for additional or increased benefits may be medically underwritten and may only be added to the standard health benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section.

2. Beginning July 1, 2000, and until July 31, 2001, offer and issue basic and standard small employer health benefit plans on a guaranteed-issue basis to every eligible small employer which is eligible for guaranteed renewal, has less than two eligible employees, is not formed primarily for the purpose of buying health insurance, elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. A rider for additional or increased benefits may be medically underwritten and may be added only to the standard benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section. For purposes of this subparagraph, a person, his or her spouse, and his or her dependent children shall constitute a single eligible employee if that person and spouse are employed by the same small employer and either one has a normal work week of less than 25 hours.

3.~~2.~~ Beginning *August 1, 2001* ~~April 15, 1994~~, offer and issue basic and standard small employer health benefit plans on a guaranteed-issue basis*, during a 31-day open enrollment period of August 1 through August 31 of each year,* to every eligible small employer, with *less than* ~~one or~~ two eligible employees*, which small employer is not formed primarily for the purpose of buying health insurance and* which elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. *Coverage provided under this subparagraph shall begin on October 1 of the same year as the date of enrollment, unless the small employer carrier and the small employer agree to a different date.* A rider for additional or increased benefits may be medically underwritten and may only be added to the standard health benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section. *For purposes of this subparagraph, a person, his or her spouse, and his or her dependent children constitute a single eligible employee if that person and spouse are employed by the same small employer and either that person or his or her spouse has a normal work week of less than 25 hours.*

4.~~3. Offer to eligible small employers the standard and basic health benefit plans.~~ This *paragraph* ~~subparagraph~~ does not limit a carrier's ability to offer other health benefit plans to small employers if the standard and basic health benefit plans are offered and rejected.

(6) RESTRICTIONS RELATING TO PREMIUM RATES.—

(b) For all small employer health benefit plans that are subject to this section and are issued by small employer carriers on or after January 1, 1994, premium rates for health benefit plans subject to this section are subject to the following:

1. Small employer carriers must use a modified community rating methodology in which the premium for each small employer must be determined solely on the basis of the eligible employee's and eligible dependent's gender, age, family composition, tobacco use, or geographic area as determined under paragraph (5)(j) *and in which the premium may be adjusted as permitted by subparagraphs 5. and 6.*

2. Rating factors related to age, gender, family composition, tobacco use, or geographic location may be developed by each carrier to reflect

the carrier's experience. The factors used by carriers are subject to department review and approval.

3. Small employer carriers may not modify the rate for a small employer for 12 months from the initial issue date or renewal date, unless the composition of the group changes or benefits are changed. *However, a small employer carrier may modify the rate one time prior to 12 months after the initial issue date for a small employer who enrolls under a previously issued group policy that has a common anniversary date for all employers covered under the policy if:*

a. The carrier discloses to the employer in a clear and conspicuous manner the date of the first renewal and the fact that the premium may increase on or after that date.

b. The insurer demonstrates to the department that efficiencies in administration are achieved and reflected in the rates charged to small employers covered under the policy.

4. *A carrier may issue a group health insurance policy to a small employer health alliance or other group association with rates that reflect a premium credit for expense savings attributable to administrative activities being performed by the alliance or group association if such expense savings are specifically documented in the insurer's rate filing and are approved by the department. Any such credit may not be based on different morbidity assumptions or on any other factor related to the health status or claims experience of any person covered under the policy. Nothing in this subparagraph exempts an alliance or group association from licensure for any activities that require licensure under the Insurance Code. A carrier issuing a group health insurance policy to a small-employer health alliance or other group association shall allow any properly licensed and appointed agent of that carrier to market and sell the small-employer health alliance or other group association policy. Such agent shall be paid the usual and customary commission paid to any agent selling the policy.* ~~Carriers participating in the alliance program, in accordance with ss. 408.70-408.706, may apply a different community rate to business written in that program.~~

5. Any adjustments in rates for claims experience, health status, or duration of coverage may not be charged to individual employees or dependents. For a small employer's policy, such adjustments may not result in a rate for the small employer which deviates more than 15 percent from the carrier's approved rate. Any such adjustment must be applied uniformly to the rates charged for all employees and dependents of the small employer. A small employer carrier may make an adjustment to a small employer's renewal premium, not to exceed 10 percent annually, due to the claims experience, health status, or duration of coverage of the employees or dependents of the small employer. Semiannually small group carriers shall report information on forms adopted by rule by the department to enable the department to monitor the relationship of aggregate adjusted premiums actually charged policyholders by each carrier to the premiums that would have been charged by application of the carrier's approved modified community rates. If the aggregate resulting from the application of such adjustment exceeds the premium that would have been charged by application of the approved modified community rate by 5 percent for the current reporting period, the carrier shall limit the application of such adjustments only to minus adjustments beginning not more than 60 days after the report is sent to the department. For any subsequent reporting period, if the total aggregate adjusted premium actually charged does not exceed the premium that would have been charged by application of the approved modified community rate by 5 percent, the carrier may apply both plus and minus adjustments. A small employer carrier may provide a credit to a small employer's premium based on administrative and acquisition expense differences resulting from the size of the group. Group size administrative and acquisition expense factors may be developed by each carrier to reflect the carrier's experience and are subject to department review and approval.

6. A small employer carrier rating methodology may include separate rating categories for one dependent child, for two dependent children, and for three or more dependent children for family coverage of employees having a spouse and dependent children or employees having dependent children only. A small employer carrier may have fewer, but not greater, numbers of categories for dependent children than those specified in this subparagraph.

7. Small employer carriers may not use a composite rating methodology to rate a small employer with fewer than 10 employees. For the purposes of this subparagraph, a "composite rating methodology" means a rating methodology that averages the impact of the rating factors for age and gender in the premiums charged to all of the employees of a small employer.

(d) Notwithstanding s. 627.401(2), this section and ss. 627.410 and 627.411 apply to any health benefit plan provided by a small employer carrier *that is an insurer, and this section and s. 641.31 apply to any health benefit provided by a small employer carrier that is a health maintenance organization* that provides coverage to one or more employees of a small employer regardless of where the policy, certificate, or contract is issued or delivered, if the health benefit plan covers employees or their covered dependents who are residents of this state.

Section 73. Section 641.201, Florida Statutes, is amended to read:

641.201 Applicability of other laws.—Except as provided in this part, health maintenance organizations shall be governed by the provisions of this part and part III of this chapter and shall be exempt from all other provisions of the Florida Insurance Code *except those provisions of the Florida Insurance Code that are explicitly made applicable to health maintenance organizations.*

Section 74. Section 641.234, Florida Statutes, is amended to read:

641.234 Administrative, provider, and management contracts.—

(1) The department may require a health maintenance organization to submit any contract for administrative services, contract with a provider other than an individual physician, contract for management services, and contract with an affiliated entity to the department.

(2) After review of a contract the department may order the health maintenance organization to cancel the contract in accordance with the terms of the contract and applicable law if it determines*:*

(a) That the fees to be paid by the health maintenance organization under the contract are so unreasonably high as compared with similar contracts entered into by the health maintenance organization or as compared with similar contracts entered into by other health maintenance organizations in similar circumstances that the contract is detrimental to the subscribers, stockholders, investors, or creditors of the health maintenance organization*; or*~~.~~

(b) That the contract is with an entity that is not licensed under state statutes, if such license is required, or is not in good standing with the applicable regulatory agency.

(3) All contracts for administrative services, management services, provider services other than individual physician contracts, and with affiliated entities entered into or renewed by a health maintenance organization on or after October 1, 1988, shall contain a provision that the contract shall be canceled upon issuance of an order by the department pursuant to this section.

Section 75. Subsection (2) of section 641.27, Florida Statutes, is amended to read:

641.27 Examination by the department.—

(2) The department may contract, at reasonable fees for work performed, with qualified, impartial outside sources to perform audits or examinations or portions thereof pertaining to the qualification of an entity for issuance of a certificate of authority or to determine continued compliance with the requirements of this part, *in which case the payment must be made, directly to the contracted examiner by the health maintenance organization examined, in accordance with the rates and terms agreed to by the department and the examiner.* Any contracted assistance shall be under the direct supervision of the department. The results of any contracted assistance shall be subject to the review of, and approval, disapproval, or modification by, the department.

Section 76. Section 641.226, Florida Statutes, is created to read:

641.226 Application of federal solvency requirements to provider-sponsored organizations.—The solvency requirements of sections 1855 and 1856 of the Balanced Budget Act of 1997 and rules adopted by the Secretary of the United States Department of Health and Human Services apply to a health maintenance organization that is a provider-sponsored organization rather than the solvency requirements of this part. However, if the provider-sponsored organization does not meet the solvency requirements of this part, the organization is limited to the issuance of Medicare+Choice plans to eligible individuals. For the purposes of this section, the terms "Medicare+Choice plans," "provider-sponsored organizations," and "solvency requirements" have the same meaning as defined in the federal act and federal rules and regulations.

Section 77. Section 641.39, Florida Statutes, is created to read:

641.39 Soliciting or accepting new or renewal health maintenance contracts by insolvent or impaired health maintenance organization prohibited; penalty.—

(1) Whether or not delinquency proceedings as to a health maintenance organization have been or are to be initiated, a director or officer of a health maintenance organization, except with the written permission of the Department of Insurance, may not authorize or permit the health maintenance organization to solicit or accept new or renewal health maintenance contracts or provider contracts in this state after the director or officer knew, or reasonably should have known, that the health maintenance organization was insolvent or impaired. As used in this section, the term "impaired" means that the health maintenance organization does not meet the requirements of s. 641.225.

(2) Any director or officer who violates 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.

Section 78. Section 641.2011, Florida Statutes, is created to read:

641.2011 Insurance holding companies.—Part IV of chapter 628 applies to health maintenance organizations licensed under part I of chapter 641.

Section 79. Subsection (12) is added to section 216.136, Florida Statutes, to read:

216.136 Consensus estimating conferences; duties and principals.—

(12) MANDATED HEALTH INSURANCE BENEFITS AND PROVIDERS ESTIMATING CONFERENCE.—

(a) Duties.—The Mandated Health Insurance Benefits and Providers Estimating Conference shall:

1. Develop and maintain, with the Department of Insurance, a system and program of data collection to assess the impact of mandated benefits and providers, including costs to employers and insurers, impact of treatment, cost savings in the health care system, number of providers, and other appropriate data.

2. Prescribe the format, content, and timing of information that is to be submitted to the conference and used by the conference in its assessment of proposed and existing mandated benefits and providers. Such format, content, and timing requirements are binding upon all parties submitting information for the conference to use in its assessment of proposed and existing mandated benefits and providers.

3. Provide assessments of proposed and existing mandated benefits and providers and other studies of mandated benefits and provider issues as requested by the Legislature or the Governor. When a legislative measure containing a mandated health insurance benefit or provider is proposed, the standing committee of the Legislature which has jurisdiction over the proposal shall request that the conference prepare and forward to the Governor and the Legislature a study that provides, for each measure, a cost-benefit analysis that assesses the social and financial impact and the medical efficacy according to prevailing medical standards of the proposed mandate. The conference has 12 months after the committee makes its request in which to complete and submit the conference's report. The standing committee may not consider such a proposed legislative measure until 12 months after it has requested the report and has received the conference's report on the measure.

4. The standing committees of the Legislature which have jurisdiction over health insurance matters shall request that the conference assess the social and financial impact and the medical efficacy of existing mandated benefits and providers. The committees shall submit to the conference by January 1, 2001, a schedule of evaluations that sets forth the respective dates by which the conference must have completed its evaluations of particular existing mandates.

(b) Principals.—The Executive Office of the Governor, the Insurance Commissioner, the Agency for Health Care Administration, the Director of the Division of Economic and Demographic Research of the Joint Legislative Management Committee, and professional staff of the Senate and the House of Representatives who have health insurance expertise, or their designees, are the principals of the Mandated Health Insurance Benefits and Providers Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

Section 80. Section 624.215, Florida Statutes, is amended to read:

624.215 Proposals for legislation which mandates health benefit coverage; review by Legislature.—

(1) LEGISLATIVE INTENT.—The Legislature finds that there is an increasing number of proposals which mandate that certain health benefits be provided by insurers and health maintenance organizations as components of individual and group policies. The Legislature further finds that many of these benefits provide beneficial social and health consequences which may be in the public interest. However, the Legislature also recognizes that most mandated benefits contribute to the increasing cost of health insurance premiums. Therefore, it is the intent of the Legislature to conduct a systematic review of current and proposed mandated or mandatorily offered health coverages and to establish guidelines for such a review. This review will assist the Legislature in determining whether mandating a particular coverage is in the public interest.

(2) MANDATED HEALTH COVERAGE; REPORT TO *THE MANDATED HEALTH INSURANCE BENEFITS AND PROVIDERS ESTIMATING CONFERENCE* ~~AGENCY FOR HEALTH CARE ADMINISTRATION AND LEGISLATIVE COMMITTEES~~; GUIDELINES FOR ASSESSING IMPACT.—Every person or organization seeking consideration of a legislative proposal which would mandate a health coverage or the offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies, shall submit to the *Mandated Health Insurance Benefits and Providers Estimating Conference* ~~Agency for Health Care Administration and the legislative committees having jurisdiction~~ a report which assesses the social and financial impacts of the proposed coverage. Guidelines for assessing the impact of a proposed mandated or mandatorily offered health coverage *must,* to the extent that information is available, ~~shall~~ include:

(a) To what extent is the treatment or service generally used by a significant portion of the population.

(b) To what extent is the insurance coverage generally available.

(c) If the insurance coverage is not generally available, to what extent does the lack of coverage result in persons avoiding necessary health care treatment.

(d) If the coverage is not generally available, to what extent does the lack of coverage result in unreasonable financial hardship.

(e) The level of public demand for the treatment or service.

(f) The level of public demand for insurance coverage of the treatment or service.

(g) The level of interest of collective bargaining agents in negotiating for the inclusion of this coverage in group contracts.

(h) *A report of the extent to which* ~~To what extent will~~ the coverage *will* increase or decrease the cost of the treatment or service.

(i) *A report of the extent to which* ~~To what extent will~~ the coverage *will* increase the appropriate uses of the treatment or service.

(j) *A report of the extent to which* ~~To what extent will~~ the mandated treatment or service *will* be a substitute for a more expensive treatment or service.

(k) *A report of the extent to which* ~~To what extent will~~ the coverage *will* increase or decrease the administrative expenses of insurance companies and the premium and administrative expenses of policyholders.

(l) *A report as to* the impact of this coverage on the total cost of health care.

The reports required in paragraphs (h) through (l) shall be reviewed by the Mandated Health Insurance Benefits and Providers Estimating Conference using a certified actuary. The standing committee of the Legislature which has jurisdiction over the legislative proposal must request and receive a report from the Mandated Health Insurance Benefits and Providers Estimating Conference before the committee considers the proposal. The committee may not consider a legislative proposal that would mandate a health coverage or the offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization until after the committee's request to the Mandated Health Insurance Benefits and Providers Estimating Conference has been answered. As used in this section, the term "health coverage mandate" includes mandating the use of a type of provider.

Section 81. Subsection (4) 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.

(4) INDIGENT CARE *AND TRAUMA CENTER* SURTAX.—

(a) The governing body in each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents and is not authorized to levy a surtax under subsection (5) or subsection (6), may levy, pursuant to an ordinance either approved by an extraordinary vote of the governing body or 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) If the ordinance is conditioned on a referendum, a statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

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

(c) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in paragraph (d). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. *The plan must also address the services to be provided by the Level I trauma center.* It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers, *including hospitals with a Level I trauma center,* will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, *promote the advancement of technology in medical services, recognize the level of responsiveness to medical needs in trauma cases,* and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(d) For the purpose of this subsection, the term "qualified resident" means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;

2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(e) Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund;

2. Invest any funds held on deposit in the trust fund pursuant to general law; and

3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs (c) and (d), upon directive from the authorizing county. *However, if a county has a population of at least 800,000 residents and has levied the surtax authorized in this subsection, notwithstanding any directive from the authorizing county, on October 1 of each calendar year, the clerk of the court shall issue a check in the amount of $6.5 million to a hospital in its jurisdiction that has a Level I trauma center or shall issue a check in the amount of $3.5 million to a hospital in its jurisdiction that has a Level I trauma center if that county enacts and implements a hospital lien law in accordance with chapter 98-499, Laws of Florida. The issuance of the checks on October 1 of each year is provided in recognition of the Level I trauma center status and shall be in addition to the base contract amount received during fiscal year 1999-2000 and any additional amount negotiated to the base contract. If the hospital receiving funds for its Level I trauma center status requests such funds to be used to generate federal matching funds under Medicaid, the clerk*

of the court shall instead issue a check to the Agency for Health Care Administration to accomplish that purpose to the extent that it is allowed through the General Appropriations Act.

(f) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(g) This subsection expires October 1, 2005.

Section 82. Except as otherwise provided in this act, this act shall take effect July 1, 2000.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to health care; amending s. 400.408, F.S.; requiring field offices of the Agency for Health Care Administration to establish local coordinating workgroups to identify the operation of unlicensed assisted living facilities and to develop a plan to enforce state laws relating to unlicensed assisted living facilities; requiring a report to the agency of the workgroup's findings and recommendations; requiring health care practitioners to report known operations of unlicensed facilities; prohibiting hospitals and community mental health centers from discharging a patient or client to an unlicensed facility; amending s. 415.1034, F.S.; requiring paramedics and emergency medical technicians to report acts of abuse committed against a disabled adult or elderly person; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 408.032, F.S.; adding definitions of "exemption" and "mental health services"; revising the term "health service"; deleting the definitions of "home health agency," "institutional health service," "intermediate care facility," "multifacility project," and "respite care"; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensing of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemptions for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing "department" with "agency"; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for nonresidents; requiring a facility to report such use after the expiration of the extension; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; providing applicability; providing an appropriation for continued review of clinical laboratory services for kidney dialysis patients and requiring a report thereon; amending s. 455.564, F.S.; revising general licensing provisions for professions under the jurisdiction of the Department of Health; providing for processing of applications from foreign or nonresident applicants not yet having a social security number; providing for temporary licensure of such applicants; revising provisions relating to ongoing criminal investigations or prosecutions; requiring proof of restoration of civil rights under certain circumstances; authorizing requirement for personal appearance prior to grant or denial of a license; providing for tolling of application decision deadlines under certain circumstances; amending s. 455.565, F.S.; eliminating duplicative submission of fingerprints and other information required for criminal history checks; providing for certain access to criminal history information through the department's health care practitioner credentialing system; amending s. 455.5651, F.S.; authorizing the department to publish certain information in practitioner profiles; amending s. 455.5653, F.S.; deleting obsolete language relating to scheduling and development of practitioner profiles for additional health care practitioners; providing the department access to information on health care practitioners maintained by the Agency for Health Care Administration for corroboration purposes; amending s. 455.5654, F.S.; providing for adoption by rule of a form for submission of profiling information; amending s. 455.567, F.S.; expanding the prohibition against sexual misconduct to cover violations against guardians and representatives of patients or clients; providing penalties; amending s. 455.624, F.S.; revising and providing grounds for disciplinary action relating to having a license to practice a regulated health care profession acted against, sexual misconduct, inability to practice properly due to alcohol or substance abuse or a mental or physical condition, and testing positive for a drug without a lawful prescription therefor; providing for restriction of license as a disciplinary action; providing for issuance of a citation and assessment of a fine for certain first-time violations; reenacting ss. 455.577, 455.631, 455.651(2), 455.712(1), 458.347(7)(g), 459.022(7)(f), 468.1755(1)(a), 468.719(1)(a) and (2), 468.811, and 484.056(1)(a), F.S., relating to theft or reproduction of an examination, giving false information, disclosure of confidential information, business establishments providing regulated services without an active status license, and practice violations by physician assistants, nursing home administrators, athletic trainers, orthotists, prosthetists, pedorthists, and hearing aid specialists, to incorporate the amendment to s. 455.624, F.S., in references thereto; repealing s. 455.704, F.S., relating to the Impaired Practitioners Committee; amending s. 455.707, F.S., relating to impaired practitioners, to conform; clarifying provisions relating to complaints against impaired practitioners; amending s. 310.102, F.S.; revising and removing references, to conform; amending s. 455.711, F.S.; revising provisions relating to active and inactive status licensure; eliminating reference to delinquency as a licensure status; providing rulemaking authority; amending ss. 455.587 and 455.714, F.S.; revising references, to conform; creating s. 455.719, F.S.; providing that the appropriate medical regulatory board, or the department when there is no board, has exclusive authority to grant exemptions from disqualification from employment or contracting with respect to persons under the licensing jurisdiction of that board or the department, as applicable; amending s. 455.637, F.S.; revising provisions relating to sanctions against the unlicensed practice of a health care profession; providing legislative intent; revising and expanding provisions relating to civil and administrative remedies; providing criminal penalties; incorporating and modifying the substance of current provisions that impose a fee to combat unlicensed activity and provide for disposition of the proceeds thereof; providing statutory construction relating to dietary supplements; reenacting ss. 458.327, 459.013, 460.411, 461.012, 462.17, 463.015, 464.016, 465.015, 466.026, 467.201, 468.366, 483.828, 483.901, 484.053, F.S.; providing penalties; creating s. 458.3135, F.S.; providing for temporary certification for visiting physicians to practice in approved cancer centers; providing certification requirements; providing fees; providing for approval of cancer centers and annual review of such approval; providing practice limitations and conditions; limiting the number of certificates that may be issued; providing rulemaking authority; amending s. 458.3145, F.S.; adding medical schools to list of programs at which medical faculty certificateholders may practice; amending s. 458.315, F.S.; waiving application and licensure fees for physicians obtaining a temporary certificate to practice in areas of critical need when such practice is limited to volunteer, uncompensated care for low-income persons; amending ss. 458.345 and 459.021, F.S.; providing for registration of persons desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a statutory teaching hospital; providing requirements; providing fees; providing penalties;

providing rulemaking authority; amending s. 458.348, F.S.; requiring protocols to contain specified requirements; creating s. 458.331(1)(nn), F.S.; providing ground for discipline; creating s. 459.015(1)(pp), F.S., providing ground for discipline; amending s. 458.347, F.S.; providing authority to the Council on Physician Assistants to refuse to certify an applicant for licensure or place restrictions or conditions on license; amending s. 459.022, F.S.; providing authority to the Council on Physician Assistants to refuse to certify an applicant for licensure or place restrictions or conditions on license; providing applicability; repealing s. 455.641, F.S., relating to unlicensed activity fees, to conform; reenacting ss. 455.574(1)(d), 468.1295(1), 484.014(1), and 484.056(1), F.S., relating to violation of security provisions for examinations and violations involving speech-language pathology, audiology, opticianry, and the dispensing of hearing aids, to incorporate the amendment to s. 455.637, F.S., in references thereto; amending s. 921.0022, F.S.; modifying the criminal offense severity ranking chart to add or increase the level of various offenses relating to the practice of a health care profession, the practice of medicine, osteopathic medicine, chiropractic medicine, podiatric medicine, naturopathy, optometry, nursing, pharmacy, dentistry, dental hygiene, midwifery, respiratory therapy, and medical physics, practicing as clinical laboratory personnel, and the dispensing of hearing aids; amending s. 457.102, F.S.; revising the definition of "acupuncture"; amending s. 457.105, F.S.; revising licensure qualifications to practice acupuncture; amending s. 457.107, F.S.; modifying the fee for renewal of a license to practice acupuncture; amending s. 483.824, F.S.; revising qualifications of clinical laboratory directors; designating Florida Alzheimer's Disease Day; amending s. 641.51, F.S.; providing for referral to ophthalmologist under certain circumstances; providing that the act not be construed to prohibit certain uses of the Internet; providing that certain funds appropriated to conduct a review of current mandated health coverages revert to the fund from which appropriated and that the review may not be conducted; abrogating certain exemptions from s. 408.036(1), F.S., which are enacted in the 2000 Regular Session; amending s. 627.6699, F.S.; modifying definitions; requiring small employer carriers to begin to offer and issue all small employer benefit plans on a specified date; deleting the requirement that basic and standard small employer health benefit plans be issued; providing additional requirements for determining premium rates for benefit plans; providing for applicability of the act to plans provided by small employer carriers that are insurers or health maintenance organizations notwithstanding the provisions of certain other specified statutes under specified conditions; amending s. 641.201, F.S.; clarifying applicability of the Florida Insurance Code to health maintenance organizations; amending s. 641.234, F.S.; providing conditions under which the Department of Insurance may order a health maintenance organization to cancel a contract; amending s. 641.27, F.S.; providing for payment by a health maintenance organization of fees to outside examiners appointed by the Department of Insurance; creating s. 641.226, F.S.; providing for application of federal solvency requirements to provider-sponsored organizations; creating s. 641.39, F.S.; prohibiting the solicitation or acceptance of contracts by insolvent or impaired health maintenance organizations; providing a criminal penalty; creating s. 641.2011, F.S.; providing that part IV of chapter 628, F.S., applies to health maintenance organizations; amending s. 216.136, F.S.; creating the Mandated Health Insurance Benefits and Providers Estimating Conference; providing for membership and duties of the conference; providing duties of legislative committees that have jurisdiction over health insurance matters; amending s. 624.215, F.S.; providing that certain legislative proposals must be submitted to and assessed by the conference, rather than the Agency for Health Care Administration; amending guidelines for assessing the impact of a proposal to legislatively mandate certain health coverage; providing prerequisites to legislative consideration of such proposals; amending s. 212.055, F.S.; expanding the authorized use of the indigent care surtax to include trauma centers; renaming the surtax; requiring the plan set out in the ordinance to include additional provisions concerning Level I trauma centers; providing requirements for annual disbursements to hospitals on October 1 to be in recognition of the Level I trauma center status and to be in addition to a base contract amount, plus any negotiated additions to indigent care funding; authorizing funds received to be used to generate federal matching funds under certain conditions and authorizing payment by the clerk of the court; providing effective dates.

Senate Amendment 1A (with title amendment)—On page 84, lines 4-21, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 147, lines 14-17, delete those lines

and insert: to contain specified requirements; amending s.

Senate Amendment 1C (with title amendment)—On page 140, between lines 14 and 15,

insert:

Section 82. Sections 468.821 through 468.829, Florida Statutes, are renumbered as sections 464.201 through 464.209, respectively, designated as part II of chapter 464, Florida Statutes, and amended to read:

464.201 ~~468.821~~ Definitions.—As used in this part, the term:

(1) "Approved training program" means:

(a) A course of training conducted by a public sector or private sector educational center licensed by the Department of Education to implement the basic curriculum for nursing assistants which is approved by the Department of Education. *Beginning October 1, 2000, the board shall assume responsibility for approval of training programs under this paragraph.*

(b) A training program operated under s. 400.141.

(2) "Board" means the Board of Nursing.

(3)~~(2)~~ "Certified nursing assistant" means a person who meets the qualifications specified in this part and who is certified by the *board* ~~department~~ as a certified nursing assistant.

(4)~~(3)~~ "Department" means the Department of Health.

(5)~~(4)~~ "Registry" means the listing of certified nursing assistants maintained by the *board* ~~department~~.

464.202 ~~468.822~~ Duties and powers of the *board* ~~department.~~—The *board* ~~department~~ shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by *board* ~~department~~ rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The *board* ~~department~~ shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants to enforce this part. The *board* ~~department~~ may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. *The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered.* The provider shall pay all reasonable costs and expenses incurred by the *board* ~~department~~ in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

464.203 ~~468.823~~ Certified nursing assistants; certification requirement.—

(1) The *board* ~~department~~ shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and *successfully passes the required Level I or Level II screening pursuant to s. 400.215 and* meets one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the *board* ~~department~~, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the *board* ~~department~~ and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the *board* ~~department~~, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the *board* ~~department~~ and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or

2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; *and* has not been found to have committed abuse, neglect, or exploitation in that state~~; and has successfully completed a national nursing assistant evaluation in order to receive certification in that state~~.

(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

(2) If an applicant fails to pass the nursing assistant competency examination in three attempts, the applicant is not eligible for reexamination unless the applicant completes an approved training program.

(3) An oral examination shall be administered as a substitute for the written portion of the examination upon request. The oral examination shall be administered at a site and by personnel approved by the department.

(4) The *board* ~~department~~ shall adopt rules to provide for the initial certification of certified nursing assistants.

(5) A certified nursing assistant shall maintain a current address with the *board* ~~department~~ in accordance with s. 455.717.

464.204 ~~468.824~~ Denial, suspension, or revocation of certification; disciplinary actions.—

(1) The following acts constitute grounds for which the *board* ~~department~~ may impose disciplinary sanctions as specified in subsection (2):

(a) Obtaining or attempting to obtain *certification or* an exemption, or possessing or attempting to possess *certification or* a letter of exemption, by bribery, misrepresentation, deceit, or through an error of the *board* ~~department~~.

(b) Intentionally violating any provision of this chapter, chapter 455, or the rules adopted by the *board* ~~department~~.

(2) When the *board* ~~department~~ finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial, suspension, or revocation of certification.

(b) Imposition of an administrative fine not to exceed $150 for each count or separate offense.

(c) Imposition of probation or restriction of certification, including conditions such as corrective actions as retraining or compliance with an approved treatment program for impaired practitioners.

(3) The *board* ~~department~~ may, upon the request of a certificateholder, exempt the certificateholder from disqualification ~~of certification or disqualification~~ of employment in accordance with chapter 435 and issue a letter of exemption. ~~After January 1, 2000,~~ The *board* ~~department~~ must notify an applicant seeking an exemption from disqualification from certification or employment of its decision to approve or deny the request within 30 days after the date the *board* ~~department~~ receives all required documentation.

464.205 ~~468.825~~ Availability of disciplinary records and proceedings.—Pursuant to s. 455.621, any complaint or record maintained by the department ~~of Health~~ pursuant to the discipline of a certified nursing assistant and any proceeding held by the *board* ~~department~~ to discipline a certified nursing assistant shall remain open and available to the public.

464.206 ~~468.826~~ Exemption from liability.—If an employer terminates or denies employment to a certified nursing assistant whose certification is inactive as shown on the certified nursing assistant registry or whose name appears on the central abuse registry and tracking system of the Department of Children and Family Services or on a criminal screening report of the Department of Law Enforcement, the employer is not civilly liable for such termination and a cause of action may not be brought against the employer for damages, regardless of whether the employee has filed for an exemption from the *board* ~~department~~ under s. *464.204(3)* ~~468.824(1)~~. There may not be any monetary liability on the part of, and a cause of action for damages may not arise against, any licensed facility, its governing board or members thereof, medical staff, disciplinary board, agents, investigators, witnesses, employees, or any other person for any action taken in good faith without intentional fraud in carrying out this section.

464.207 ~~468.827~~ Penalties.—It is a misdemeanor of the first degree, punishable as provided under s. 775.082 or s. 775.083, for any person, knowingly or intentionally, to fail to disclose, by false statement, misrepresentation, impersonation, or other fraudulent means, in any application for voluntary or paid employment or *certification* ~~licensure~~ regulated under this part, a material fact used in making a determination as to such person's qualifications to be an employee or *certificateholder* ~~licensee~~.

464.208 ~~468.828~~ Background screening information; rulemaking authority.—

(1) The Agency for Health Care Administration shall allow the *board* ~~department~~ to electronically access its background screening database and records, and the Department of Children and Family Services shall allow the *board* ~~department~~ to electronically access its central abuse registry and tracking system under chapter 415.

(2) An employer, or an agent thereof, may not use criminal records, juvenile records, or information obtained from the central abuse hotline under chapter 415 *relating to vulnerable adults* for any purpose other than determining if the person meets the requirements of this part. Such records and information obtained by the *board* ~~department~~ shall remain confidential and exempt from s. 119.07(1).

(3) If the requirements of the Omnibus Budget Reconciliation Act of 1987, as amended, for the certification of nursing assistants are in conflict with this part, the federal requirements shall prevail for those facilities certified to provide care under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act.

(4) The *board* ~~department~~ shall adopt rules to administer this part.

464.209 ~~468.829~~ Certified nursing assistant registry.—

(1) By October 1, 1999, and by October 1 of every year thereafter, each employer of certified nursing assistants shall submit to the *board* ~~Department of Health~~ a list of the names and social security numbers of each person employed by the employer as a certified nursing assistant in a nursing-related occupation for a minimum of 8 hours for monetary compensation during the preceding 24 months. Employers may submit such information electronically through the department's Internet site.

(2) The *board* ~~department~~ shall update the certified nursing assistant registry upon receipt of the lists of certified nursing assistants~~, and shall complete the first of such updates by December 31, 1999~~.

(3) Each certified nursing assistant whose name is not reported to the *board* ~~department~~ under subsection (1) on October 1, 1999, shall be assigned an inactive certification on January 1, 2000. A certified nursing assistant may remove such an inactive certification by submitting documentation to the *board* ~~department~~ that he or she was employed for a minimum of 8 hours for monetary compensation as a certified nursing assistant in a nursing-related occupation during the preceding 24 months.

(4) This section is repealed October 2, 2001.

Section 83. Section 464.2085, Florida Statutes, is created to read:

464.2085 Council on Certified Nursing Assistants.—The Council on Certified Nursing Assistants is created within the department, under the Board of Nursing.

(1) The council shall consist of five members appointed as follows:

(a) The chairperson of the Board of Nursing shall appoint two members who are registered nurses. One of the members must currently supervise a certified nursing assistant in a licensed nursing home.

(b) The chairperson of the Board of Nursing shall appoint one member who is a licensed practical nurse who is currently working in a licensed nursing home.

(c) The secretary of the department or his or her designee shall appoint two certified nursing assistants currently certified under this chapter, at least one of whom is currently working in a licensed nursing home.

(2) The council shall:

(a) Recommend to the department policies and procedures for the certification of nursing assistants.

(b) Develop all rules regulating the education, training, and certification process for nursing assistants certified under this chapter. The Board of Nursing shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council.

(c) Make recommendations to the board regarding all matters relating to the certification of nursing assistants.

(d) Address concerns and problems of certified nursing assistants in order to improve safety in the practice of certified nursing assistants.

Section 84. Paragraph (g) of subsection (3) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

~~1. Nursing assistants, as provided under s. 400.211.~~

1.~~2.~~ Health care services pools, as provided under s. 402.48.

2.~~3.~~ The Board of Acupuncture, created under chapter 457.

3.~~4.~~ The Board of Medicine, created under chapter 458.

4.~~5.~~ The Board of Osteopathic Medicine, created under chapter 459.

5.~~6.~~ The Board of Chiropractic Medicine, created under chapter 460.

6.~~7.~~ The Board of Podiatric Medicine, created under chapter 461.

7.~~8.~~ Naturopathy, as provided under chapter 462.

8.~~9.~~ The Board of Optometry, created under chapter 463.

9.~~10.~~ The Board of Nursing, created under *part I of* chapter 464.

10. Nursing assistants, as provided under part II of chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. The Board of Occupational Therapy, created under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. The Board of Athletic Training, created under part XIII of chapter 468.

20. The Board of Orthotists and Prosthetists, created under part XIV of chapter 468.

21. Electrolysis, as provided under chapter 478.

22. The Board of Massage Therapy, created under chapter 480.

23. The Board of Clinical Laboratory Personnel, created under part III of chapter 483.

24. Medical physicists, as provided under part IV of chapter 483.

25. The Board of Opticianry, created under part I of chapter 484.

26. The Board of Hearing Aid Specialists, created under part II of chapter 484.

27. The Board of Physical Therapy Practice, created under chapter 486.

28. The Board of Psychology, created under chapter 490.

29. School psychologists, as provided under chapter 490.

30. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department may contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 85. Subsection (38) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(38) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under *part I of* chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

Section 86. Paragraph (b) of subsection (1) of section 39.304, Florida Statutes, is amended to read:

39.304 Photographs, medical examinations, X rays, and medical treatment of abused, abandoned, or neglected child.—

(1)

(b) If the areas of trauma visible on a child indicate a need for a medical examination, or if the child verbally complains or otherwise exhibits distress as a result of injury through suspected child abuse, abandonment, or neglect, or is alleged to have been sexually abused, the person required to investigate may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents or legal custodian. Such examination may be performed by any licensed physician or an advanced registered nurse practitioner licensed pursuant to *part I of* chapter 464. Any licensed physician, or advanced registered nurse practitioner licensed pursuant to *part I of* chapter 464, who has reasonable cause to suspect that an injury was the result of child abuse, abandonment, or neglect may authorize a radiological examination to be performed on the child without the consent of the child's parent or legal custodian.

Section 87. Paragraph (c) of subsection (6) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)

(c) Notwithstanding the provisions of this section, the agency head or his or her designee may extend the other-personal-services employment of a health care practitioner licensed pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, *part I of* chapter 464, chapter 466, chapter 468, chapter 483, chapter 486, or chapter 490 beyond 2,080 hours and may employ such practitioner on an hourly or other basis.

Section 88. Subsection (1) of section 232.46, Florida Statutes, is amended to read:

232.46 Administration of medication by school district personnel.—

(1) Notwithstanding the provisions of the Nurse Practice Act, *part I of* chapter 464, school district personnel shall be authorized to assist students in the administration of prescription medication when the following conditions have been met:

(a) Each district school board shall include in its approved school health services plan a procedure to provide training, by a registered nurse, a licensed practical nurse, a physician licensed pursuant to chapter 458 or chapter 459, or a physician assistant licensed pursuant to chapter 458 or chapter 459, to the school personnel designated by the principal to assist students in the administration of prescribed medication. Such training may be provided in collaboration with other school districts, through contract with an education consortium, or by any other arrangement consistent with the intent of this section.

(b) Each district school board shall adopt policies and procedures governing the administration of prescription medication by school district personnel. The policies and procedures shall include, but not be limited to, the following provisions:

1. For each prescribed medication, the student's parent or guardian shall provide to the school principal a written statement which shall grant to the principal or the principal's designee permission to assist in the administration of such medication and which shall explain the necessity for such medication to be provided during the school day, including any occasion when the student is away from school property on official school business. The school principal or the principal's trained designee shall assist the student in the administration of such medication.

2. Each prescribed medication to be administered by school district personnel shall be received, counted, and stored in its original container. When the medication is not in use, it shall be stored in its original container in a secure fashion under lock and key in a location designated by the principal.

Section 89. Subsection (6) of section 240.4075, Florida Statutes, is amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(6) In addition to licensing fees imposed under *part I of* chapter 464, there is hereby levied and imposed an additional fee of $5, which fee shall be paid upon licensure or renewal of nursing licensure. Revenues collected from the fee imposed in this subsection shall be deposited in the Nursing Student Loan Forgiveness Trust Fund of the Department of Education and will be used solely for the purpose of carrying out the provisions of this section and s. 240.4076. Up to 50 percent of the revenues appropriated to implement this subsection may be used for the nursing scholarship program established pursuant to s. 240.4076.

Section 90. Paragraph (b) of subsection (1) of section 246.081, Florida Statutes, is amended to read:

246.081 License, certificate of exemption, or authorization required; exceptions.—

(1) The following colleges are not under the jurisdiction of the board and are not required to obtain a license, a certificate of exemption, permission to operate, or an authorization from the board:

(b) Any college, school, or course licensed or approved for establishment and operation under *part I of* chapter 464, chapter 466, or chapter 475, or any other chapter of the Florida Statutes, requiring licensing or approval as defined in ss. 246.011-246.151.

Section 91. Subsection (2) of section 310.102, Florida Statutes, is amended to read:

310.102 Treatment programs for impaired pilots and deputy pilots.—

(2) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a licensee under the jurisdiction of the Division of Medical Quality Assurance within the Department of Health, and at least one consultant must be a practitioner licensed under chapter 458, chapter 459, or *part I of* chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a pilot or deputy pilot is, in fact, impaired.

Section 92. Subsection (7) of section 381.0302, Florida Statutes, is amended to read:

381.0302 Florida Health Services Corps.—

(7) The financial penalty for noncompliance with participation requirements for persons who have received financial payments under subsection (5) or subsection (6) shall be determined in the same manner as in the National Health Services Corps scholarship program. In addition, noncompliance with participation requirements shall also result in ineligibility for professional licensure or renewal of licensure under chapter 458, chapter 459, chapter 460, *part I of* chapter 464, chapter 465, or chapter 466. For a participant who is unable to participate for reasons of disability, the penalty is the actual amount of financial assistance provided to the participant. Financial penalties shall be deposited in the Florida Health Services Corps Trust Fund and shall be used to provide additional scholarship and financial assistance.

Section 93. Subsection (1) of section 384.30, Florida Statutes, is amended to read:

384.30 Minors' consent to treatment.—

(1) The department and its authorized representatives, each physician licensed to practice medicine under the provisions of chapter 458 or chapter 459, each health care professional licensed under the provisions of *part I of* chapter 464 who is acting pursuant to the scope of his or her license, and each public or private hospital, clinic, or other health facility may examine and provide treatment for sexually transmissible diseases to any minor, if the physician, health care professional, or facility is qualified to provide such treatment. The consent of the parents or guardians of a minor is not a prerequisite for an examination or treatment.

Section 94. Section 384.31, Florida Statutes, is amended to read:

384.31 Serological testing of pregnant women; duty of the attendant.—

(1) Every person, including every physician licensed under chapter 458 or chapter 459 or midwife licensed under *part I of* chapter 464 or chapter 467, attending a pregnant woman for conditions relating to pregnancy during the period of gestation and delivery shall take or cause to be taken a sample of venous blood at a time or times specified by the department. Each sample of blood shall be tested by a laboratory approved for such purposes under part I of chapter 483 for sexually transmissible diseases as required by rule of the department.

(2) At the time the venous blood sample is taken, testing for human immunodeficiency virus (HIV) infection shall be offered to each pregnant woman. The prevailing professional standard of care in this state requires each health care provider and midwife who attends a pregnant woman to counsel the woman to be tested for human immunodeficiency virus (HIV). Counseling shall include a discussion of the availability of treatment if the pregnant woman tests HIV positive. If a pregnant woman objects to HIV testing, reasonable steps shall be taken to obtain a written statement of such objection, signed by the patient, which shall be placed in the patient's medical record. Every person, including every physician licensed under chapter 458 or chapter 459 or midwife licensed under *part I of* chapter 464 or chapter 467, who attends a pregnant woman who has been offered and objects to HIV testing shall be immune from liability arising out of or related to the contracting of HIV infection or acquired immune deficiency syndrome (AIDS) by the child from the mother.

Section 95. Subsection (23) of section 394.455, Florida Statutes, is amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(23) "Psychiatric nurse" means a registered nurse licensed under *part I of* chapter 464 who has a master's degree or a doctorate in psychiatric nursing and 2 years of post-master's clinical experience under the supervision of a physician.

Section 96. Paragraphs (a) and (b) of subsection (2) and subsection (4) of section 395.0191, Florida Statutes, are amended to read:

395.0191 Staff membership and clinical privileges.—

(2)(a) Each licensed facility shall establish rules and procedures for consideration of an application for clinical privileges submitted by an advanced registered nurse practitioner licensed and certified under *part I of* chapter 464, in accordance with the provisions of this section. No licensed facility shall deny such application solely because the applicant is licensed under *part I of* chapter 464 or because the applicant is not a participant in the Florida Birth-Related Neurological Injury Compensation Plan.

(b) An advanced registered nurse practitioner who is certified as a registered nurse anesthetist licensed under *part I of* chapter 464 shall administer anesthesia under the onsite medical direction of a professional licensed under chapter 458, chapter 459, or chapter 466, and in accordance with an established protocol approved by the medical staff. The medical direction shall specifically address the needs of the individual patient.

(4) Nothing herein shall restrict in any way the authority of the medical staff of a licensed facility to review for approval or disapproval all applications for appointment and reappointment to all categories of staff and to make recommendations on each applicant to the governing board, including the delineation of privileges to be granted in each case. In making such recommendations and in the delineation of privileges, each applicant shall be considered individually pursuant to criteria for a doctor licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or for an advanced registered nurse practitioner licensed and certified under *part I of* chapter 464, or for a psychologist licensed under chapter 490, as applicable. The applicant's eligibility for staff membership or clinical privileges shall be determined by the applicant's background, experience, health, training, and demonstrated competency; the applicant's adherence to applicable professional ethics; the applicant's reputation; and the applicant's ability to work with others and by such other elements as determined by the governing board, consistent with this part.

Section 97. Subsection (11) of section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(11) "Nursing home facility" means any facility which provides nursing services as defined in *part I of* chapter 464 and which is licensed according to this part.

Section 98. Section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(1) *To serve as a nursing assistant in any nursing home,* a person must be certified *as a nursing assistant* under part *II* ~~XV~~ of chapter *464* ~~468~~, *unless the person is* ~~except~~ a registered nurse or practical nurse licensed in accordance with *part I of* chapter 464 or an applicant for such licensure who is permitted to practice nursing in accordance with rules adopted by the Board of Nursing pursuant to *part I of* chapter 464~~, to serve as a nursing assistant in any nursing home~~.

(2) The following categories of persons who are not certified as nursing assistants under ~~this~~ part *II of chapter 464* may be employed by a nursing facility for a period of 4 months:

(a) Persons who are enrolled in*, or have completed,* a state-approved nursing assistant program; or

(b) Persons who have been positively verified ~~by a state-approved test site~~ as *actively* certified and on the registry in another state with no findings of abuse~~, but who have not completed the written examination required under this section.~~;*or*

(c) Persons who have preliminarily passed the state's certification exam.

The certification requirement must be met within 4 months *after* ~~of~~ initial employment as a nursing assistant in a licensed nursing facility.

(3) Nursing homes shall require persons seeking employment as a certified nursing assistant to submit an employment history to the facility. The facility shall verify the employment history unless, through diligent efforts, such verification is not possible. There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, a former employer who reasonably and in good faith communicates his or her honest opinion about a former employee's job performance.

Section 99. Paragraph (b) of subsection (4) of section 400.215, Florida Statutes, is amended to read:

400.215 Personnel screening requirement.—

(4)

(b) As provided in s. 435.07, the *appropriate regulatory board within the* Department of Health*, or that department itself when there is no board,* may grant an exemption from disqualification to an employee or prospective employee who is subject to this section and who has received a professional license or certification from the Department of Health *or a regulatory board within that department.*

Section 100. Paragraph (c) is added to subsection (3) of section 400.23, Florida Statutes, to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)

(c) Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may

supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.

Section 101. Subsections (12) and (14) of section 400.402, Florida Statutes, are amended to read:

400.402 Definitions.—When used in this part, the term:

(12) "Extended congregate care" means acts beyond those authorized in subsection (17) that may be performed pursuant to *part I of* chapter 464 by persons licensed thereunder while carrying out their professional duties, and other supportive services which may be specified by rule. The purpose of such services is to enable residents to age in place in a residential environment despite mental or physical limitations that might otherwise disqualify them from residency in a facility licensed under this part.

(14) "Limited nursing services" means acts that may be performed pursuant to *part I of* chapter 464 by persons licensed thereunder while carrying out their professional duties but limited to those acts which the department specifies by rule. Acts which may be specified by rule as allowable limited nursing services shall be for persons who meet the admission criteria established by the department for assisted living facilities and shall not be complex enough to require 24-hour nursing supervision and may include such services as the application and care of routine dressings, and care of casts, braces, and splints.

Section 102. Paragraphs (a) and (b) of subsection (3) of section 400.407, Florida Statutes, are amended to read:

400.407 License required; fee, display.—

(3) Any license granted by the agency must state the maximum resident capacity of the facility, the type of care for which the license is granted, the date the license is issued, the expiration date of the license, and any other information deemed necessary by the agency. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health.

(a) A standard license shall be issued to facilities providing one or more of the services identified in s. 400.402. Such facilities may also employ or contract with a person licensed under *part I of* chapter 464 to administer medications and perform other tasks as specified in s. 400.4255.

(b) An extended congregate care license shall be issued to facilities providing, directly or through contract, services beyond those authorized in paragraph (a), including acts performed pursuant to *part I of* chapter 464 by persons licensed thereunder, and supportive services defined by rule to persons who otherwise would be disqualified from continued residence in a facility licensed under this part.

1. In order for extended congregate care services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided and whether the designation applies to all or part of a facility. Such designation may be made at the time of initial licensure or biennial relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards as specified in rule from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards resulting in a requirement to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium on admissions or initiation of injunctive proceedings.

2. Facilities that are licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit such facilities at least two times a year to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part and with rules that relate to extended congregate care. One of these visits may be in conjunction with the regular biennial survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that biennially inspects such facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the biennial inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. Before such decision is made, the agency shall consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.

3. Facilities that are licensed to provide extended congregate care services shall:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency, as necessary.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place to the extent possible, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, either directly or through contract, the services of a person licensed pursuant to *part I of* chapter 464.

h. In addition to the training mandated in s. 400.452, provide specialized training as defined by rule for facility staff.

4. Facilities licensed to provide extended congregate care services are exempt from the criteria for continued residency as set forth in rules adopted under s. 400.441. Facilities so licensed shall adopt their own requirements within guidelines for continued residency set forth by the department in rule. However, such facilities may not serve residents who require 24-hour nursing supervision. Facilities licensed to provide extended congregate care services shall provide each resident with a written copy of facility policies governing admission and retention.

5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.

6. Before admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 400.426(4) and the facility must develop a preliminary service plan for the individual.

7. When a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility shall make arrangements for relocating the person in accordance with s. 400.428(1)(k).

8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.

9. No later than January 1 of each year, the department, in consultation with the agency, shall prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate legislative committees, a report on the status of, and recommendations related to, extended congregate care services. The status report must include, but need not be limited to, the following information:

a. A description of the facilities licensed to provide such services, including total number of beds licensed under this part.

b. The number and characteristics of residents receiving such services.

c. The types of services rendered that could not be provided through a standard license.

d. An analysis of deficiencies cited during biennial inspections.

e. The number of residents who required extended congregate care services at admission and the source of admission.

f. Recommendations for statutory or regulatory changes.

g. The availability of extended congregate care to state clients residing in facilities licensed under this part and in need of additional services, and recommendations for appropriations to subsidize extended congregate care services for such persons.

h. Such other information as the department considers appropriate.

Section 103. Paragraphs (a) and (c) of subsection (1) and subsection (2) of section 400.4255, Florida Statutes, are amended to read:

400.4255 Use of personnel; emergency care.—

(1)(a) Persons under contract to the facility, facility staff, or volunteers, who are licensed according to *part I of* chapter 464, or those persons exempt under s. 464.022(1), and others as defined by rule, may administer medications to residents, take residents' vital signs, manage individual weekly pill organizers for residents who self-administer medication, give prepackaged enemas ordered by a physician, observe residents, document observations on the appropriate resident's record, report observations to the resident's physician, and contract or allow residents or a resident's representative, designee, surrogate, guardian, or attorney in fact to contract with a third party, provided residents meet the criteria for appropriate placement as defined in s. 400.426. Nursing assistants certified pursuant to *part II of chapter 464* ~~s. 400.211~~ may take residents' vital signs as directed by a licensed nurse or physician.

(c) In an emergency situation, licensed personnel may carry out their professional duties pursuant to *part I of* chapter 464 until emergency medical personnel assume responsibility for care.

(2) In facilities licensed to provide extended congregate care, persons under contract to the facility, facility staff, or volunteers, who are licensed according to *part I of* chapter 464, or those persons exempt under s. 464.022(1), or those persons certified as nursing assistants pursuant to *part II of chapter 464* ~~s. 400.211~~, may also perform all duties within the scope of their license or certification, as approved by the facility administrator and pursuant to this part.

Section 104. Subsection (3) of section 400.426, Florida Statutes, is amended to read:

400.426 Appropriateness of placements; examinations of residents.—

(3) Persons licensed under *part I of* chapter 464 who are employed by or under contract with a facility shall, on a routine basis or at least monthly, perform a nursing assessment of the residents for whom they are providing nursing services ordered by a physician, except administration of medication, and shall document such assessment, including any substantial changes in a resident's status which may necessitate relocation to a nursing home, hospital, or specialized health care facility. Such records shall be maintained in the facility for inspection by the agency and shall be forwarded to the resident's case manager, if applicable.

Section 105. Subsections (3) and (21) of section 400.462, Florida Statutes, are amended to read:

400.462 Definitions.—As used in this part, the term:

(3) "Certified nursing assistant" means any person who has been issued a certificate under *part II of chapter 464* ~~s. 400.211~~. The licensed home health agency or licensed nurse registry shall ensure that the certified nursing assistant employed by or under contract with the home health agency or licensed nurse registry is adequately trained to perform the tasks of a home health aide in the home setting.

(21) "Skilled care" means nursing services or therapeutic services delivered by a health care professional who is licensed under *part I of* chapter 464; part I, part III, or part V of chapter 468; or chapter 486 and who is employed by or under contract with a licensed home health agency or is referred by a licensed nurse registry.

Section 106. Paragraph (c) of subsection (6) of section 400.464, Florida Statutes, is amended to read:

400.464 Home health agencies to be licensed; expiration of license; exemptions; unlawful acts; penalties.—

(6) The following are exempt from the licensure requirements of this part:

(c) A health care professional, whether or not incorporated, who is licensed under chapter 457; chapter 458; chapter 459; *part I of* chapter 464; chapter 467; part I, part III, part V, or part X of chapter 468; chapter 480; chapter 486; chapter 490; or chapter 491; and who is acting alone within the scope of his or her professional license to provide care to patients in their homes.

Section 107. Paragraph (a) of subsection (10), subsection (11), and paragraph (a) of subsection (15) of section 400.506, Florida Statutes, are amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(10)(a) A nurse registry may refer for contract in private residences registered nurses and licensed practical nurses registered and licensed under *part I of* chapter 464, certified nursing assistants certified under *part II of chapter 464* ~~s. 400.211~~, home health aides who present documented proof of successful completion of the training required by rule of the agency, and companions or homemakers for the purposes of providing those services authorized under s. 400.509(1). Each person referred by a nurse registry must provide current documentation that he or she is free from communicable diseases.

(11) A person who is referred by a nurse registry for contract in private residences and who is not a nurse licensed under *part I of*

chapter 464 may perform only those services or care to clients that the person has been certified to perform or trained to perform as required by law or rules of the Agency for Health Care Administration or the Department of Business and Professional Regulation. Providing services beyond the scope authorized under this subsection constitutes the unauthorized practice of medicine or a violation of the Nurse Practice Act and is punishable as provided under chapter 458, chapter 459, or *part I of* chapter 464.

(15) All persons referred for contract in private residences by a nurse registry must comply with the following requirements for a plan of treatment:

(a) When, in accordance with the privileges and restrictions imposed upon a nurse under *part I of* chapter 464, the delivery of care to a patient is under the direction or supervision of a physician or when a physician is responsible for the medical care of the patient, a medical plan of treatment must be established for each patient receiving care or treatment provided by a licensed nurse in the home. The original medical plan of treatment must be timely signed by the physician and reviewed by him or her in consultation with the licensed nurse at least every 2 months. Any additional order or change in orders must be obtained from the physician and reduced to writing and timely signed by the physician. The delivery of care under a medical plan of treatment must be substantiated by the appropriate nursing notes or documentation made by the nurse in compliance with nursing practices established under *part I of* chapter 464.

Section 108. Subsection (1) of section 400.512, Florida Statutes, is amended to read:

400.512 Screening of home health agency personnel; nurse registry personnel; and companions and homemakers.—The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home health agency personnel; persons referred for employment by nurse registries; and persons employed by companion or homemaker services registered under s. 400.509.

(1)*(a)* The Agency *for Health Care Administration* may*, upon request,* grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07*, except for health care practitioners licensed by the Department of Health or a regulatory board within that department.*

(b) The appropriate regulatory board within the Department of Health, or that department itself when there is no board, may, upon request of the licensed health care practitioner, grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07.

Section 109. Subsections (2) and (3) of section 400.6105, Florida Statutes, are amended to read:

400.6105 Staffing and personnel.—

(2) Each hospice shall employ a full-time registered nurse licensed pursuant to *part I of* chapter 464 who shall coordinate the implementation of the plan of care for each patient.

(3) A hospice shall employ a hospice care team or teams who shall participate in the establishment and ongoing review of the patient's plan of care, and be responsible for and supervise the delivery of hospice care and services to the patient. The team shall, at a minimum, consist of a physician licensed pursuant to chapter 458 or chapter 459, a nurse licensed pursuant to *part I of* chapter 464, a social worker, and a pastoral or other counselor. The composition of the team may vary for each patient and, over time, for the same patient to ensure that all the patient's needs and preferences are met.

Section 110. Subsection (20) of section 401.23, Florida Statutes, is amended to read:

401.23 Definitions.—As used in this part, the term:

(20) "Registered nurse" means a practitioner who is licensed to practice professional nursing pursuant to *part I of* chapter 464.

Section 111. Paragraph (c) of subsection (1) of section 401.252, Florida Statutes, is amended to read:

401.252 Interfacility transfer.—

(1) A licensed basic or advanced life support ambulance service may conduct interfacility transfers in a permitted ambulance, using a registered nurse in place of an emergency medical technician or paramedic, if:

(c) The registered nurse operates within the scope of *part I of* chapter 464.

Section 112. Subsection (11) of section 408.706, Florida Statutes, is amended to read:

408.706 Community health purchasing alliances; accountable health partnerships.—

(11) The ability to recruit and retain alliance district health care providers in its provider network. For provider networks initially formed in an alliance district after July 1, 1993, an accountable health partnership shall make offers as to provider participation in its provider network to relevant alliance district health care providers for at least 60 percent of the available provider positions. A provider who is made an offer may participate in an accountable health partnership as long as the provider abides by the terms and conditions of the provider network contract, provides services at a rate or price equal to the rate or price negotiated by the accountable health partnership, and meets all of the accountable health partnership's qualifications for participation in its provider networks including, but not limited to, network adequacy criteria. For purposes of this subsection, "alliance district health care provider" means a health care provider who is licensed under chapter 458, chapter 459, chapter 460, chapter 461, *part I of* chapter 464, or chapter 465 who has practiced in Florida for more than 1 year within the alliance district served by the accountable health partnership.

Section 113. Paragraph (d) of subsection (12) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, 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, provided the adjustment is consistent with legislative intent.

(12)

(d) Notwithstanding paragraph (b), reimbursement fees to physicians for providing total obstetrical services to Medicaid recipients, which include prenatal, delivery, and postpartum care, shall be at least $1,500 per delivery for a pregnant woman with low medical risk and at least $2,000 per delivery for a pregnant woman with high medical risk. However, reimbursement to physicians working in Regional Perinatal Intensive Care Centers designated pursuant to chapter 383, for services to certain pregnant Medicaid recipients with a high medical risk, may be made according to obstetrical care and neonatal care groupings and rates established by the agency. Nurse midwives licensed under *part I of* chapter 464 or midwives licensed under chapter 467 shall be reimbursed at no less than 80 percent of the low medical risk fee. The agency shall by rule determine, for the purpose of this paragraph, what constitutes a high or low medical risk pregnant woman and shall not pay

more based solely on the fact that a caesarean section was performed, rather than a vaginal delivery. The agency shall by rule determine a prorated payment for obstetrical services in cases where only part of the total prenatal, delivery, or postpartum care was performed. The Department of Health shall adopt rules for appropriate insurance coverage for midwives licensed under chapter 467. Prior to the issuance and renewal of an active license, or reactivation of an inactive license for midwives licensed under chapter 467, such licensees shall submit proof of coverage with each application.

Section 114. Subsection (1) of section 415.1085, Florida Statutes, is amended to read:

415.1085 Photographs, medical examinations, and X rays of abused or neglected aged persons or disabled adults.—

(1) Any person authorized by law to investigate cases of alleged abuse or neglect of an aged person or disabled adult may take or cause to be taken photographs of the areas of trauma visible on the aged person or disabled adult who is the subject of a report, and photographs of the surrounding environment, with the consent of the subject or guardian or guardians. If the areas of trauma visible on the aged person or disabled adult indicate a need for medical examination, or if the aged person or disabled adult verbally complains or otherwise exhibits distress as a result of injury through suspected adult abuse, neglect, or exploitation, or is alleged to have been sexually abused, the department may, with the consent of the subject or guardian or guardians, cause the aged person or disabled adult to be referred to a licensed physician or any emergency department in a hospital or health care facility for medical examinations and X rays, if deemed necessary by the examining physician. Such examinations may be performed by an advanced registered nurse practitioner licensed pursuant to *part I of* chapter 464. Medical examinations performed and X rays taken pursuant to this section shall be paid for by third-party reimbursement, if available, or by the subject or his or her guardian, if they are determined to be financially able to pay; or, if neither is available, the department shall pay the costs within available emergency services funds.

Section 115. Paragraph (a) of subsection (1) of section 455.597 Florida Statutes, is amended to read:

455.597 Requirement for instruction on domestic violence.—

(1)(a) The appropriate board shall require each person licensed or certified under chapter 458, chapter 459, *part I of* chapter 464, chapter 466, chapter 467, chapter 490, or chapter 491 to complete a 1-hour continuing education course, approved by the board, on domestic violence, as defined in s. 741.28, as part of biennial relicensure or recertification. The course shall consist of information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services.

Section 116. Subsection (1) of section 455.604, Florida Statutes, is amended to read:

455.604 Requirement for instruction for certain licensees on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The appropriate board shall require each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; *part I of* chapter 464; chapter 465; chapter 466; part II, part III, part V, or part X of chapter 468; or chapter 486 to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25.

Section 117. Paragraph (a) of subsection (2) of section 455.667, Florida Statutes, is amended to read:

455.667 Ownership and control of patient records; report or copies of records to be furnished.—

(2) As used in this section, the terms "records owner," "health care practitioner," and "health care practitioner's employer" do not include any of the following persons or entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized under the confidentiality and disclosure requirements of this section to maintain those documents required by the part or chapter under which they are licensed or regulated:

(a) Certified nursing assistants regulated under *part II of chapter 464* ~~s. 400.211~~.

Section 118. Section 455.677, Florida Statutes, is amended to read:

455.677 Disposition of records of deceased practitioners or practitioners relocating or terminating practice.—Each board created under the provisions of chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, *part I of* chapter 464, chapter 465, chapter 466, part I of chapter 484, chapter 486, chapter 490, or chapter 491, and the department under the provisions of chapter 462, shall provide by rule for the disposition, under that chapter, of the medical records or records of a psychological nature of practitioners which are in existence at the time the practitioner dies, terminates practice, or relocates and is no longer available to patients and which records pertain to the practitioner's patients. The rules shall provide that the records be retained for at least 2 years after the practitioner's death, termination of practice, or relocation. In the case of the death of the practitioner, the rules shall provide for the disposition of such records by the estate of the practitioner.

Section 119. Paragraph (b) of subsection (2) of section 455.694, Florida Statutes, is amended to read:

455.694 Financial responsibility requirements for certain health care practitioners.—

(2) The board or department may grant exemptions upon application by practitioners meeting any of the following criteria:

(b) Any person whose license or certification has become inactive under chapter 457, chapter 460, chapter 461, *part I of* chapter 464, chapter 466, or chapter 467 and who is not practicing in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after October 1, 1993, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

Section 120. Subsection (2) of section 455.707, Florida Statutes, is amended to read:

455.707 Treatment programs for impaired practitioners.—

(2) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a licensee or recovered licensee under the jurisdiction of the Division of Medical Quality Assurance within the department, and at least one consultant must be a practitioner or recovered practitioner licensed under chapter 458, chapter 459, or *part I of* chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with

department investigators to determine whether a practitioner is, in fact, impaired.

Section 121. Subsection (2) of section 458.348, Florida Statutes, is amended to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The joint committee created by s. 464.003(3)(c) shall determine minimum standards for the content of established protocols pursuant to which an advanced registered nurse practitioner may perform medical acts identified and approved by the joint committee pursuant to s. 464.003(3)(c) or acts set forth in s. 464.012(3) and (4) and shall determine minimum standards for supervision of such acts by the physician, unless the joint committee determines that any act set forth in s. 464.012(3) or (4) is not a medical act. Such standards shall be based on risk to the patient and acceptable standards of medical care and shall take into account the special problems of medically underserved areas. The standards developed by the joint committee shall be adopted as rules by the Board of Nursing and the Board of Medicine for purposes of carrying out their responsibilities pursuant to *part I of* chapter 464 and this chapter, respectively, but neither board shall have disciplinary powers over the licensees of the other board.

Section 122. Section 464.001, Florida Statutes, is amended to read:

464.001 Short title.—This *part may be cited* ~~chapter shall be known~~ as the "Nurse Practice Act."

Section 123. Section 464.002, Florida Statutes, is amended to read:

464.002 Purpose.—The sole legislative purpose in enacting this *part* ~~chapter~~ is to ensure that every nurse practicing in this state meets minimum requirements for safe practice. It is the legislative intent that nurses who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.

Section 124. Section 464.003, Florida Statutes, is amended to read:

464.003 Definitions.—As used in this *part* ~~chapter~~:

(1) "Department" means the Department of Health.

(2) "Board" means the Board of Nursing ~~as created in this chapter~~.

(3)(a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgment, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

1. The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

2. The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

3. The supervision and teaching of other personnel in the theory and performance of any of the above acts.

(b) "Practice of practical nursing" means the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm and the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist.

The professional nurse and the practical nurse shall be responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing.

(c) "Advanced or specialized nursing practice" means, in addition to the practice of professional nursing, the performance of advanced-level nursing acts approved by the board which, by virtue of postbasic specialized education, training, and experience, are proper to be performed by an advanced registered nurse practitioner. Within the context of advanced or specialized nursing practice, the advanced registered nurse practitioner may perform acts of nursing diagnosis and nursing treatment of alterations of the health status. The advanced registered nurse practitioner may also perform acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee composed of three members appointed by the Board of Nursing, two of whom shall be advanced registered nurse practitioners; three members appointed by the Board of Medicine, two of whom shall have had work experience with advanced registered nurse practitioners; and the secretary of the department or the secretary's designee. Each committee member appointed by a board shall be appointed to a term of 4 years unless a shorter term is required to establish or maintain staggered terms. The Board of Nursing shall adopt rules authorizing the performance of any such acts approved by the joint committee. Unless otherwise specified by the joint committee, such acts shall be performed under the general supervision of a practitioner licensed under chapter 458, chapter 459, or chapter 466 within the framework of standing protocols which identify the medical acts to be performed and the conditions for their performance. The department may, by rule, require that a copy of the protocol be filed with the department along with the notice required by s. 458.348.

(d) "Nursing diagnosis" means the observation and evaluation of physical or mental conditions, behaviors, signs and symptoms of illness, and reactions to treatment and the determination as to whether such conditions, signs, symptoms, and reactions represent a deviation from normal.

(e) "Nursing treatment" means the establishment and implementation of a nursing regimen for the care and comfort of individuals, the prevention of illness, and the education, restoration, and maintenance of health.

(4) "Registered nurse" means any person licensed in this state to practice professional nursing.

(5) "Licensed practical nurse" means any person licensed in this state to practice practical nursing.

(6) "Advanced registered nurse practitioner" means any person licensed in this state to practice professional nursing and certified in advanced or specialized nursing practice.

(7) "Approved program" means a nursing program conducted in a school, college, or university which is approved by the board pursuant to s. 464.019 for the education of nurses.

Section 125. Section 464.006, Florida Statutes, is amended to read:

464.006 Authority to make rules.—The board ~~of Nursing~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this *part* ~~chapter~~ conferring duties upon it.

Section 126. Subsection (3) of section 464.009, Florida Statutes, is amended to read:

464.009 Licensure by endorsement.—

(3) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this *part* ~~chapter~~ until such time as the investigation is complete, at which time the provisions of s. 464.018 shall apply.

Section 127. Paragraphs (a) and (d) of subsection (1) and paragraph (b) of subsection (2) of section 464.016, Florida Statutes, are amended to read:

464.016 Violations and penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing advanced or specialized, professional or practical nursing, as defined in this *part* ~~chapter~~, unless holding an active license or certificate to do so.

(d) Obtaining or attempting to obtain a license or certificate under this *part* ~~chapter~~ by misleading statements or knowing misrepresentation.

(2) Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(b) Knowingly concealing information relating to violations of this *part* ~~chapter~~.

Section 128. Paragraphs (i), (k), and (l) of subsection (1) and subsection (4) of section 464.018, Florida Statutes, are amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(i) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes authorized by this *part* ~~chapter~~.

(k) Failing to report to the department any person who the licensee knows is in violation of this *part* ~~chapter~~ or of the rules of the department or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

(l) Knowingly violating any provision of this *part* ~~chapter~~, a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

(4) The board shall not reinstate the license of a nurse who has been found guilty by the board on three separate occasions of violations of this *part* ~~chapter~~ relating to the use of drugs or narcotics, which offenses involved the diversion of drugs or narcotics from patients to personal use or sale.

Section 129. Subsections (1), (2), and (3) of section 464.019, Florida Statutes, are amended to read:

464.019 Approval of nursing programs.—

(1) An institution desiring to conduct an approved program for the education of professional or practical nurses shall apply to the department and submit such evidence as may be required to show that it complies with the provisions of this *part* ~~chapter~~ and with the rules of the board. The application shall include a program review fee, as set by the board, not to exceed $1,000.

(2) The board shall adopt rules regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and clinical training as are necessary to ensure that approved programs graduate nurses capable of competent practice under this *part* ~~act~~.

(3) The department shall survey each institution applying for approval and submit its findings to the board. If the board is satisfied that the program meets the requirements of this *part* ~~chapter~~ and rules pursuant thereto, it shall certify the program for approval and the department shall approve the program.

Section 130. Section 464.022, Florida Statutes, is amended to read:

464.022 Exceptions.—No provision of this *part* ~~chapter~~ shall be construed to prohibit:

(1) The care of the sick by friends or members of the family without compensation, the incidental care of the sick by domestic servants, or the incidental care of noninstitutionalized persons by a surrogate family.

(2) Assistance by anyone in the case of an emergency.

(3) The practice of nursing by students enrolled in approved schools of nursing.

(4) The practice of nursing by graduates of approved programs or the equivalent, pending the result of the first licensing examination for which they are eligible following graduation, provided they practice under direct supervision of a registered professional nurse. The board shall by rule define what constitutes direct supervision.

(5) The rendering of services by nursing assistants acting under the direct supervision of a registered professional nurse.

(6) Any nurse practicing in accordance with the practices and principles of the body known as the Church of Christ Scientist; nor shall any rule of the board apply to any sanitarium, nursing home, or rest home operated in accordance with the practices and principles of the body known as the Church of Christ Scientist.

(7) The practice of any legally qualified nurse or licensed attendant of another state who is employed by the United States Government, or any bureau, division, or agency thereof, while in the discharge of official duties.

(8) Any nurse currently licensed in another state from performing nursing services in this state for a period of 60 days after furnishing to the employer satisfactory evidence of current licensure in another state and having submitted proper application and fees to the board for licensure prior to employment. The board may extend this time for administrative purposes when necessary.

(9) The rendering of nursing services on a fee-for-service basis, or the reimbursement for nursing services directly to a nurse rendering such services by any government program, commercial insurance company, hospital or medical services plan, or any other third-party payor.

(10) The establishment of an independent practice by one or more nurses for the purpose of rendering to patients nursing services within the scope of the nursing license.

(11) The furnishing of hemodialysis treatments in a patient's home, using an assistant chosen by the patient, provided that the assistant is properly trained, as defined by the board by rule, and has immediate telephonic access to a registered nurse who is licensed pursuant to this *part* ~~chapter~~ and who has dialysis training and experience.

(12) The practice of nursing by any legally qualified nurse of another state whose employment requires the nurse to accompany and care for a patient temporarily residing in this state for not more than 30 consecutive days, provided the patient is not in an inpatient setting, the board is notified prior to arrival of the patient and nurse, the nurse has the standing physician orders and current medical status of the patient available, and prearrangements with the appropriate licensed health care providers in this state have been made in case the patient needs placement in an inpatient setting.

(13) The practice of nursing by individuals enrolled in board-approved remedial courses.

Section 131. Section 464.023, Florida Statutes, is amended to read:

464.023 Saving clauses.—

(1) No judicial or administrative proceeding pending on July 1, 1979, shall be abated as a result of the repeal and reenactment of this *part* ~~chapter~~.

(2) Each licensee or holder of a certificate who was duly licensed or certified on June 30, 1979, shall be entitled to hold such license or certificate. Henceforth, such license or certificate shall be renewed in accordance with the provisions of this *part* ~~act~~.

Section 132. Subsection (3) of section 464.027, Florida Statutes, is amended to read:

464.027 Registered nurse first assistant.—

(3) QUALIFICATIONS.—A registered nurse first assistant is any person who:

(a) Is licensed as a registered nurse under this *part* ~~chapter~~;

(b) Is certified in perioperative nursing; and

(c) Holds a certificate from, and has successfully completed, a recognized program.

Section 133. Subsection (6) of section 466.003, Florida Statutes, is amended to read:

466.003 Definitions.—As used in this chapter:

(6) "Dental assistant" means a person, other than a dental hygienist, who, under the supervision and authorization of a dentist, provides dental care services directly to a patient. This term shall not include a certified registered nurse anesthetist licensed under *part I of* chapter 464.

Section 134. Subsection (2) of section 467.003, Florida Statutes, is amended to read:

467.003 Definitions.—As used in this chapter, unless the context otherwise requires:

(2) "Certified nurse midwife" means a person who is licensed as an advanced registered nurse practitioner under *part I of* chapter 464 and who is certified to practice midwifery by the American College of Nurse Midwives.

Section 135. Paragraph (a) of subsection (2) of section 467.0125, Florida Statutes, is amended to read:

467.0125 Licensure by endorsement.—

(2) The department may issue a temporary certificate to practice in areas of critical need to any midwife who is qualifying for licensure by endorsement under subsection (1), with the following restrictions:

(a) The Department of Health shall determine the areas of critical need, and the midwife so certified shall practice only in those specific areas, under the auspices of a physician licensed pursuant to chapter 458 or chapter 459, a certified nurse midwife licensed pursuant to *part I of* chapter 464, or a midwife licensed under this chapter, who has a minimum of 3 years' professional experience. Such areas shall include, but not be limited to, health professional shortage areas designated by the United States Department of Health and Human Services.

Section 136. Paragraph (e) of subsection (2) of section 467.203, Florida Statutes, is amended to read:

467.203 Disciplinary actions; penalties.—

(2) When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(e) Placement of the midwife on probation for such period of time and subject to such conditions as the department may specify, including requiring the midwife to submit to treatment; undertake further relevant education or training; take an examination; or work under the supervision of another licensed midwife, a physician, or a nurse midwife licensed under *part I of* chapter 464.

Section 137. Paragraph (a) of subsection (1) of section 468.505, Florida Statutes, is amended to read:

468.505 Exemptions; exceptions.—

(1) Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:

(a) A person licensed in this state under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, *part I of* chapter 464, chapter 465, chapter 466, chapter 480, chapter 490, or chapter 491, when engaging in the profession or occupation for which he or she is licensed, or of any person employed by and under the supervision of the licensee when rendering services within the scope of the profession or occupation of the licensee.

Section 138. Subsection (7) of section 483.041, Florida Statutes, is amended to read:

483.041 Definitions.—As used in this part, the term:

(7) "Licensed practitioner" means a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461; a dentist licensed under chapter 466; a person licensed under chapter 462; or an advanced registered nurse practitioner licensed under *part I of* chapter 464; or a duly licensed practitioner from another state licensed under similar statutes who orders examinations on materials or specimens for nonresidents of the State of Florida, but who reside in the same state as the requesting licensed practitioner.

Section 139. Subsection (5) of section 483.801, Florida Statutes, is amended to read:

483.801 Exemptions.—This part applies to all clinical laboratories and clinical laboratory personnel within this state, except:

(5) Advanced registered nurse practitioners licensed under *part I of* chapter 464 who perform provider-performed microscopy procedures (PPMP) in an exclusive-use laboratory setting.

Section 140. Paragraph (a) of subsection (4) of section 491.0112, Florida Statutes, is amended to read:

491.0112 Sexual misconduct by a psychotherapist; penalties.—

(4) For the purposes of this section:

(a) The term "psychotherapist" means any person licensed pursuant to chapter 458, chapter 459, *part I of* chapter 464, chapter 490, or chapter 491, or any other person who provides or purports to provide treatment, diagnosis, assessment, evaluation, or counseling of mental or emotional illness, symptom, or condition.

Section 141. Subsection (5) of section 550.24055, Florida Statutes, is amended to read:

550.24055 Use of controlled substances or alcohol prohibited; testing of certain occupational licensees; penalty; evidence of test or action taken and admissibility for criminal prosecution limited.—

(5) This section does not apply to the possession and use of controlled or chemical substances that are prescribed as part of the care and treatment of a disease or injury by a practitioner licensed under chapter 458, chapter 459, *part I of* chapter 464, or chapter 466.

Section 142. Paragraph (h) of subsection (4) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(h) As used in this subsection:

1. "Health care provider" means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopathic physicians licensed under chapter 459; podiatric physicians licensed under chapter 461; dentists licensed under chapter 466; chiropractic physicians licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under *part I of* chapter 464; midwives licensed under chapter 467; clinical laboratories registered under chapter 483; physician assistants licensed under chapter 458 or chapter 459; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. "Other medical facility" means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing nonsurgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an "other medical facility."

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 395, or other medical facility as defined in subparagraph 2.

Section 143. Paragraph (b) of subsection (1) of section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

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

(b) "Health care provider" means any:

1. Hospital licensed under chapter 395.

2. Physician licensed, or physician assistant licensed, under chapter 458.

3. Osteopathic physician or physician assistant licensed under chapter 459.

4. Podiatric physician licensed under chapter 461.

5. Health maintenance organization certificated under part I of chapter 641.

6. Ambulatory surgical center licensed under chapter 395.

7. Chiropractic physician licensed under chapter 460.

8. Psychologist licensed under chapter 490.

9. Optometrist licensed under chapter 463.

10. Dentist licensed under chapter 466.

11. Pharmacist licensed under chapter 465.

12. Registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under *part I of* chapter 464.

13. Other medical facility.

14. Professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9., 10., 11., and 12. for professional activity.

Section 144. Subsection (6) of section 627.9404, Florida Statutes, is amended to read:

627.9404 Definitions.—For the purposes of this part:

(6) "Licensed health care practitioner" means any physician, nurse licensed under *part I of* chapter 464, or psychotherapist licensed under chapter 490 or chapter 491, or any individual who meets any requirements prescribed by rule by the department.

Section 145. Subsection (21) of section 641.31, Florida Statutes, is amended to read:

641.31 Health maintenance contracts.—

(21) Notwithstanding any other provision of law, health maintenance policies or contracts which provide anesthesia coverage, benefits, or services shall offer to the subscriber, if requested and available, the services of a certified registered nurse anesthetist licensed pursuant to *part I of* chapter 464.

Section 146. Subsection (8) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

(8) No cause of action of any nature by a person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 463, *part I of* chapter 464, chapter 465, or chapter 466 shall arise against another person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 463, *part I of* chapter 464, chapter 465, or chapter 466 for furnishing information to a duly appointed medical review committee, to an internal risk management program established under s. 395.0197, to the Department of Business and Professional Regulation, or to the appropriate regulatory board if the information furnished concerns patient care at a facility licensed pursuant to part I of chapter 395 where both persons provide health care services, if the information is not intentionally fraudulent, and if the information is within the scope of the functions of the committee, department, or board. However, if such information is otherwise available from original sources, it is not immune from discovery or use in a civil action merely because it was presented during a proceeding of the committee, department, or board.

Section 147. Subsection (2) of section 766.110, Florida Statutes, is amended to read:

766.110 Liability of health care facilities.—

(2) Every hospital licensed under chapter 395 may carry liability insurance or adequately insure itself in an amount of not less than $1.5 million per claim, $5 million annual aggregate to cover all medical injuries to patients resulting from negligent acts or omissions on the part of those members of its medical staff who are covered thereby in furtherance of the requirements of ss. 458.320 and 459.0085. Self-insurance coverage extended hereunder to a member of a hospital's medical staff meets the financial responsibility requirements of ss. 458.320 and 459.0085 if the physician's coverage limits are not less than the minimum limits established in ss. 458.320 and 459.0085 and the hospital is a verified trauma center as of July 1, 1990, that has extended self-insurance coverage continuously to members of its medical staff for activities both inside and outside of the hospital since January 1, 1987. Any insurer authorized to write casualty insurance may make available, but shall not be required to write, such coverage. The hospital may assess on an equitable and pro rata basis the following professional health care providers for a portion of the total hospital insurance cost for this coverage: physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, podiatric physicians licensed under chapter 461, dentists licensed under chapter 466, and nurses licensed under *part I of* chapter 464. The hospital may provide for a deductible amount to be applied against any individual health care provider found liable in a law suit in tort or for breach of contract. The legislative intent in providing for the deductible to be applied to individual health care providers found negligent or in breach of contract is to instill in each individual health care provider the incentive to avoid the risk of injury to the fullest extent and ensure that the citizens of this state receive the highest quality health care obtainable.

Section 148. Paragraph (d) of subsection (3) of section 766.1115, Florida Statutes, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

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

(d) "Health care provider" or "provider" means:

1. A birth center licensed under chapter 383.

2. An ambulatory surgical center licensed under chapter 395.

3. A hospital licensed under chapter 395.

4. A physician or physician assistant licensed under chapter 458.

5. An osteopathic physician or osteopathic physician assistant licensed under chapter 459.

6. A chiropractic physician licensed under chapter 460.

7. A podiatric physician licensed under chapter 461.

8. A registered nurse, nurse midwife, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under *part I of* chapter 464 or any facility which employs nurses licensed or registered under *part I of* chapter 464 to supply all or part of the care delivered under this section.

9. A midwife licensed under chapter 467.

10. A health maintenance organization certificated under part I of chapter 641.

11. A health care professional association and its employees or a corporate medical group and its employees.

12. Any other medical facility the primary purpose of which is to deliver human medical diagnostic services or which delivers nonsurgical human medical treatment, and which includes an office maintained by a provider.

13. A dentist or dental hygienist licensed under chapter 466.

14. Any other health care professional, practitioner, provider, or facility under contract with a governmental contractor.

The term includes any nonprofit corporation qualified as exempt from federal income taxation under s. 501(c) of the Internal Revenue Code which delivers health care services provided by licensed professionals listed in this paragraph, any federally funded community health center, and any volunteer corporation or volunteer health care provider that delivers health care services.

Section 149. Subsection (1) of section 877.111, Florida Statutes, is amended to read:

877.111 Inhalation, ingestion, possession, sale, purchase, or transfer of harmful chemical substances; penalties.—

(1) It is unlawful for any person to inhale or ingest, or to possess with intent to breathe, inhale, or drink, any compound, liquid, or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, ethylene glycol monomethyl ether acetate, cyclohexanone, nitrous oxide, diethyl ether, alkyl nitrites (butyl nitrite), or any similar substance for the purpose of inducing a condition of intoxication or which distorts or disturbs the auditory, visual, or mental processes. This section does not apply to the possession and use of these substances as part of the care or treatment of a disease or injury by a practitioner licensed under chapter 458, chapter 459, *part I of* chapter 464, or chapter 466 or to beverages controlled by the provisions of chapter 561, chapter 562, chapter 563, chapter 564, or chapter 565.

Section 150. Subsection (6) of section 945.602, Florida Statutes, is amended to read:

945.602 State of Florida Correctional Medical Authority; creation; members.—

(6) At least one member of the authority must be a nurse licensed under *part I of* chapter 464 and have at least 5 years' experience in the practice of nursing.

Section 151. Subsection (2) of section 960.28, Florida Statutes, is amended to read:

960.28 Payment for victims' initial forensic physical examinations.—

(2) The Crime Victims' Services Office of the department shall pay for medical expenses connected with an initial forensic physical examination of a victim who reports a violation of chapter 794 or chapter 800 to a law enforcement officer. Such payment shall be made regardless of whether or not the victim is covered by health or disability insurance. The payment shall be made only out of moneys allocated to the Crime Victims' Services Office for the purposes of this section, and the payment may not exceed $250 with respect to any violation. Payment may not be made for an initial forensic physical examination unless the law enforcement officer certifies in writing that the initial forensic physical examination is needed to aid in the investigation of an alleged sexual offense and that the claimant is the alleged victim of the offense. The department shall develop and maintain separate protocols for the initial forensic physical examination of adults and children. Payment under this section is limited to medical expenses connected with the initial forensic physical examination, and payment may be made to a medical provider using an examiner qualified under *part I of* chapter 464, excluding s. 464.003(5); chapter 458; or chapter 459. Payment made to the medical provider by the department shall be considered by the provider as payment in full for the initial forensic physical examination associated with the collection of evidence. The victim may not be required to pay, directly or indirectly, the cost of an initial forensic physical examination performed in accordance with this section.

Section 152. Subsection (36) of section 984.03, Florida Statutes, is amended to read:

984.03 Definitions.—When used in this chapter, the term:

(36) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under *part I of* chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

Section 153. Subsection (37) of section 985.03, Florida Statutes, is amended to read:

985.03 Definitions.—When used in this chapter, the term:

(37) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under *part I of* chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

Section 154. Section 455.557, Florida Statutes, is amended to read:

455.557 Standardized credentialing for health care practitioners.—

(1) INTENT.—The Legislature recognizes that an efficient and effective health care practitioner credentialing program helps to ensure access to quality health care and also recognizes that health care practitioner credentialing activities have increased significantly as a result of health care reform and recent changes in health care delivery and reimbursement systems. Moreover, the resulting duplication of health care practitioner credentialing activities is unnecessarily costly and cumbersome for both the practitioner and the entity granting practice privileges. Therefore, it is the intent of this section that a credentials collection program be established which provides that, once a health care practitioner's core credentials data are collected, they need not be collected again, except for corrections, updates, and modifications thereto. Participation under this section shall ~~initially~~ include those individuals licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter 461, *or s. 464.012*. However, the department shall, with the approval of the applicable board, include other professions under the jurisdiction of the Division of Medical Quality Assurance in this program, provided they meet the requirements of s. 455.565 *or s. 455.56503*.

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

~~(a) "Advisory council" or "council" means the Credentials Advisory Council.~~

(a)~~(b)~~ "Certified" or "accredited," as applicable, means approved by a quality assessment program, from the National Committee for Quality Assurance, the Joint Commission on Accreditation of Healthcare Organizations, the American Accreditation HealthCare Commission/URAC, or any such other nationally recognized and accepted organization authorized by the department, used to assess and certify any credentials verification program, entity, or organization that verifies the credentials of any health care practitioner.

(b)~~(c)~~ "Core credentials data" means the following data: current name, any former name, and any alias, any professional education, professional training, licensure, current Drug Enforcement Administration certification, social security number, specialty board certification, Educational Commission for Foreign Medical Graduates certification, hospital or other institutional affiliations, evidence of professional liability coverage or evidence of financial responsibility as required by s. 458.320, ~~or~~ s. 459.0085, *or s. 455.694,* history of claims, suits, judgments, or settlements, final disciplinary action reported pursuant to s. 455.565(1)(a)8. *or s. 455.56503(1)(a)8.*, and Medicare or Medicaid sanctions.

(c)~~(d)~~ "Credential" or "credentialing" means the process of assessing and verifying the qualifications of a licensed health care practitioner or applicant for licensure as a health care practitioner.

(d)~~(e)~~ "Credentials verification organization" means any organization certified or accredited as a credentials verification organization.

(e)~~(f)~~ "Department" means the Department of Health, Division of Medical Quality Assurance.

(f)~~(g)~~ "Designated credentials verification organization" means the credentials verification organization which is selected by the health care practitioner, if the health care practitioner chooses to make such a designation.

(g)~~(h)~~ "Drug Enforcement Administration certification" means certification issued by the Drug Enforcement Administration for purposes of administration or prescription of controlled substances. Submission of such certification under this section must include evidence that the certification is current and must also include all current addresses to which the certificate is issued.

(h)~~(i)~~ "Health care entity" means:

1. Any health care facility or other health care organization licensed or certified to provide approved medical and allied health services in this state;

2. Any entity licensed by the Department of Insurance as a prepaid health care plan or health maintenance organization or as an insurer to provide coverage for health care services through a network of providers; or

3. Any accredited medical school in this state.

(i)~~(j)~~ "Health care practitioner" means any person licensed, or, for credentialing purposes only, any person applying for licensure, under chapter 458, chapter 459, chapter 460, ~~or~~ chapter 461, *or s. 464.012* or any person licensed or applying for licensure under a chapter subsequently made subject to this section by the department with the approval of the applicable board, except a person registered or applying for registration pursuant to s. 458.345 or s. 459.021.

(j)~~(k)~~ "Hospital or other institutional affiliations" means each hospital or other institution for which the health care practitioner or applicant has provided medical services. Submission of such information under this section must include, for each hospital or other institution, the name and address of the hospital or institution, the staff status of the health care practitioner or applicant at that hospital or institution, and the dates of affiliation with that hospital or institution.

(k)~~(l)~~ "National accrediting organization" means an organization that awards accreditation or certification to hospitals, managed care organizations, credentials verification organizations, or other health care organizations, including, but not limited to, the Joint Commission on Accreditation of Healthcare Organizations, the American Accreditation HealthCare Commission/URAC, and the National Committee for Quality Assurance.

(l)~~(m)~~ "Professional training" means any internship, residency, or fellowship relating to the profession for which the health care practitioner is licensed or seeking licensure.

(m)~~(n)~~ "Specialty board certification" means certification in a specialty issued by a specialty board recognized by the board in this state that regulates the profession for which the health care practitioner is licensed or seeking licensure.

(3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.—

(a) Every health care practitioner shall:

1. Report all core credentials data to the department which is not already on file with the department, either by designating a credentials verification organization to submit the data or by submitting the data directly.

2. Notify the department within 45 days of any corrections, updates, or modifications to the core credentials data either through his or her designated credentials verification organization or by submitting the data directly. Corrections, updates, and modifications to the core credentials data provided the department under this section shall comply with the updating requirements of s. 455.565(3) *or s. 455.56503(3)* related to profiling.

(b) The department shall:

1. Maintain a complete, current file of core credentials data on each health care practitioner, which shall include all updates provided in accordance with subparagraph (a)2.

2. Release the core credentials data that is otherwise confidential or exempt from the provisions of chapter 119 and s. 24(a), Art. I of the State Constitution and any corrections, updates, and modifications thereto, if authorized by the health care practitioner.

3. Charge a fee to access the core credentials data, which may not exceed the actual cost, including prorated setup and operating costs, pursuant to the requirements of chapter 119. ~~The actual cost shall be set in consultation with the advisory council.~~

4. Develop~~, in consultation with the advisory council,~~ standardized forms to be used by the health care practitioner or designated credentials verification organization for the initial reporting of core credentials data, for the health care practitioner to authorize the release of core credentials data, and for the subsequent reporting of corrections, updates, and modifications thereto.

~~5. Establish a Credentials Advisory Council, consisting of 13 members, to assist the department as provided in this section. The secretary, or his or her designee, shall serve as one member and chair of the council and shall appoint the remaining 12 members. Except for any initial lesser term required to achieve staggering, such appointments shall be for 4-year staggered terms, with one 4-year reappointment, as applicable. Three members shall represent hospitals, and two members shall represent health maintenance organizations. One member shall represent health insurance entities. One member shall represent the credentials verification industry. Two members shall represent physicians licensed under chapter 458. One member shall represent osteopathic physicians licensed under chapter 459. One member shall represent chiropractic physicians licensed under chapter 460. One member shall represent podiatric physicians licensed under chapter 461.~~

(c) A registered credentials verification organization may be designated by a health care practitioner to assist the health care practitioner to comply with the requirements of subparagraph (a)2. A designated credentials verification organization shall:

1. Timely comply with the requirements of subparagraph (a)2., pursuant to rules adopted by the department.

2. Not provide the health care practitioner's core data, including all corrections, updates, and modifications, without the authorization of the practitioner.

(d) This section shall not be construed to restrict in any way the authority of the health care entity to credential and to approve or deny

an application for hospital staff membership, clinical privileges, or managed care network participation.

(4) DUPLICATION OF DATA PROHIBITED.—

(a) A health care entity or credentials verification organization is prohibited from collecting or attempting to collect duplicate core credentials data from any health care practitioner if the information is available from the department. This section shall not be construed to restrict the right of any health care entity or credentials verification organization to collect additional information from the health care practitioner which is not included in the core credentials data file. This section shall not be construed to prohibit a health care entity or credentials verification organization from obtaining all necessary attestation and release form signatures and dates.

(b) Effective July 1, 2002, a state agency in this state which credentials health care practitioners may not collect or attempt to collect duplicate core credentials data from any individual health care practitioner if the information is already available from the department. This section shall not be construed to restrict the right of any such state agency to request additional information not included in the core credential data file, but which is deemed necessary for the agency's specific credentialing purposes.

(5) STANDARDS AND REGISTRATION.—Any credentials verification organization that does business in this state must be fully accredited or certified as a credentials verification organization by a national accrediting organization as specified in paragraph (2)*(a)*~~(b)~~ and must register with the department. The department may charge a reasonable registration fee~~, set in consultation with the advisory council,~~ not to exceed an amount sufficient to cover its actual expenses in providing and enforcing such registration. The department shall establish by rule for biennial renewal of such registration. Failure by a registered credentials verification organization to maintain full accreditation or certification, to provide data as authorized by the health care practitioner, to report to the department changes, updates, and modifications to a health care practitioner's records within the time period specified in subparagraph (3)(a)2., or to comply with the prohibition against collection of duplicate core credentials data from a practitioner may result in denial of an application for renewal of registration or in revocation or suspension of a registration.

(6) LIABILITY.—No civil, criminal, or administrative action may be instituted, and there shall be no liability, against any registered credentials verification organization or health care entity on account of its reliance on any data obtained directly from the department.

(7) LIABILITY INSURANCE REQUIREMENTS.—Each credentials verification organization doing business in this state shall maintain liability insurance appropriate to meet the certification or accreditation requirements established in this section.

(8) RULES.—The department~~, in consultation with the advisory council,~~ shall adopt rules necessary to develop and implement the standardized core credentials data collection program established by this section.

~~(9) COUNCIL ABOLISHED; DEPARTMENT AUTHORITY.—The council shall be abolished October 1, 1999. After the council is abolished, all duties of the department required under this section to be in consultation with the council may be carried out by the department on its own.~~

Section 155. Section 455.56503, Florida Statutes, is created to read:

455.56503 Advanced registered nurse practitioners; information required for certification.—

(1)(a) Each person who applies for initial certification under s. 464.012 must, at the time of application, and each person certified under s. 464.012 who applies for certification renewal must, in conjunction with the renewal of such certification and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:

1. The name of each school or training program that the applicant has attended, with the months and years of attendance and the month and year of graduation, and a description of all graduate professional education completed by the applicant, excluding any coursework taken to satisfy continuing education requirements.

2. The name of each location at which the applicant practices.

3. The address at which the applicant will primarily conduct his or her practice.

4. Any certification or designation that the applicant has received from a specialty or certification board that is recognized or approved by the regulatory board or department to which the applicant is applying.

5. The year that the applicant received initial certification and began practicing the profession in any jurisdiction and the year that the applicant received initial certification in this state.

6. Any appointment which the applicant currently holds to the faculty of a school related to the profession and an indication as to whether the applicant has had the responsibility for graduate education within the most recent 10 years.

7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, within 15 days after the disposition of the appeal, submit to the department a copy of the final written order of disposition.

8. A description of any final disciplinary action taken within the previous 10 years against the applicant by a licensing or regulatory body in any jurisdiction, by a specialty board that is recognized by the board or department, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.

(b) In addition to the information required under paragraph (a), each applicant for initial certification or certification renewal must provide the information required of licensees pursuant to s. 455.697.

(2) The Department of Health shall send a notice to each person certified under s. 464.012 at the certificateholder's last known address of record regarding the requirements for information to be submitted by advanced registered nurse practitioners pursuant to this section in conjunction with the renewal of such certificate.

(3) Each person certified under s. 464.012 who has submitted information pursuant to subsection (1) must update that information in writing by notifying the Department of Health within 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under chapter 464 and s. 455.624(1)(k). For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may:

(a) Refuse to issue a certificate to any person applying for initial certification who fails to submit and update the required information.

(b) Issue a citation to any certificateholder who fails to submit and update the required information and may fine the certificateholder up to $50 for each day that the certificateholder is not in compliance with this subsection. The citation must clearly state that the certificateholder may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the certificateholder disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the certificateholder does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the certificateholder's last known address.

(4)(a) An applicant for initial certification under s. 464.012 must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for a national criminal history check of the applicant.

(b) An applicant for renewed certification who has not previously submitted a set of fingerprints to the Department of Health for purposes of certification must submit a set of fingerprints to the department as a condition of the initial renewal of his or her certificate after the effective date of this section. The applicant must submit the fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for a national criminal history check. For subsequent renewals, the applicant for renewed certification must only submit information necessary to conduct a statewide criminal history check, along with payment in an amount equal to the costs incurred by the Department of Health for a statewide criminal history check.

(c)1. The Department of Health shall submit the fingerprints provided by an applicant for initial certification to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant.

2. The department shall submit the fingerprints provided by an applicant for the initial renewal of certification to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's certificate after the effective date of this section.

3. For any subsequent renewal of the applicant's certificate, the department shall submit the required information for a statewide criminal history check of the applicant to the Florida Department of Law Enforcement.

(d) Any applicant for initial certification or renewal of certification as an advanced registered nurse practitioner who submits to the Department of Health a set of fingerprints and information required for the criminal history check required under this section shall not be required to provide a subsequent set of fingerprints or other duplicate information required for a criminal history check to the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services for employment or licensure with such agency or department, if the applicant has undergone a criminal history check as a condition of initial certification or renewal of certification as an advanced registered nurse practitioner with the Department of Health, notwithstanding any other provision of law to the contrary. In lieu of such duplicate submission, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Children and Family Services shall obtain criminal history information for employment or licensure of persons certified under s. 464.012 by such agency or department from the Department of Health's health care practitioner credentialing system.

(5) Each person who is required to submit information pursuant to this section may submit additional information to the Department of Health. Such information may include, but is not limited to:

(a) Information regarding publications in peer-reviewed professional literature within the previous 10 years.

(b) Information regarding professional or community service activities or awards.

(c) Languages, other than English, used by the applicant to communicate with patients or clients and identification of any translating service that may be available at the place where the applicant primarily conducts his or her practice.

(d) An indication of whether the person participates in the Medicaid program.

Section 156. Section 455.5651, Florida Statutes, is amended to read:

455.5651 Practitioner profile; creation.—

(1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to s. 455.565 into a practitioner profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under s. 455.565(4)(b). *Beginning July 1, 2001, the Department of Health may compile the information submitted pursuant to s. 455.56503 into a practitioner profile of the applicant submitting the information.*

(2) On the profile *published* ~~required~~ under subsection (1), the department shall indicate if the information provided under s. 455.565(1)(a)7. *or s. 455.56503(1)(a)7.* is not corroborated by a criminal history check conducted according to this subsection. If the information provided under s. 455.565(1)(a)7. *or s. 455.56503(1)(a)7.* is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. *The department shall include, with respect to practitioners subject to s. 455.694, a statement of how the practitioner has elected to comply with the financial responsibility requirements of that section.* The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, information relating to liability actions which has been reported under s. 455.697 or s. 627.912 within the previous 10 years for any paid claim that exceeds $5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other *practitioners* ~~physicians~~ within the same specialty*, or profession if the practitioner is not a specialist,* to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the *practitioner* ~~physician~~. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may not include disciplinary action taken by a licensed hospital or an ambulatory surgical center in the practitioner profile.

(6) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with the board having regulatory authority over the practitioner before such information is included in his or her profile.

(7) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution.

(8) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under s. 120.57 may be sought.

Section 157. Section 455.5653, Florida Statutes, is amended to read:

455.5653 Practitioner profiles; data storage.—Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. ~~The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public.~~ The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119 and s. 24(a), Art. I of the State Constitution, so that the Department of Health may corroborate any information that *practitioners* ~~physicians~~ are required to report under s. 455.565 *or s. 455.56503*.

Section 158. Section 455.5654, Florida Statutes, is amended to read:

455.5654 Practitioner profiles; rules; workshops.—Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, must hold public workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under s. 455.565 *or s. 455.56503*.

Section 159. *Subsection (20) of section 400.462, Florida Statutes, is repealed.*

Section 160. Paragraph (d) of subsection (4) of section 400.471, Florida Statutes, is amended to read:

400.471 Application for license; fee; provisional license; temporary permit.—

(4) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse registry background check *through the agency* and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the licensee upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 161. Subsection (3) is added to section 400.484, Florida Statutes, to read:

400.484 Right of inspection; deficiencies; fines.—

(3) In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation that results in a successful prosecution, excluding costs associated with an attorney's time.

Section 162. Section 400.487, Florida Statutes, is amended to read:

400.487 *Home health service agreements; physician's treatment orders;* patient assessment; establishment and review of plan of care; provision of services; orders not to resuscitate.—

(1) *Services provided by a home health agency must be covered by an agreement between the home health agency and the patient or the patient's legal representative specifying the home health services to be provided, the rates or charges for services paid with private funds, and the method of payment. A* ~~The~~ home health agency providing skilled care must make an assessment of the patient's needs within 48 hours after the start of services.

(2) *When required by the provisions of chapter 464, part I, part III, or part V of chapter 468, or chapter 486,* the attending physician for a patient who is to receive skilled care must establish treatment orders. The treatment orders must be signed by the physician within *30* ~~24~~ days after the start of care and must be reviewed, *as* ~~at least every 62 days or more~~ frequently *as* ~~if~~ the patient's illness requires, by the physician in consultation with home health agency personnel that provide services to the patient.

(3) *A home health agency shall arrange for supervisory visits by a registered nurse to the home of a patient receiving home health aide services in accordance with the patient's direction and approval.* ~~If a client is accepted for home health aide services or homemaker or companion services and such services do not require a physician's order, the home health agency shall establish a service provision plan and maintain a record of the services provided.~~

(4) Each patient ~~or client~~ has the right to be informed of and to participate in the planning of his or her care. Each patient must be provided, upon request, a copy of the plan of care ~~or service provision plan~~ established and maintained for that patient ~~or client~~ by the home health agency.

(5) When nursing services are ordered, the home health agency to which a patient has been admitted for care must provide the initial admission visit, all service evaluation visits, and the discharge visit by qualified personnel who are on the payroll of, and to whom an IRS payroll form W-2 will be issued by, the home health agency. Services provided by others under contractual arrangements to a home health agency must be monitored and managed by the admitting home health agency. The admitting home health agency is fully responsible for ensuring that all care provided through its employees or contract staff is delivered in accordance with this part and applicable rules.

(6) The skilled care services provided by a home health agency, directly or under contract, must be supervised and coordinated in accordance with the plan of care.

(7) Home health agency personnel may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. The agency shall adopt rules providing for the implementation of such orders. Home health personnel and agencies shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and rules adopted by the agency.

Section 163. Section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(1) *The home health aide competency test and home health aide training.* ~~The qualifications, minimum training requirements, and supervision requirements of all home health agency personnel.~~ The agency shall *create the home health aide competency test and* establish the curriculum and instructor qualifications for home health aide training. Licensed home health agencies may provide this training and shall furnish documentation of such training to other licensed home health agencies upon request. *Successful passage of the competency test by home health aides may be substituted for the training required under this section and any rule adopted pursuant thereto.*

(2) Shared staffing. The agency shall allow shared staffing if the home health agency is part of a retirement community that provides multiple levels of care, is located on one campus, is licensed under this chapter, and otherwise meets the requirements of law and rule.

~~(2) Requirements for prospective employees. A home health agency must require prospective employees and contractors to submit an employment or contractual history, and it must verify the employment or contractual history unless through diligent efforts such verification is not possible. The agency shall prescribe by rule the minimum requirements for establishing that diligent efforts have been made. There is no monetary liability on the part of, and no cause of action for damages arising against, a former employer of a prospective employee of or prospective independent contractor with a licensed home health agency who reasonably and in good faith communicates his or her honest opinions about the former employee's job performance. This subsection does not affect the official immunity of an officer or employee of a public corporation.~~

(3) The criteria for the frequency of onsite licensure surveys.

(4)~~(3)~~ Licensure application and renewal.

(5)~~(4)~~ The ~~administration of the home health agency, including~~ requirements for onsite and electronic accessibility of supervisory personnel *of home health agencies*.

~~(5) Procedures for administering drugs and biologicals.~~

(6) *Information to be included in* ~~Procedures for maintaining~~ patients' records.

~~(7) Ensuring that home health services are provided in accordance with the treatment orders established for each patient for whom physician orders are required.~~

(7)~~(8)~~ Geographic service areas.

~~(9) Standards for contractual arrangements for the provision of home health services by providers not employed by the home health agency to whom the patient has been admitted.~~

Section 164. Paragraph (d) of subsection (2) and subsection (13) of section 400.506, Florida Statutes, are amended, subsection (17) is renumbered as subsection (18), and a new subsection (17) is added to said section, to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(2) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse registry background check *through the agency* and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(13) Each nurse registry must comply with the procedures set forth in s. *400.512* ~~400.497(3)~~ for maintaining records of the employment history of all persons referred for contract and is subject to the standards and conditions set forth in *that section* ~~s. 400.512~~. However, an initial screening may not be required for persons who have been continuously registered with the nurse registry since September 30, 1990.

(17) In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation that results in a successful prosecution, excluding costs associated with an attorney's time. If the agency imposes such an assessment and the assessment is not paid, and if challenged is not the subject of a pending appeal, prior to the renewal of the license, the license shall not be issued until the assessment is paid or arrangements for payment of the assessment are made.

Section 165. Paragraph (d) of subsection (4) of section 400.509, Florida Statutes, is amended, subsection (14) is renumbered as subsection (15), and a new subsection (14) is added to said section, to read:

400.509 Registration of particular service providers exempt from licensure; certificate of registration; regulation of registrants.—

(4) Each applicant for registration must comply with the following requirements:

(d) A provisional registration may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse-registry background check *through the agency* and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard registration may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and if a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(14) In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation that results in a successful prosecution, excluding costs associated with an attorney's time. If the agency imposes such an assessment and the assessment is not paid, and if challenged is not the subject of a pending

appeal, prior to the renewal of the registration, the registration shall not be issued until the assessment is paid or arrangements for payment of the assessment are made.

Section 166. Section 400.512, Florida Statutes, is amended to read:

400.512 Screening of home health agency personnel; nurse registry personnel; and companions and homemakers.—The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home health agency personnel; persons referred for employment by nurse registries; and persons employed by companion or homemaker services registered under s. 400.509.

(1) The agency may grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07.

(2) The administrator of each home health agency, the managing employee of each nurse registry, and the managing employee of each companion or homemaker service registered under s. 400.509 must sign an affidavit annually, under penalty of perjury, stating that all personnel hired, contracted with, or registered on or after October 1, 1994, who enter the home of a patient or client in their service capacity have been screened and that its remaining personnel have worked for the home health agency or registrant continuously since before October 1, 1994.

(3) As a prerequisite to operating as a home health agency, nurse registry, or companion or homemaker service under s. 400.509, the administrator or managing employee, respectively, must submit to the agency his or her name and any other information necessary to conduct a complete screening according to this section. The agency shall submit the information to the Department of Law Enforcement and *shall conduct a search for any report of confirmed abuse* ~~the department's abuse hotline for state processing~~. The agency shall review the record of the administrator or manager with respect to the offenses specified in this section and shall notify the owner of its findings. If disposition information is missing on a criminal record, the administrator or manager, upon request of the agency, must obtain and supply within 30 days the missing disposition information to the agency. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information will result in automatic disqualification.

(4) Proof of compliance with the screening requirements of chapter 435 shall be accepted in lieu of the requirements of this section if the person has been continuously employed or registered without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened through the *agency for any reports of confirmed abuse* ~~central abuse registry and tracking system of the department~~ and *for any criminal record from* ~~by~~ the Department of Law Enforcement. A home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 shall directly provide proof of compliance to another home health agency, nurse registry, or companion or homemaker service registered under s. 400.509. The recipient home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 may not accept any proof of compliance directly from the person who requires screening. Proof of compliance with the screening requirements of this section shall be provided upon request to the person screened by the home health agencies; nurse registries; or companion or homemaker services registered under s. 400.509.

(5)*(a)* There is no monetary liability on the part of, and no cause of action for damages arises against, a licensed home health agency, licensed nurse registry, or companion or homemaker service registered under s. 400.509, that, upon notice of a confirmed report of adult abuse, neglect, or exploitation *through the agency*, terminates the employee or contractor against whom the report was issued, whether or not the employee or contractor has filed for an exemption with the agency in accordance with chapter 435 and whether or not the time for filing has expired.

(b) If a home health agency is asked about a person who was employed by or contracted with that agency, there is no monetary liability on the part of, and no cause of action for damages arising against, a former employer of the person for that agency, who reasonably and in good faith communicates his or her honest opinions about the former caregiver's job performance. This paragraph does not affect the official immunity of an officer or employee of a public corporation.

(6) The costs of processing the statewide correspondence criminal records checks ~~and the search of the department's central abuse hotline~~ must be borne by the home health agency; the nurse registry; or the companion or homemaker service registered under s. 400.509, or by the person being screened, at the discretion of the home health agency, nurse registry, or s. 400.509 registrant.

(7)(a) It is a misdemeanor of the first degree, punishable under s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications to be an employee under this section;

2. Operate or attempt to operate an entity licensed or registered under this part with persons who do not meet the minimum standards for good moral character as contained in this section; or

3. Use information from the criminal records or *the agency's reports of confirmed abuse* ~~central abuse hotline~~ obtained under this section for any purpose other than screening that person for employment as specified in this section or release such information to any other person for any purpose other than screening for employment under this section.

(b) It is a felony of the third degree, punishable under s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of a person obtained under this section for any purpose other than screening for employment under this section.

Section 167. Subsection (5) of section 455.587, Florida Statutes, is amended to read:

455.587 Fees; receipts; disposition.—

(5) All moneys collected by the department from fees or fines or from costs awarded to the agency by a court shall be paid into a trust fund used by the department to implement this part. The Legislature shall appropriate funds from this trust fund sufficient to carry out this part and the provisions of law with respect to professions regulated by the Division of Medical Quality Assurance within the department and the boards. The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The department shall maintain separate accounts in the trust fund used by the department to implement this part for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses include, but are not limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. *The regulation by the department of professions, as defined in this part, shall be financed solely from revenue collected by it from fees and other charges and deposited in the Medical Quality Assurance Trust Fund, and all such revenue is hereby appropriated to the department. However, it is legislative intent that each profession shall operate within its anticipated fees.* The department may not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession, *except that the Board of Nursing must pay for any costs incurred in the regulation of certified nursing assistants.* The department shall maintain adequate records to support its allocation of agency expenses. The department shall provide any board with reasonable access to these records upon request. The department shall provide each board an annual report of revenue and direct and allocated expenses related to the operation of that profession. The board shall use these reports and the department's

adopted long-range plan to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared under s. 455.644.

Section 168. *There is appropriated from the Medical Quality Assurance Trust Fund to the Department of Health the sum of $280,000 to implement the provisions of this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 150, line 31, after the semicolon,

insert: amending part XV of chapter 468, F.S., relating to certified nursing assistants, and transferring that part to chapter 464, F.S., relating to nursing, to transfer from the Department of Health to the Board of Nursing responsibility and rulemaking authority for regulation of certified nursing assistants; changing requirements for nursing assistants; transferring from the Department of Education to the board responsibility for approval of training programs; revising grounds for which the board may impose certain penalties; creating s. 464.2085, F.S.; creating and providing requirements for a Council on Certified Nursing Assistants; amending ss. 20.43, 39.01, 39.304, 110.131, 232.46, 240.4075, 246.081, 310.102, 381.0302, 384.30, 384.31, 394.455, 395.0191, 400.021, 400.211, 400.402, 400.407, 400.4255, 400.426, 400.462, 400.464, 400.506, 400.6105, 401.23, 401.252, 408.706, 409.908, 415.1085, 455.597, 455.604, 455.667, 455.677, 455.694, 455.707, 458.348, 464.001, 464.002, 464.003, 464.006, 464.009, 464.016, 464.018, 464.019, 464.022, 464.023, 464.027, 466.003, 467.003, 467.0125, 467.203, 468.505, 483.041, 483.801, 491.0112, 550.24055, 627.351, 627.357, 627.9404, 641.31, 766.101, 766.110, 766.1115, 877.111, 945.602, 960.28, 984.03, 985.03, F.S.; conforming references; revising application procedures for certified nursing assistants; revising registration requirements for certified nursing assistants; amending ss. 400.215, 400.512, F.S.; revising provisions relating to the granting of exemptions from disqualification for employment in nursing homes or home health agencies; amending s. 400.23, F.S.; authorizing licensed practical nurses in nursing home facilities to supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel working in such facilities in accordance with rules adopted by the Board of Nursing; amending s. 455.557, F.S.; including advanced registered nurse practitioners under the credentialing program; creating s. 455.56503, F.S.; requiring advanced registered nurse practitioners to submit information and fingerprints for profiling purposes; amending s. 455.5651, F.S.; authorizing the department to publish certain information in practitioner profiles; amending s. 455.5653, F.S.; deleting obsolete provisions relating to scheduling and development of practitioner profiles for additional health care practitioners; providing access to information on advanced registered nurse practitioners maintained by the Agency for Health Care Administration for corroboration purposes; amending s. 455.5654, F.S.; providing for adoption by rule of a form for submission of profiling information; repealing s. 400.462(20), F.S., to delete the definition of "screening" under the Home Health Services Act; amending s. 400.471, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; amending s. 400.484, F.S.; providing for assessment of certain costs of an investigation that results in a successful prosecution; amending s. 400.487, F.S.; requiring home health service agreements; revising requirements for physician's treatment orders; providing for supervisory visits by a registered nurse under certain circumstances; deleting provisions relating to service provision plans; amending s. 400.497, F.S.; providing for a home health aide competency test, criteria for the frequency of onsite licensure surveys, and information to be included in patients' records; amending s. 400.506, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; authorizing assessment of certain costs of an investigation that results in a successful prosecution; revising a cross reference; making renewal of license contingent on payment or arrangement for payment of any unpaid assessment; amending s. 400.509, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; authorizing assessment of certain costs of an investigation that results in a successful prosecution; making renewal of registration contingent on payment or arrangement for payment of any unpaid assessment; amending s. 400.512, F.S.; revising provisions relating to the screening of home health agency, nurse registry, and companion and homemaker service personnel; requiring the Agency for Health Care Administration to conduct the search for reports of confirmed abuse; providing an exemption from liability under certain conditions for providing opinions on the job performance of former employees and contract workers; providing conforming changes; amending s. 455.587, F.S.; providing requirements for funding regulation of professions by the Department of Health; providing an appropriation;

Senate Amendment 1D (with title amendment)—On page 140, between lines 14 & 15,

insert:

Section 82. Subsection (2) of section 766.106, Florida Statutes, is amended to read:

766.106 Notice before filing action for medical malpractice; presuit screening period; offers for admission of liability and for arbitration; informal discovery; review.—

(2) After completion of presuit investigation pursuant to s. 766.203 and prior to filing a claim for medical malpractice, a claimant shall notify each prospective defendant ~~and, if any prospective defendant is a health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, the Department of Health~~ by certified mail, return receipt requested, of intent to initiate litigation for medical malpractice. *Following the initiation of a suit alleging medical malpractice with a court of competent jurisdiction, and service of the complaint upon a defendant, the claimant shall provide a copy of the complaint to the Department of Health.* ~~Notice to the Department of Health must include the full name and address of the claimant; the full names and any known addresses of any health care providers licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who are prospective defendants identified at the time; the date and a summary of the occurrence giving rise to the claim; and a description of the injury to the claimant.~~ The requirement *of providing the complaint* ~~for notice~~ to the Department of Health does not impair the claimant's legal rights or ability to seek relief for his or her claim~~, and the notice provided to the department is not discoverable or admissible in any civil or administrative action~~. The Department of Health shall review each incident and determine whether it involved conduct by a licensee which is potentially subject to disciplinary action, in which case the provisions of s. 455.621 apply.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 150, line 31, after the semicolon

insert: amending s. 766.106, F.S.; providing that following the initiation of a suit alleging medical malpractice the claimant must provide notice to the Department of Health along with a copy of the service of process;

Senate Amendment 1E—On page 132, line 10, through page 133, line 10, delete those lines

and insert:

2. Prescribe the format, content, and timing of information that is to be submitted to the conference and used by the conference in its assessment of proposed mandated benefits and providers. Such format, content, and timing requirements are binding upon all parties submitting information for the conference to use in its assessment of proposed mandated benefits and providers.

3. Provide assessments of proposed mandated benefits and providers and other studies of mandated benefits and provider issues as requested by the Legislature or the Governor. When a legislative measure

containing a mandated health insurance benefit or provider is proposed, the standing committee of the Legislature which has jurisdiction over the proposal shall request that the conference prepare and forward to the Governor and the Legislature a study that provides, for each measure, a cost-benefit analysis that assesses the social and financial impact and the medical efficacy according to prevailing medical standards of the proposed mandate. The conference has 12 months after the committee makes its request in which to complete and submit the conference's report. The standing committee may not consider such a proposed legislative measure until 12 months after it has requested the report and has received the conference's report on the measure.

Senate Amendment 1F—On page 30, line 13, delete "*or exigent*"

Senate Amendment 1G (with title amendment)—On page 131, line 27 through page 136, line 10, delete those lines

and insert:

Section 79. *Notwithstanding any other provision of law, the sum of $200,000 is appropriated from the Insurance Commissioner's Regulatory Trust Fund to the Office of Legislative Services for the purpose of implementing the legislative intent expressed in s. 624.215(1), Florida Statutes, for a systematic review of proposed mandated health coverages. The review must be conducted by certified actuaries and other appropriate professionals and shall consist of an assessment of the impact, including, but not limited to, the costs and benefits, of mandated health coverages using the guidelines provided in s. 624.215(2), Florida Statutes. This assessment shall establish the aggregate cost of proposed mandated health coverages. THe term "mandated health coverages" as used herein does not include health care providers.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 150, lines 3 through 17, delete those lines

and insert: health maintenance organizations; making an appropriation for the purpose of reviewing proposed mandated health coverages

Senate Amendment 1H (with title amendment)—On page 140, between lines 14 and 15,

insert:

Section 82. *The Agency for Health Care Administration is directed to conduct a cost and feasibility study regarding the implementation of the federal "Ticket to Work and Work Incentives Act of 1999" in Florida and to report its findings to the Speaker of the House of Representatives and the President of the Senate no later than December 1, 2000.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 150, line 31, after the semicolon,

insert: Requiring the Agency for Health Care Administration to conduct a study regarding implementation of the federal "Ticket to Work and Work Incentives Act of 1999" in the state and report to the Legislature;

Senate Amendment 1I (with title amendment)—On page 140, between lines 14 and 15,

insert:

Section 82. Subsection (11) of section 240.241, Florida Statutes, is amended to read:

240.241 Divisions of sponsored research at state universities.—

(11) The sponsored research programs of the Institute of Food and Agricultural Sciences, *the University of Florida Health Science Center*, and the engineering and industrial experiment station shall continue to be centered at the University of Florida as heretofore provided by law. *Indirect cost reimbursements of all grants deposited in the Division of Sponsored Research shall be distributed directly to the above units in direct proportion to the amounts earned by each unit.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 150, line 31, after the semicolon,

insert: amending s. 240.241, F.S.; providing for retention of sponsored-research overhead;

Senate Amendment 1J (with title amendment)—On page 140, between lines 14 and 15,

insert:

Section 82. *The Agency for Health Care Administration is authorized to contract with specialty prepaid health plans and pay them on a prepaid capitated basis to provide Medicaid benefits to Medicaid-eligible recipients who have human immunodeficiency syndrome (HIV) or acquired immunodeficiency syndrome (AIDS). The agency shall apply for and is authorized to implement federal waivers or other necessary federal authorization to implement the prepaid health plans authorized by this section. The agency shall procure the specialty prepaid health plans through a competitive procurement. In awarding a contract to a managed care plan, the agency shall take into account price, quality, accessibility, linkages to community-based organizations, and the comprehensiveness of the benefit package offered by the plan. The agency may bid the HIV/AIDS specialty plans on a county, regional, or statewide basis. Qualified plans must be licensed under chapter 641, Florida Statutes. The agency shall monitor and evaluate the implementation of this waiver program if it is approved by the Federal Government and shall report on its status to the President of the Senate and the Speaker of the House of Representatives by February 1, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 150, line 31, after the semicolon,

insert: authorizing the Agency for Health Care Administration to offer specialty prepaid health plans to Medicaid recipients with HIV or AIDS; providing conditions; requiring a report to the Legislature;

Rep. Fasano moved that the House concur in Senate Amendments 1, 1A, 1C, 1D, 1E, 1F, 1G, 1H, 1I, and 1J.

Recalled from Senate

On motion by Rep. Feeney, the Senate was requested to return **CS for CS for CS for SB 1406**.

The question recurred on the motion by Rep. Fasano that the House concur in Senate Amendments 1, 1A, 1C, 1D, 1E, 1F, 1G, 1H, 1I, and 1J, which was agreed to. The question recurred on the passage of CS/CS/HB 591. The vote was:

Session Vote Sequence: 613

Yeas—113

The Chair	Bilirakis	Cantens	Eggelletion
Albright	Bitner	Casey	Farkas
Alexander	Bloom	Chestnut	Fasano
Andrews	Boyd	Constantine	Feeney
Argenio	Bradley	Cosgrove	Fiorentino
Argenziano	Bronson	Crady	Flanagan
Arnall	Brown	Crist	Frankel
Bainter	Brummer	Crow	Fuller
Ball	Bucher	Detert	Futch
Barreiro	Bullard	Diaz de la Portilla, R.	Garcia
Bense	Bush	Dockery	Gay
Betancourt	Byrd	Edwards	Goode

Goodlette	Lawson	Posey	Stansel
Gottlieb	Lee	Prieguez	Starks
Green, C.	Levine	Pruitt	Suarez
Greene, A.	Littlefield	Putnam	Sublette
Hafner	Logan	Rayson	Trovillion
Harrington	Lynn	Reddick	Tullis
Hart	Maygarden	Ritter	Turnbull
Henriquez	Melvin	Roberts	Villalobos
Heyman	Merchant	Rojas	Wallace
Hill	Miller, J.	Rubio	Wasserman Schultz
Jacobs	Miller, L.	Russell	Waters
Johnson	Minton	Sanderson	Wiles
Jones	Morroni	Sembler	Wilson
Kilmer	Murman	Smith, K.	Wise
Kosmas	Ogles	Sorensen	
Kyle	Patterson	Spratt	
Lacasa	Peaden	Stafford	

Nays—5

Effman	Ritchie	Smith, C.	Sobel
Greenstein			

Votes after roll call:
Nays to Yeas—Sobel

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2368, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Transportation and Senator King—

CS for SB 2368—A bill to be entitled An act relating to traffic control; amending s. 316.650, F.S.; requiring the issuance of a copy of the Traffic School Reference Guide with traffic citations; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing an assessment fee with respect to driver improvement courses for persons who are ordered by the court to attend and for certain other violations; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; amending s. 320.01, F.S.; redefining the term "motor vehicle"; providing an effective date.

—was read the first time by title. On motion by Rep. Alexander, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 614

Yeas—114

The Chair	Bloom	Cosgrove	Fiorentino
Alexander	Boyd	Crady	Flanagan
Andrews	Bradley	Crist	Frankel
Argenio	Bronson	Crow	Fuller
Argenziano	Brown	Detert	Futch
Arnall	Bucher	Diaz de la Portilla, R.	Garcia
Bainter	Bullard	Dockery	Gay
Ball	Bush	Edwards	Goode
Barreiro	Byrd	Effman	Goodlette
Bense	Cantens	Eggelletion	Gottlieb
Betancourt	Casey	Farkas	Green, C.
Bilirakis	Chestnut	Fasano	Greene, A.
Bitner	Constantine	Feeney	Greenstein
Hafner	Levine	Putnam	Stansel
Harrington	Logan	Rayson	Starks
Hart	Lynn	Reddick	Suarez
Henriquez	Maygarden	Ritchie	Sublette
Heyman	Merchant	Ritter	Trovillion
Hill	Miller, J.	Roberts	Tullis
Jacobs	Miller, L.	Rojas	Turnbull
Johnson	Minton	Rubio	Villalobos
Jones	Morroni	Russell	Wallace
Kelly	Murman	Ryan	Wasserman Schultz
Kilmer	Ogles	Sanderson	Waters
Kosmas	Patterson	Sembler	Wiles
Kyle	Peaden	Smith, C.	Wilson
Lacasa	Posey	Sobel	Wise
Lawson	Prieguez	Sorensen	
Lee	Pruitt	Stafford	

Nays—None

Votes after roll call:
Yeas—Albright

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendments 1, 2, 3, 4, 5, 6, 7, amended House Amendment 8 and concurred in same as amended, passed as further amended CS for CS for SB 1114, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS for CS for SB 1114—A bill to be entitled An act relating to protection of agriculture and horticulture; amending s. 581.091, F.S.; clarifying provisions with respect to a requirement to immediately inform the Department of Agriculture and Consumer Services upon receipt or possession of any noxious weed, plant, plant product, or regulated article infected or infested with any plant pest, declared to be a threat to the state's agricultural and horticultural interests, and to hold such weed, plant, or article for inspection; providing that it is unlawful to fail to disclose information regarding any infected or infested plant, plant product, regulated article, or noxious weed; amending s. 581.184, F.S.; defining the terms "infected or infested" and "exposed to infection" for purposes of the act; requiring the department to develop a risk-assessment program for commercial plantings; requiring the department to develop a statewide program of decontamination to prevent and limit the spread of citrus canker disease; providing program requirements; authorizing the department to develop specified compliance agreements and other agreements; requiring county sheriffs, upon request of the department, to provide assistance in obtaining access to private property for the purpose of enforcing citrus canker eradication efforts; specifying responsibilities of the sheriff; authorizing the department to reimburse the sheriff for reasonable costs of implementing the provisions of the act; providing for satisfaction of specified notice requirements; amending s. 193.461, F.S.; providing for classification of lands subject to eradication or quarantine programs; amending s. 298.005, F.S.; redefining the term "owner" for purposes of ch. 298, F.S., relating to drainage and water control; amending s. 298.11, F.S.; providing for assessable land to entitle a landowner to vote in an election of supervisors; amending s. 298.12, F.S.; limiting eligibility to vote in such election to landowners whose assessments are paid for the previous year; amending s. 298.22, F.S.; authorizing water control districts to construct and operate facilities to control and prevent agricultural pests and diseases; amending s. 298.225, F.S.; specifying those amendments that constitute insubstantial amendments to a water control plan; providing an effective date.

(Amendment 8 attached to original bill and shown in the *Journal* earlier today.)

Senate Amendment 1 to House Amendment 8 (with title amendment)—On page 24, lines 23-27, delete those lines

and insert:

Section 38. *Sections 205.1951, 585.70, 585.71, 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903, 585.904, 585.91, 585.93, and 585.96, Florida Statutes, are repealed.*

Section 39. Subsection (6) is added to section 823.14, Florida Statutes, to read:

823.14 Florida Right to Farm Act.—

(6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this subsection. Except as otherwise provided for in this section and s. 487.051(2), and notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best-management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program. When an activity of a farm operation takes place within a wellfield protection area as defined in any wellfield protection ordinance adopted by a local government, and the adopted best-management practice or interim measure does not specifically address wellfield protection, a local government may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. 373.4592 or limit the powers and duties of any local government to address an emergency as provided for in chapter 252.

And the title is amended as follows:

On page 28, line 16, following the semicolon,

insert: amending s. 823.14, F.S.; limiting local government regulation with respect to the Right to Farm Act;

On motion by Rep. Putnam, the House concurred in Senate Amendment 1 to House Amendment 8. The question recurred on the passage of CS for CS for SB 1114. The vote was:

Session Vote Sequence: 615

Yeas—115

The Chair	Bucher	Feeney	Johnson
Albright	Bullard	Fiorentino	Jones
Alexander	Bush	Flanagan	Kelly
Andrews	Byrd	Frankel	Kilmer
Argenio	Cantens	Fuller	Kyle
Argenziano	Casey	Futch	Lacasa
Arnall	Chestnut	Garcia	Lee
Bainter	Constantine	Gay	Levine
Ball	Cosgrove	Goode	Littlefield
Barreiro	Crady	Gottlieb	Logan
Bense	Crist	Green, C.	Lynn
Betancourt	Crow	Greene, A.	Maygarden
Bilirakis	Detert	Greenstein	Melvin
Bitner	Diaz de la Portilla, R.	Hafner	Merchant
Bloom	Dockery	Harrington	Miller, J.
Boyd	Edwards	Hart	Miller, L.
Bradley	Effman	Henriquez	Minton
Bronson	Eggelletion	Heyman	Morroni
Brown	Farkas	Hill	Murman
Brummer	Fasano	Jacobs	Ogles
Patterson	Roberts	Sobel	Tullis
Peaden	Rojas	Sorensen	Turnbull
Posey	Rubio	Spratt	Villalobos
Prieguez	Russell	Stafford	Wallace
Pruitt	Ryan	Stansel	Waters
Putnam	Sanderson	Starks	Wiles
Rayson	Sembler	Suarez	Wilson
Reddick	Smith, C.	Sublette	Wise
Ritchie	Smith, K.	Trovillion	

Nays—None

Votes after roll call:
Nays—Goodlette

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2252, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Burt—

SB 2252—A bill to be entitled An act relating to law enforcement communications; providing for a review panel to evaluate and select a strategy to complete implementation of the statewide law enforcement radio system; providing for membership and staffing of the panel; providing for the reduction of certain funds appropriated; providing for termination of the panel; providing an appropriation; amending s. 23.1225, F.S.; describing an additional authorized joint city-county law enforcement activity by voluntary cooperation written agreement; amending ss. 810.08, 810.09, F.S.; defining the terms "person authorized" and "authorized person" for purposes of provisions prohibiting trespass; amending s. 901.15, F.S.; specifying lawful arrest without a warrant for trespass in secure areas of airports; providing for immunity from civil liability for arresting law enforcement officers under certain circumstances; amending s. 934.03, F.S.; revising limited authorization for certain personnel to intercept and record specified incoming wire communications; amending s. 934.02, F.S.; redefining the terms "wire communication," "electronic, mechanical, or other device," and "electronic communication"; amending s. 934.03, F.S.; prohibiting certain disclosure or attempted disclosure of intercepted communications; providing penalties; amending s. 934.07, F.S.; deleting prostitution as an offense for which interception of communications may be authorized; amending s. 934.09, F.S.; providing for emergency interception of certain communications; providing exemptions from requirements for specification of facilities for certain interceptions; amending s. 934.10, F.S.; providing additional defense to civil liability; amending s. 934.23, F.S.; requiring a provider of electronic or remote computer service to provide certain information when subpoenaed; revising grounds for issuance of a court order for disclosure; requiring preservation of records; providing immunity from civil liability; providing for compensation; amending s. 934.27, F.S.; providing additional grounds for immunity from civil liability; amending s. 934.31, F.S.; requiring certain technology to be used in installation of pen registers and trap and trace devices; amending s. 934.34, F.S.; revising conditions under which assistance in installing or using pen registers or trap and trace devices must be provided; providing for emergency pen register and trap and trace device installation; providing an effective date.

—was read the first time by title. On motion by Rep. Pruitt, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 616

Yeas—120

The Chair	Crist	Jacobs	Reddick
Albright	Crow	Johnson	Ritchie
Alexander	Detert	Jones	Ritter
Andrews	Diaz de la Portilla, R.	Kelly	Roberts
Argenio	Dockery	Kilmer	Rojas
Argenziano	Edwards	Kosmas	Rubio
Arnall	Effman	Kyle	Russell
Bainter	Eggelletion	Lacasa	Ryan
Ball	Farkas	Lawson	Sanderson
Barreiro	Fasano	Lee	Sembler
Bense	Feeney	Levine	Smith, C.
Betancourt	Fiorentino	Littlefield	Smith, K.
Bilirakis	Flanagan	Logan	Sobel
Bitner	Frankel	Lynn	Sorensen
Bloom	Fuller	Maygarden	Spratt
Boyd	Futch	Melvin	Stafford
Bradley	Garcia	Merchant	Stansel
Bronson	Gay	Miller, J.	Starks
Brown	Goode	Miller, L.	Suarez
Brummer	Goodlette	Minton	Sublette
Bucher	Gottlieb	Morroni	Trovillion
Bullard	Green, C.	Murman	Tullis
Bush	Greene, A.	Ogles	Turnbull
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wallace
Casey	Harrington	Posey	Wasserman Schultz
Chestnut	Hart	Prieguez	Waters
Constantine	Henriquez	Pruitt	Wiles
Cosgrove	Heyman	Putnam	Wilson
Crady	Hill	Rayson	Wise

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1806, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Commerce and Economic Opportunities, Fiscal Resource and Senator McKay—

CS for CS for SB 1806—A bill to be entitled An act relating to the Olympic Games; stating that the purpose of the act is to provide assurances and commitments necessary for the United States Olympic Committee and the International Olympic Committee to select a host city for the Olympic Games; providing legislative findings; defining terms; creating an Olympic Games Guaranty Account within the Economic Development Trust Fund; providing for purpose, administration, funding, and use of the account; providing requirements of and restrictions on the account; providing a limit on liability of the state; providing for termination of the account under specified conditions; providing for reversion of funds; providing for the execution of games-support contracts; providing requirements with respect to application for such contracts; providing criteria for contract approval; providing specified authority of the direct-support organization authorized under s. 288.1229, F.S.; providing a restriction on the direct-support organization; providing additional authority of specified agencies and entities; providing that the act does not obligate the state to pay for or fund any building or facility; authorizing state agencies to assist the local organizing committee in hosting the games; specifying responsibilities of the local organizing committee; providing an effective date.

—was read the first time by title. On motion by Rep. Johnson, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 617

Yeas—115

The Chair	Crist	Jacobs	Rayson
Albright	Crow	Johnson	Reddick
Alexander	Detert	Jones	Ritchie
Andrews	Dockery	Kelly	Ritter
Argenio	Edwards	Kilmer	Roberts
Argenziano	Effman	Kosmas	Rojas
Arnall	Eggelletion	Kyle	Rubio
Bainter	Farkas	Lacasa	Russell
Ball	Fasano	Lawson	Ryan
Barreiro	Feeney	Lee	Sanderson
Bense	Fiorentino	Levine	Sembler
Betancourt	Flanagan	Littlefield	Smith, C.
Bilirakis	Frankel	Logan	Smith, K.
Bitner	Fuller	Lynn	Sobel
Bloom	Futch	Maygarden	Sorensen
Boyd	Garcia	Melvin	Spratt
Bradley	Gay	Merchant	Stansel
Bronson	Goode	Miller, J.	Starks
Brown	Goodlette	Miller, L.	Suarez
Brummer	Gottlieb	Minton	Sublette
Bucher	Green, C.	Morroni	Trovillion
Bullard	Greene, A.	Murman	Tullis
Byrd	Greenstein	Ogles	Turnbull
Cantens	Hafner	Patterson	Wallace
Casey	Harrington	Peaden	Waters
Chestnut	Hart	Posey	Wiles
Constantine	Henriquez	Prieguez	Wilson
Cosgrove	Heyman	Pruitt	Wise
Crady	Hill	Putnam	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 2263, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 2263—A bill to be entitled An act relating to education governance; creating the Florida Education Governance Reorganization Act of 2000; providing a short title; providing for legislative policy; providing for Florida education governance reorganization; establishing the Florida Board of Education; providing for appointment, powers, and duties; providing for Florida education governance officers; providing for a Commissioner of Education; providing for a Chancellor of K-12 Education; providing for a Chancellor of State Universities; providing for a Chancellor of Community Colleges and Career Preparation; providing for a Chancellor of Nonpublic and Nontraditional Education; providing for an Education Governance Reorganization Transition Commission; providing powers and duties; providing for the future review and repeal of s. 20.15, F.S., relating to the Department of Education, s. 229.012, F.S., relating to the composition of the State Board of Education, s. 229.053, F.S., relating to the general powers of the state board, s. 229.512, F.S., relating to the Commissioner of Education, s. 229.551, F.S., relating to educational management, s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability, s. 229.601, F.S., relating to the career education program, s. 229.6058, F.S., relating to the school readiness pilot program, s. 229.8341, F.S., relating to services for infants and preschool children, s. 230.64, F.S., relating to area technical centers, s. 235.014, F.S., relating to functions of the Department of Education, s. 235.05(3), F.S., relating to the power of the Board of Regents to exercise the right of eminent domain, s. 235.057, F.S., relating to the purchase, conveyance, or encumbrance of certain

property interests and joint-occupancy structures, s. 235.15, F.S., relating to the educational plant survey and PECO project funding, s. 235.195, F.S., relating to cooperative development and the use of facilities by two or more school boards, s. 235.199, F.S., relating to the cooperative funding of vocational educational facilities, s. 235.41, F.S., relating to legislative capital outlay budget requests, s. 235.42, F.S., relating to described educational funds, ch. 239, F.S., relating to vocational, adult, and community education, ch. 240, F.S., relating to postsecondary education, s. 241.002, F.S., relating to duties of the Department of Education, s. 241.003, F.S., relating to the Florida Distance Learning Network Advisory Council, s. 241.004, F.S., relating to the Educational Technology Grant Program, s. 244.01, F.S., relating to regional education, ss. 244.02 and 244.03, F.S., relating to the Southern Regional Compact, ch. 246, F.S., and relating to nonpublic postsecondary institutions; providing an effective date.

Senate Amendment 1—On page 5, line 7, after the word "*systems*"

insert: *while ensuring that nonpublic education institutions and home education programs maintain their independence, autonomy, and nongovernmental status*

Senate Amendment 2—On page 6, line 10, delete "*A Chancellor*"

and insert: *An Executive Director*

Senate Amendment 3—On page 6, line 13, after "*chancellor*"

insert: *and executive director*

Senate Amendment 5—On page 9, line 24, delete "*Chancellor*"

and insert: *Executive Director*

Senate Amendment 6—On page 11, lines 20 and 21, delete those lines

and insert:

(5) EXECUTIVE DIRECTOR OF NONPUBLIC AND NONTRADITIONAL EDUCATION.—The Executive Director of Nonpublic and Nontraditional

Senate Amendment 7 (with title amendment)—On page 12, lines 5, 10, 14, 23, 27, and 30, and on page 13, lines 3, 6, and 8, and on page 14, line 22, and on page 15 lines 12 and 26, and on page 16, line 2, delete "*commission*"

and insert: *task force*

And the title is amended as follows:

On page 1, line 18, delete "commission"

and insert: task force

Senate Amendment 8—On page 12, lines 8-13, delete those lines

and insert: *the appointed Florida Board of Education, there shall be established the Education Governance Reorganization Transition Task Force. All members of the task force shall be appointed as soon as feasible but not later than October 1, 2000. The task force shall be comprised of:*

(a) Five members appointed by the Governor;

(b) Three members appointed by the President of the Senate; and

(c) Three members appointed by the Speaker of the House of Representatives.
The transition

Senate Amendment 11—On page 13, lines 3-9, delete those lines

and insert:

(3) The transition task force may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the task force all relevant information and assistance on any matter within their knowledge or control. The transition task force may utilize consultants, studies, and other methods of gathering information to assist in developing its recommendations.

(4) By March 1, 2001, the transition task force shall recommend to the Legislature:

Senate Amendment 12—On page 13, line 12, through page 15, line 11, delete those lines

and insert:

1. Combining appropriate education functions and policies into or under the new Florida Board of Education.

2. Devolving the education delivery services and operational decisions to the appropriate location of delivery to students, specifically the schools, community colleges, colleges, universities, area technical centers, and other education institutions or places where the students receive their education.

3. Providing for a single or coordinated kindergarten through graduate school education budget.

(b) How best to achieve economies in education services, including recommendations concerning consolidation of information systems and integrated performance and financial accounting systems, while maximizing effectiveness within existing resources and staff.

(c)1. Which, if any, current education staff functions and resources should be eliminated, transferred, or realigned within the proposed new education organizational structure.

2. A recommended salary structure for the Commissioner of Education and for the chancellors.

(d) Whether an Office of Policy Research should be established to explore emerging issues, locate successful and innovative educational programs, and make recommendations to the Governor, the Florida Board of Education, and the Legislature and, if so, its mission, staffing, and location.

(e) The optimal mission of the Florida On-Line High School and a methodology for the operation and funding of the school to achieve that mission.

(f) The optimal location and structure of the Florida Partnership for School Readiness.

(5) By March 1, 2002, the transition task force shall recommend to the Legislature:

(a) Standards, definitions, and guidelines for universities, colleges, community colleges, schools, and other education institutions to ensure the quality of education, systemwide coordination, and efficient progress toward attainment of their appropriate missions.

(b) Rules and procedures as necessary to be followed by university boards of trustees, community college boards of trustees, and other boards of trustees, as determined appropriate, for recruitment and selection of presidents, procedures for annual evaluations of presidents, and procedures for interaction between presidents, the boards of trustees, and the new Florida Board of Education.

(c) A systemwide strategic plan for postsecondary institutions that considers the role, in their respective communities, of each of the institutions.

(d) Methodologies for degree program approval, establishment of matriculation and tuition fees, and coordination of colleges' and universities' budget requests.

(e) Any additional statutory changes needed during the 2002 legislative session to complete the education governance reorganization transition.

Senate Amendment 13—In title, on page 1, line 15, delete "*Chancellor*"

and insert: Executive Director

Senate Amendment 14 (with title amendment)—On page 16, between lines 11 and 12,

insert:

Section 7. *The Board of Regents shall be in substantive compliance with the last paragraph preceding specific appropriation 178 of House Bill 2145 by submitting to the Executive Office of the Governor, President of the Senate and the Speaker of the House of Representatives, a plan for staffing and alignment of duties and functions consistent with recommendations reported by the Task Force as provided for in this act. The plan shall be completed within 30 days after the first report due from the task force but no later than April 1, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 3, after the semicolon,

insert: providing for development of a staffing plan from the Board of Regents

Senate Amendment 16—On page 6, line 23, after the period,

insert: *All members of the board of trustees of Florida Atlantic University must reside within the service area of the university; three must be residents of Broward County, three must be residents of Palm Beach County, and three may be residents of any county within the service area.*

Senate Amendment 17 (with title amendment)—On page 16, between lines 11 and 12,

insert:

Section 7. *Effective July 1, 2000, the sum of $100,000 from the General Revenue Fund is transferred from the Board of Regents General Office, the sum of $50,000 from the General Revenue Fund is transferred from the Division of Community Colleges, and the sum of $100,000 from the General Revenue Fund is transferred from the Department of Education, to the Executive Office of the Governor, Office of Planning and Budgeting, to implement this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 3, after the semicolon,

insert: transferring $100,000 from the General Revenue Fund from the Board of Regents, $50,000 from the General Revenue Fund from the Division of Community Colleges, and $100,000 from the Department of Education, to the Executive Office of the Governor;

On motion by Rep. Sublette, the House concurred in Senate Amendments 1, 2, 3, 5, 6, 7, 8, 11, 12, 13, 14, 16, and 17. The question recurred on the passage of HB 2263. The vote was:

Session Vote Sequence: 618

Yeas—86

The Chair	Barreiro	Byrd	Dockery
Albright	Bense	Cantens	Farkas
Alexander	Betancourt	Casey	Fasano
Andrews	Bilirakis	Chestnut	Feeney
Argenio	Bitner	Constantine	Fiorentino
Argenziano	Boyd	Crady	Flanagan
Arnall	Bradley	Crist	Fuller
Bainter	Bronson	Crow	Futch
Ball	Brummer	Diaz de la Portilla, R.	Garcia
Gay	Littlefield	Prieguez	Stansel
Goode	Logan	Pruitt	Starks
Goodlette	Lynn	Putnam	Sublette
Green, C.	Maygarden	Roberts	Trovillion
Harrington	Melvin	Rojas	Tullis
Hart	Merchant	Rubio	Turnbull
Johnson	Miller, J.	Russell	Villalobos
Jones	Morroni	Sanderson	Wallace
Kelly	Murman	Sembler	Waters
Kilmer	Ogles	Smith, K.	Wiles
Kyle	Patterson	Sobel	Wise
Lacasa	Peaden	Sorensen	
Lawson	Posey	Spratt	

Nays—33

Bloom	Frankel	Kosmas	Ryan
Brown	Gottlieb	Lee	Smith, C.
Bucher	Greene, A.	Levine	Stafford
Bullard	Greenstein	Miller, L.	Suarez
Bush	Hafner	Minton	Wasserman Schultz
Cosgrove	Henriquez	Rayson	Wilson
Edwards	Heyman	Reddick	
Effman	Hill	Ritchie	
Eggelletion	Jacobs	Ritter	

Votes after roll call:
Yeas to Nays—Merchant, Sobel, Wiles

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2346, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senator Silver—

CS for SB 2346—A bill to be entitled An act relating to port area improvement; creating the "Community Improvement Authority Act"; providing legislative findings and intent; defining terms; providing for the creation of community improvement authorities in eligible counties; providing for the management of authorities; providing for the powers of an authority; authorizing the use of bonds to fund projects; providing for a tax exemption on bonds; providing for limitations on damages; providing for awarding contracts for the construction of projects; providing for dissolution of an authority; providing severability; providing for liberal construction; providing an effective date.

—was read the first time by title. On motion by Rep. Cantens, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 619

Yeas—117

The Chair	Bilirakis	Cantens	Eggelletion
Albright	Bitner	Casey	Farkas
Alexander	Bloom	Chestnut	Fasano
Andrews	Boyd	Constantine	Feeney
Argenio	Bradley	Crady	Fiorentino
Argenziano	Bronson	Crist	Flanagan
Arnall	Brown	Crow	Frankel
Bainter	Brummer	Detert	Fuller
Ball	Bucher	Diaz de la Portilla, R.	Futch
Barreiro	Bullard	Dockery	Garcia
Bense	Bush	Edwards	Gay
Betancourt	Byrd	Effman	Goode

Goodlette	Lawson	Pruitt	Stafford
Gottlieb	Levine	Putnam	Stansel
Green, C.	Littlefield	Rayson	Starks
Greene, A.	Logan	Reddick	Suarez
Greenstein	Lynn	Ritchie	Sublette
Hafner	Maygarden	Ritter	Trovillion
Harrington	Melvin	Roberts	Tullis
Hart	Merchant	Rojas	Turnbull
Henriquez	Miller, J.	Rubio	Villalobos
Heyman	Miller, L.	Russell	Wallace
Jacobs	Minton	Ryan	Wasserman Schultz
Johnson	Morroni	Sanderson	Waters
Jones	Murman	Sembler	Wiles
Kelly	Ogles	Smith, C.	Wilson
Kilmer	Patterson	Smith, K.	Wise
Kosmas	Peaden	Sobel	
Kyle	Posey	Sorensen	
Lacasa	Prieguez	Spratt	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 68, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Fiscal Policy and Senators Diaz-Balart, Hargrett, Holzendorf, Casas and others—

CS for SB 68—A bill to be entitled An act relating to postsecondary education; authorizing a college of law at Florida International University and Florida Agricultural and Mechanical University; providing duties of the Board of Regents and others; providing authority to accept grants and other available funds; providing conditions for cessation of a college of law; authorizing certain scholarship recipients to attend a college of law prior to its accreditation; providing an effective date.

—was read the first time by title. On motion by Rep. Bradley, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 620

Yeas—120

The Chair	Bush	Fuller	Kyle
Albright	Byrd	Futch	Lacasa
Alexander	Cantens	Garcia	Lawson
Andrews	Casey	Gay	Lee
Argenio	Chestnut	Goode	Levine
Argenziano	Constantine	Goodlette	Littlefield
Arnall	Cosgrove	Gottlieb	Logan
Bainter	Crady	Green, C.	Lynn
Ball	Crist	Greene, A.	Maygarden
Barreiro	Crow	Greenstein	Melvin
Bense	Detert	Hafner	Merchant
Betancourt	Diaz de la Portilla, R.	Harrington	Miller, J.
Bilirakis	Dockery	Hart	Miller, L.
Bitner	Edwards	Henriquez	Minton
Bloom	Effman	Heyman	Morroni
Boyd	Eggelletion	Hill	Murman
Bradley	Farkas	Jacobs	Ogles
Bronson	Fasano	Johnson	Patterson
Brown	Feeney	Jones	Peaden
Brummer	Fiorentino	Kelly	Posey
Bucher	Flanagan	Kilmer	Prieguez
Bullard	Frankel	Kosmas	Pruitt
Putnam	Russell	Spratt	Turnbull
Rayson	Ryan	Stafford	Villalobos
Reddick	Sanderson	Stansel	Wallace
Ritchie	Sembler	Starks	Wasserman Schultz
Ritter	Smith, C.	Suarez	Waters
Roberts	Smith, K.	Sublette	Wiles
Rojas	Sobel	Trovillion	Wilson
Rubio	Sorensen	Tullis	Wise

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 940, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Policy, Health, Aging and Long-Term Care and Senator Lee and others—

CS for CS for SB 940—A bill to be entitled An act relating to delivery of health care services; providing a short title; creating a pharmaceutical expense assistance program; providing eligibility; prescribing duties of the Agency for Health Care Administration and other entities; providing for rules; requiring a report; prescribing prerequisites that drug manufacturers must meet in order for their drug products to be covered under the program or Medicaid; requiring reimbursements under the program to be the same as those for Medicaid; requiring pharmacies that participate in the program or in Medicaid to agree to limitations on compensation for Medicare beneficiaries; providing appropriations; directing the use of rebates received; providing an effective date.

—was read the first time by title. On motion by Rep. Argenziano, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 621

Yeas—120

The Chair	Cosgrove	Hart	Peaden
Albright	Crady	Henriquez	Posey
Alexander	Crist	Heyman	Prieguez
Andrews	Crow	Hill	Pruitt
Argenio	Detert	Jacobs	Putnam
Argenziano	Diaz de la Portilla, R.	Johnson	Rayson
Arnall	Dockery	Jones	Reddick
Bainter	Edwards	Kelly	Ritchie
Ball	Effman	Kilmer	Ritter
Barreiro	Eggelletion	Kosmas	Roberts
Bense	Farkas	Kyle	Rojas
Betancourt	Fasano	Lacasa	Rubio
Bilirakis	Feeney	Lawson	Russell
Bitner	Fiorentino	Lee	Ryan
Bloom	Flanagan	Levine	Sanderson
Boyd	Frankel	Littlefield	Sembler
Bradley	Fuller	Logan	Smith, C.
Bronson	Futch	Lynn	Smith, K.
Brown	Garcia	Maygarden	Sobel
Brummer	Gay	Melvin	Sorensen
Bucher	Goode	Merchant	Spratt
Bullard	Goodlette	Miller, J.	Stafford
Bush	Gottlieb	Miller, L.	Stansel
Byrd	Green, C.	Minton	Starks
Cantens	Greene, A.	Morroni	Suarez
Casey	Greenstein	Murman	Sublette
Chestnut	Hafner	Ogles	Trovillion
Constantine	Harrington	Patterson	Tullis

Turnbull	Wallace	Waters	Wilson
Villalobos	Wasserman Schultz	Wiles	Wise

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 924, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Children and Families and Senators Webster and Carlton—

CS for SB 924—A bill to be entitled An act relating to children; providing legislative findings; creating a Blind Babies Program; providing for early–intervention education for certain children who are blind or visually impaired and for their parents, families, and caregivers; prescribing program emphasis; requiring development of program outcomes, criteria, and performance measures; requiring reports; providing an appropriation; providing an effective date.

—was read the first time by title. On motion by Rep. Russell, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 622

Yeas—120

The Chair	Crist	Jacobs	Reddick
Albright	Crow	Johnson	Ritchie
Alexander	Detert	Jones	Ritter
Andrews	Diaz de la Portilla, R.	Kelly	Roberts
Argenio	Dockery	Kilmer	Rojas
Argenziano	Edwards	Kosmas	Rubio
Arnall	Effman	Kyle	Russell
Bainter	Eggelletion	Lacasa	Ryan
Ball	Farkas	Lawson	Sanderson
Barreiro	Fasano	Lee	Sembler
Bense	Feeney	Levine	Smith, C.
Betancourt	Fiorentino	Littlefield	Smith, K.
Bilirakis	Flanagan	Logan	Sobel
Bitner	Frankel	Lynn	Sorensen
Bloom	Fuller	Maygarden	Spratt
Boyd	Futch	Melvin	Stafford
Bradley	Garcia	Merchant	Stansel
Bronson	Gay	Miller, J.	Starks
Brown	Goode	Miller, L.	Suarez
Brummer	Goodlette	Minton	Sublette
Bucher	Gottlieb	Morroni	Trovillion
Bullard	Green, C.	Murman	Tullis
Bush	Greene, A.	Ogles	Turnbull
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wallace
Casey	Harrington	Posey	Wasserman Schultz
Chestnut	Hart	Prieguez	Waters
Constantine	Henriquez	Pruitt	Wiles
Cosgrove	Heyman	Putnam	Wilson
Crady	Hill	Rayson	Wise

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 2403, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 2403—A bill to be entitled An act relating to land acquisition; amending s. 201.15, F.S.; clarifying the Division of Bond Finance's authority to issue Florida Forever bonds on an annual basis; providing an exclusion for certain revenues collected to address nonagricultural nonpoint source water quality impacts from calculation of an applicable excise tax rate under the Water Quality Assurance Trust Fund; amending s. 215.618, F.S.; providing that the limitation on issuance of Florida Forever bonds does not apply to refunding bonds; amending s. 163.01, F.S.; revising provisions which authorize a separate legal entity created to administer an interlocal agreement and controlled by counties or municipalities, or a combination thereof, to issue bonds to finance capital projects, and which provide powers and duties with respect thereto, to include such entities controlled by independent special districts or by independent special districts in combination with counties and municipalities; revising provisions which extend certain privileges, immunities, exemptions, and benefits to such entities controlled by municipalities or counties and their officers, agents, and employees, to include such entities controlled by independent special districts and their officers, agents, and employees; amending s. 253.03, F.S.; revising leasing and permitting requirements for structures built in certain conservation areas; providing for imposition of reasonable conditions by the Department of Environmental Protection or a water management district; providing notification requirements for landowners of structures on privately owned lands; providing that noncompliance with lease or permit conditions subjects a structure to removal; amending s. 259.032, F.S., relating to reports of entities managing Conservation and Recreation Lands; revising payment in lieu of taxes requirements; amending s. 253.034, F.S., relating to state-owned lands; requiring the Board of Trustees of the Internal Improvement Trust Fund to adopt certain rules; modifying definitions of "multiple use" and "single use"; revising provisions relating to management agreements and management plans; providing that certain lands acquired by the state are not purchased for conservation purposes; providing requirements regarding the sale of certain surplus lands; providing procedure relating to review and recommendation to the board of trustees of proposed uses of conservation lands; correcting cross references; amending s. 259.0345, F.S.; revising reporting requirements of the Florida Forever Advisory Council; amending s. 259.035, F.S.; providing duties and required procedures of the Acquisition and Restoration Council relating to selection of Conservation and Recreation Lands, Florida Preservation 2000, and Florida Forever projects; amending s. 259.101, F.S., relating to Florida Preservation 2000; conforming language and references; deleting repealer date and legislative review requirement; deleting requirement to redistribute unencumbered balances; removing requirement that the Department of Environmental Protection or the water management districts shall carry over unspent funds to the subsequent fiscal year; deleting provisions that repeal Preservation 2000 allocation of bond proceeds to certain programs; amending s. 259.105, F.S., relating to the Florida Forever Act; revising amount of distribution of bond proceeds to the Department of Community Affairs; providing that a certain sum be retained by the Department of Environmental Protection; providing additional goals for funded projects or acquisitions; postponing beginning date for project applications; revising provisions relating to selection of Florida Forever and Conservation and Recreation Lands projects; providing for authority of the Acquisition and Restoration Council as successor to the Land Acquisition and Management Advisory Council; amending s. 260.018, F.S., relating to agency recognition of the statewide system of greenways and trails; amending s. 373.139, F.S.; revising provisions relating to public hearings, and notice thereof, for water management district acquisition of real property; requiring certain disclosure of appraisals; amending s. 373.1391, F.S.; providing that the Acquisition and Restoration Council, rather than the Florida Forever Advisory Council, is to review water management district disputes; amending s. 373.199, F.S.; revising water management district responsibilities regarding the Florida Forever water management district work plans; postponing due date for the initial 5-year work plans; creating s. 373.1995, F.S.; requiring a joint report by

the water management districts establishing goals and performance measures for Florida Forever funding of district priority projects; amending s. 373.59, F.S.; authorizing the Water Management Lands Trust Fund to pay debt service on certain bonds; revising provisions relating to payment in lieu of taxes; amending s. 375.075, F.S., relating to financial assistance to local governments for outdoor recreation; amending s. 380.507, F.S.; clarifying rulemaking authority of the Florida Communities Trust; providing a restriction on use of the Water Management Lands Trust Fund; amending 380.510(7), F.S.; relating to the uses of Florida Forever funds; repealing s. 211.3103(9), F.S., relating to property donations by solid minerals producers, which impact the proceeds of phosphate severance taxes returned to a county; providing an appropriation; amending s. 373.1501, F.S.; providing definitions; providing for acquisition of certain lands by eminent domain by the South Florida Water Management District; creating s. 259.037, F.S.; creating the Land Management Uniform Accounting Council; providing membership; providing duties and responsibilities relating to review and categorization of land management activities, needs, and costs; providing for accounting procedures; requiring reports; providing effective dates.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Paragraph (a) of subsection (1) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed $300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and $300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed $30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional $30 million in each subsequent fiscal year ~~in which bonds are authorized to be issued~~, but shall not exceed a total of $300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the ~~first year's~~ debt service for *the remainder of the fiscal year in which the bonds are issued* ~~such bonds~~ is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

Section 2. Effective July 1, 2001, paragraph (a) of subsection (1) and subsection (8) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed $300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and $300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed $30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional $30 million in each subsequent fiscal year ~~in which bonds are authorized to be issued~~, but shall not exceed a total of $300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the ~~first year's~~ debt service for *the remainder of the fiscal year in which the bonds are issued* ~~such bonds~~ is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(8) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection *Water Quality Assurance* ~~Grants and Donations~~ Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. *The unobligated balance of funds received from the distribution of taxes*

collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

Section 3. Subsection (1) of section 215.618, Florida Statutes, is amended to read:

215.618 Bonds for acquisition and improvement of land, water areas, and related property interests and resources.—

(1) The issuance of Florida Forever bonds, not to exceed $3 billion, to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements to lands and water areas that accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development is hereby authorized, subject to the provisions of s. 259.105 and pursuant to s. 11(e), Art. VII of the State Constitution. Florida Forever bonds may also be issued to refund Preservation 2000 bonds issued pursuant to s. 375.051. *The $3-billion limitation on the issuance of Florida Forever bonds does not apply to refunding bonds.* The duration of each series of Florida Forever bonds issued may not exceed 20 annual maturities. Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a), except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds.

Section 4. Paragraph (d) of subsection (7) of section 253.03, Florida Statutes, is amended and paragraph (e) is added to that subsection to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(7)

(d) By January 1, *2001* ~~2000~~, the owners of habitable structures built on or before *May 1, 1999* ~~January 1, 1998~~, located in conservation areas 2 or 3, on district or state-owned lands, the existence or use which will not impede the restoration of the Everglades, whether pursuant to a submerged lease or not, must provide written notification to the South Florida Water Management District of their existence and location, including an identification of the footprint of the structures. This notification will grant the leaseholders an automatic 20-year lease at a reasonable fee established by the district, or the Department of Environmental Protection, as appropriate, to expire on January 1, 2020. *The district or Department of Environmental Protection, as appropriate, may impose reasonable conditions consistent with existing laws and rules. If the structures are located on privately owned lands, the landowners must provide the same notification required for a 20-year permit. If* ~~Where~~ the structures are located on state-owned lands, the South Florida Water Management District shall submit this notification to the Department of Environmental Protection on the owner's behalf. At the expiration of this 20-year lease *or permit*, the South Florida Water Management District or the Department of Environmental Protection, as appropriate, shall have the right to require that the leaseholder remove the structures if the district determines that the structures or their use are causing harm to the water or land resources of the district, or to renew the lease agreement. The structure of any owner who does not provide notification to the South Florida Water Management District as required under this subsection, shall be considered illegal and subject to immediate removal. Any structure built in any water conservation area after May 1, 1999, without necessary permits *and leases* from the South Florida Water Management District, ~~or~~ the Department of Environmental Protection, *or other local government*, as appropriate, shall be considered illegal and subject to removal.

(e) Failure to comply with the conditions contained in any permit or lease agreement as described in paragraph (d) makes the structure illegal and subject to removal. Any structure built in any water conservation area on or after July 1, 2000, is also illegal and subject to immediate removal.

Section 5. Subsections (1), (4), (5), (6), (8), and (10) of section 253.034, Florida Statutes, are amended to read:

253.034 State-owned lands; uses.—

(1) All lands acquired pursuant to chapter 259 shall be managed to serve the public interest by protecting and conserving land, air, water, and the state's natural resources, which contribute to the public health, welfare, and economy of the state. These lands shall be managed to provide for areas of natural resource based recreation, and to ensure the survival of plant and animal species and the conservation of finite and renewable natural resources. The state's lands and natural resources shall be managed using a stewardship ethic that assures these resources will be available for the benefit and enjoyment of all people of the state, both present and future. It is the intent of the Legislature that, where feasible and consistent with the goals of protection and conservation of natural resources associated with lands held in the public trust by the Board of Trustees of the Internal Improvement Trust Fund, public land not designated for single-use purposes pursuant to paragraph (2)(b) be managed for multiple-use purposes. All multiple-use land management strategies shall address public access and enjoyment, resource conservation and protection, ecosystem maintenance and protection, and protection of threatened and endangered species, and the degree to which public-private partnerships or endowments may allow the agency with management responsibility to enhance its ability to manage these lands. *The council created in s. 259.035 shall recommend rules to the board of trustees, and the board of trustees shall adopt rules necessary to carry out the purposes of this section.*

(4) No management agreement, lease, or other instrument authorizing the use of lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall be executed for a period greater than is necessary to provide for the reasonable use of the land for the existing or planned life cycle or amortization of the improvements, except that an easement in perpetuity may be granted by the Board of Trustees of the Internal Improvement Trust Fund if the improvement is a transportation facility. An agency managing or leasing state-owned lands from the board ~~of Trustees of the Internal Improvement Trust Fund~~ may not sublease such lands without prior review by the division and, *for conservation lands*, by the *Acquisition and Restoration* ~~Land Acquisition and Management Advisory~~ Council created in s. 259.035. *All management agreements, leases, or other instruments authorizing the use of lands owned by the board shall be reviewed for approval by the board or its designee* ~~or its successor and approval by the board~~. The ~~Land Acquisition and Management Advisory~~ council is not required to review subleases of parcels which are less than 160 acres in size.

(5) Each state agency managing *conservation* lands ~~owned by the Board of Trustees of the Internal Improvement Trust Fund~~ shall submit to the Division of State Lands a land management plan at least every 5 years in a form and manner prescribed by rule by the board. All management plans, whether for single-use or multiple-use properties, shall specifically describe how the managing agency plans to identify, locate, protect and preserve, or otherwise use fragile nonrenewable resources, such as archaeological and historic sites, as well as other fragile resources, including endangered plant and animal species, and provide for the conservation of soil and water resources and for the control and prevention of soil erosion. Land management plans submitted by an agency shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan. All land management plans for parcels larger than 1,000 acres shall contain an analysis of the multiple-use potential of the parcel, which analysis shall include the potential of the parcel to generate revenues to enhance the

management of the parcel. Additionally, the land management plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands. In those cases where a newly acquired property has a valid conservation plan, the plan shall be used to guide management of the property until a formal land management plan is completed.

(a) The Division of State Lands shall make available to the public a copy of each land management plan for parcels *that* ~~which~~ exceed 160 acres in size. The council ~~or its successor~~ shall review each plan for compliance with the requirements of this subsection, *the requirements of chapter 259,* and ~~with~~ the requirements of the rules established by the board pursuant to this *section* ~~subsection~~. The council ~~or its successor~~ shall also consider the propriety of the recommendations of the managing agency with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing agency, and the possibility of disposal of the property by the board. After its review, the council ~~or its successor~~ shall submit the plan, along with its recommendations and comments, to the board. The council ~~or its successor~~ shall specifically recommend to the board whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.

(b) The Board of Trustees of the Internal Improvement Trust Fund shall consider the land management plan submitted by each state agency and the recommendations of the council ~~or its successor~~ and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands which is not in accordance with an approved land management plan is subject to termination by the board.

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. Notwithstanding s. 253.111, for *conservation* ~~those~~ lands ~~designated as acquired for conservation purposes~~, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by majority vote.

(a) For the purposes of this subsection, all lands acquired by the state prior to July 1, 1999, using proceeds from the Preservation 2000 bonds, the Conservation and Recreation Lands Trust Fund, the Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board, which lands are identified as core parcels or within original project boundaries, shall be deemed to have been acquired for conservation purposes.

(b) For any lands purchased by the state on or after July 1, 1999, a determination shall be made by the board prior to acquisition as to those parcels that shall be designated as having been acquired for conservation purposes. No lands acquired for use by the Department of Corrections, the Department of Management Services for use as state offices, the Department of Transportation, except those specifically managed for conservation or recreation purposes, or the State University System or State Community College System shall be designated as having been purchased for conservation purposes.

(c) At least every 3 years, *as a component of each land management plan or land use plan and* in a form and manner prescribed by rule by the board, each state agency shall *evaluate and* indicate to the board those lands *that* ~~which~~ the agency manages which are not being used for the purpose for which they were originally leased. Such lands shall be reviewed by the council ~~or its successor~~ for its recommendation as to whether such lands should be disposed of by the board.

(d) Lands owned by the board which are not actively managed by any state agency or for which a land management plan has not been completed pursuant to subsection (5) shall be reviewed by the council or its successor for its recommendation as to whether such lands should be disposed of by the board.

(e) Prior to any decision by the board to surplus lands, the Acquisition and Restoration Council shall review and make recommendations to the board concerning the request for surplusing. The council shall determine whether the request for surplusing is compatible with the resource values of and management objectives for such lands.

(f) In reviewing lands owned by the board, the council or its successor shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The council or its successor shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the county or local government for a period of 90 days. Permittable uses for such surplus lands may include public schools; public libraries; fire or law enforcement substations; and governmental, judicial, or recreational centers. County or local government requests for surplus lands shall be expedited throughout the surplusing process. State agencies shall have the subsequent opportunity to acquire the surplus lands for a period not to exceed 30 days after the offer to a county or local government expires. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

(g) Lands determined to be surplus pursuant to this subsection shall be sold for fair market value or the price paid by the state or a water management district to originally acquire the lands, whichever is greater, except that the price of lands sold as surplus to any unit of government shall not exceed the price paid by the state or a water management district to originally acquire the lands. A unit of government which acquires title to lands hereunder for less than fair market value may not sell or transfer title to all or any portion of the lands to any private owner for a period of 10 years. Any unit of government seeking to transfer or sell lands pursuant to this paragraph shall first allow the board of trustees to reacquire such lands. The board of trustees may reacquire such lands for the price at which they sold such lands.

(h) When a state agency acquired land by gift, donation, grant, quit-claim deed, or other such conveyance and no monetary consideration was exchanged, the price of land sold as surplus shall not exceed the fair market value of the lands. Fair market value is to be determined by the average of two separate appraisals. The individual or entity requesting the surplus is to select and use appraisers from the list of approved appraisers maintained by the Division of State Lands of the Department of Environmental Protection in accordance with s. 253.025(6)(b). The individual or entity requesting the surplus is to incur all costs of the appraisals.

(i)~~(h)~~ After reviewing the recommendations of the council or its successor, the board shall determine whether lands identified for surplus are to be held for other public purposes or whether such lands are no longer needed. The board may require an agency to release its interest in such lands.

(j)~~(i)~~ Requests for surplusing may be made by any public or private entity or person. All requests shall be submitted to the lead managing agency for review and recommendation to the council or its successor. Lead managing agencies shall have 90 days to review such requests and make recommendations. Any surplusing requests that have not been acted upon within the 90-day time period shall be immediately scheduled for hearing at the next regularly scheduled meeting of the council or its successor. Requests for surplusing pursuant to this paragraph shall not be required to be offered to local or state governments as provided in paragraph (f).

(k)~~(j)~~ Proceeds from any sale of surplus lands pursuant to this subsection shall be deposited into the fund from which such lands were acquired. However, if the fund from which the lands were originally acquired no longer exists, such proceeds shall be deposited into an appropriate account *to be used for land management by the lead managing agency assigned the lands prior to the lands' being declared surplus* ~~for use by the lead managing agency for land management~~.

(l)~~(k)~~ Notwithstanding the provisions of this subsection, no such disposition of land shall be made if such disposition would have the effect of causing all or any portion of the interest on any revenue bonds issued to lose the exclusion from gross income for federal income tax purposes.

(m)~~(l)~~ The sale of filled, formerly submerged land that does not exceed 5 acres in area is not subject to review by the council or its successor.

(8) Land management plans required to be submitted by the Department of Corrections, *the Department of Juvenile Justice, the Department of Children and Family Services,* or the Department of Education *are* ~~shall~~ not ~~be~~ subject to the provisions for review by the council or its successor described in subsection (5). Management plans filed by these agencies shall be made available to the public for a period of 90 days at the administrative offices of the parcel or project affected by the management plan and at the Tallahassee offices of each agency. Any plans not objected to during the public comment period shall be deemed approved. Any plans for which an objection is filed shall be submitted to the Board of Trustees of the Internal Improvement Trust Fund for consideration. The Board of Trustees of the Internal Improvement Trust Fund shall approve the plan with or without modification, or reject the plan. The use or possession of any such lands which is not in accordance with an approved land management plan is subject to termination by the board.

(10) The following additional uses of *conservation* lands acquired pursuant to the Florida Forever program and other state-funded *conservation* land purchase programs shall be authorized, upon a finding by the board of trustees, if they meet the criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:

(a) Not inconsistent with the management plan for such lands;

(b) Compatible with the natural ecosystem and resource values of such lands;

(c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other available lands;

(d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and

(e) The use is consistent with the public interest.

A decision by the board of trustees pursuant to this *section* ~~subsection~~ shall be given a presumption of correctness. Moneys received from the use of state lands pursuant to this *section* ~~subsection~~ shall be returned to the lead managing agency in accordance with the provisions of s. 259.032(11)(d).

Section 6. Subsection (3) of section 259.03, Florida Statutes, is amended to read:

259.03 Definitions.—The following terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(3) "Capital improvement" *or "capital project expenditure"* means those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of this chapter. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities' signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project. The continued expenditures necessary for a capital improvement approved under this subsection shall not be eligible for funding provided in this chapter.

Section 7. Subsection (10) and paragraph (b) of subsection (12) of section 259.032, Florida Statutes, are amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(10)(a) State, regional, or local governmental agencies or private entities designated to manage lands under this section shall develop and adopt, with the approval of the board of trustees, an individual management plan for each project designed to conserve and protect such lands and their associated natural resources. Private sector involvement in management plan development may be used to expedite the planning process.

(b) Individual management plans required by s. 253.034(5), for parcels over 160 acres, shall be developed with input from an advisory group. Members of this advisory group shall include, at a minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. For those parcels or projects that are within more than one county, at least one areawide public hearing shall be acceptable and the lead managing agency shall invite a local elected official from each county. The areawide public hearing shall be held in the county in which the core parcels are located. Notice of such public hearing shall be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing. The management prospectus required pursuant to paragraph (9)(d) shall be available to the public for a period of 30 days prior to the public hearing.

(c) Once a plan is adopted, the managing agency or entity shall update the plan at least every 5 years in a form and manner prescribed by rule of the board of trustees. Such updates, for parcels over 160 acres, shall be developed with input from an advisory group. Such plans may include transfers of leasehold interests to appropriate conservation organizations or governmental entities designated by the Land Acquisition and Management Advisory Council or its successor, for uses consistent with the purposes of the organizations and the protection, preservation, conservation, restoration, and proper management of the lands and their resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults.

(d) For each project for which lands are acquired after July 1, 1995, an individual management plan shall be adopted and in place no later than 1 year after the essential parcel or parcels identified in the annual Conservation and Recreation Lands report prepared pursuant to s. 259.035(2)(a) have been acquired. Beginning in fiscal year 1998-1999, the Department of Environmental Protection shall distribute only 75 percent of the acquisition funds to which a budget entity or water management district would otherwise be entitled from the Preservation 2000 Trust Fund to any budget entity or any water management district that has more than one-third of its management plans overdue.

(e) Individual management plans shall conform to the appropriate policies and guidelines of the state land management plan and shall include, but not be limited to:

1. A statement of the purpose for which the lands were acquired, the projected use or uses as defined in s. 253.034, and the statutory authority for such use or uses.

2. Key management activities necessary to preserve and protect natural resources and restore habitat, and for controlling the spread of nonnative plants and animals, and for prescribed fire and other appropriate resource management activities.

3. A specific description of how the managing agency plans to identify, locate, protect, and preserve, or otherwise use fragile, nonrenewable natural and cultural resources.

4. A priority schedule for conducting management activities, based on the purposes for which the lands were acquired.

5. A cost estimate for conducting priority management activities, to include recommendations for cost-effective methods of accomplishing those activities.

6. A cost estimate for conducting other management activities which would enhance the natural resource value or public recreation value for which the lands were acquired. The cost estimate shall include recommendations for cost-effective methods of accomplishing those activities.

7. A determination of the public uses and public access that would be consistent with the purposes for which the lands were acquired.

(f) The Division of State Lands shall submit a copy of each individual management plan for parcels which exceed 160 acres in size to each member of the Land Acquisition and Management Advisory Council or its successor, which shall:

1. Within 60 days after receiving a plan from the division, review each plan for compliance with the requirements of this subsection and with the requirements of the rules established by the board pursuant to this subsection.

2. Consider the propriety of the recommendations of the managing agency with regard to the future use or protection of the property.

3. After its review, submit the plan, along with its recommendations and comments, to the board of trustees, with recommendations as to whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.

(g) The board of trustees shall consider the individual management plan submitted by each state agency and the recommendations of the Land Acquisition and Management Advisory Council, or its successor, and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any lands owned by the board of trustees which is not in accordance with an approved individual management plan is subject to termination by the board of trustees.

By July 1 of each year, each governmental agency~~, including the water management districts,~~ and each private entity designated to manage lands shall report to the Secretary of Environmental Protection on the progress of funding, staffing, and resource management of every project for which the agency or entity is responsible.

(12)

(b) Payment in lieu of taxes shall be available:

1. To all counties that have a population of 150,000 or *fewer* ~~less and in which the amount of the tax loss from all completed Preservation 2000 and Florida Forever acquisitions in the county exceeds 0.01 percent of the county's total taxable value~~. Population levels shall be determined pursuant to s. 11.031.

2. To all local governments located in eligible counties.

3. To Glades County, where a privately owned and operated prison leased to the state has recently been opened and where privately owned and operated juvenile justice facilities leased to the state have recently been constructed and opened, a payment in lieu of taxes, in an amount that offsets the loss of property tax revenue, which funds have already been appropriated and allocated from the Department of Correction's budget for the purpose of reimbursing amounts equal to lost ad valorem taxes.

Counties and local governments that did not receive payments in lieu of taxes for lands purchased pursuant to s. 259.101 during fiscal year 1999-2000, if such counties and local governments would have received payments pursuant to this subsection as that section existed on June 30, 1999, shall receive retroactive payments for such tax losses.

Section 8. Paragraphs (b) and (e) of subsection (1) and subsections (7) and (8) of section 259.0345, Florida Statutes, are amended to read:

259.0345 Florida Forever Advisory Council.—

(1)

(b) The members appointed by the Governor shall serve *3-year* ~~4-year~~ terms, except that, initially, to provide for staggered terms, three of the appointees shall serve 2-year terms. No appointee shall serve more than 6 years. The Governor may at any time fill a vacancy for the unexpired term of a member appointed under paragraph (a).

(e) ~~Appointments shall be made by August 15, 1999, and the council's first meeting shall be held by September 15, 1999. Beginning, January 1, 2000,~~ The council shall, at a minimum, meet twice a year.

(7) *The council shall provide a report by December 15, 2000, to the Secretary of Environmental Protection, who shall forward the report to the board of trustees for its approval. After approval by the board of trustees, the secretary shall forward the approved report to the President of the Senate and the Speaker of the House of Representatives, before the beginning of the 2001 Regular Session, for review by the appropriate legislative substantive committee. The Legislature may reject, modify, or take no action relative to the goals and performance measures established by the report. If no action is taken, the goals and performance measures shall be implemented. The report must meet the following requirements:*

(a) Establish specific goals for those identified in s. 259.105(4).

(b) Provide recommendations expanding or refining the goals identified in s. 259.105(4).

(c) Identify specific performance measures that may be used to analyze progress towards the goals established. It is recognized that, during the development of this report, the council may identify other recommendations concerning the implementation of Florida Forever. These recommendations must be incorporated in the reports identified in subsection (8). ~~The council shall provide a report, by November 1, 2000, to the Secretary of Environmental Protection, who shall forward the report to the board of trustees for their approval. After approval by the board of trustees, the secretary shall forward the approved report to the President of the Senate and the Speaker of the House of Representatives, at least 30 days prior to the 2001 Regular Legislative Session, for review by the appropriate legislative committees with jurisdiction over the department. The Legislature may reject, modify, or take no action relative to the goals and performance measures established by the report. If no action is taken, the goals and performance measures shall be implemented. The report shall meet the following requirements:~~

~~(a) Establish specific goals for those identified in s. 259.105(4).~~

~~(b) Provide recommendations expanding or refining the goals identified in s. 259.105(4).~~

~~(c) Provide recommendations for the development and identification of performance measures to be used for analyzing the progress made towards the goals established pursuant to s. 259.105(4).~~

~~(d) Provide recommendations for the process by which projects are to be submitted, reviewed, and approved by the Acquisition and Restoration Council. The advisory council is to specifically examine ways to streamline the process created by the Florida Forever Act.~~

(8) The council shall provide a report, at least 30 days prior to the regular legislative sessions in the following years: 2002, 2004, 2006 and 2008. The report shall be provided to the Secretary of Environmental Protection, who shall forward the report to the board of trustees for their approval. After approval by the board of trustees, the secretary shall forward the approved report to the President of the Senate and the Speaker of the House of Representatives. The report shall provide: recommendations for adjusting or expanding the goals detailed in s. 259.105(4); recommendations for adjusting the percentage distributions detailed in s. 259.105(3); and recommendations concerning other aspects of the Florida Forever Act. *In making recommendations for adjusting the percentage distributions detailed in s. 259.105(3), the council shall consider which agencies have encumbered their funds in a timely manner and unencumbered balances, if any, in each agency's Florida Forever subaccount. The recommendations may include increases in percentage distributions to those agencies that have encumbered Florida Forever funds in a timely manner.*

Section 9. Section 259.035, Florida Statutes, as amended by section 16 of chapter 99-247, Laws of Florida, is amended to read:

259.035 Acquisition and Restoration Council.—

(1) There is created~~, effective March 1, 2000,~~ the Acquisition and Restoration Council.

(a) The council shall be composed of nine voting members, four of whom shall be appointed by the Governor. These four appointees shall be from scientific disciplines related to land, water, or environmental sciences. They shall serve 4-year terms, except that, initially, to provide for staggered terms, two of the appointees shall serve 2-year terms. All subsequent appointments shall be for 4-year terms. No appointee shall serve more than 6 years. The Governor may at any time fill a vacancy for the unexpired term of a member appointed under this paragraph.

(b) The five remaining appointees shall be composed of the Secretary of *Environmental Protection* ~~the department~~, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, the director of the Division of Historical Resources of the Department of State, and the secretary of the Department of Community Affairs, or their respective designees.

(c) The Governor shall appoint the chair of the council, and a vice chair shall be elected from among the members.

(d) The council shall hold periodic meetings at the request of the chair.

(e) The Department of Environmental Protection shall provide primary staff support to the council and shall ensure that council meetings are electronically recorded. Such recording shall be preserved pursuant to chapters 119 and 257.

(f) The *board of trustees* ~~department~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

(2) The four members of the council appointed by the Governor shall receive $75 per day while engaged in the business of the council, as well as expenses and per diem for travel, including attendance at meetings, as allowed state officers and employees while in the performance of their duties, pursuant to s. 112.061.

(3) The council shall provide assistance to the board of trustees in reviewing the recommendations and plans for state-owned lands required under *ss.* ~~s.~~ 253.034 *and 259.032*. The council shall, in reviewing such recommendations and plans, consider the optimization of multiple-use and conservation strategies to accomplish the provisions funded pursuant to *ss.* ~~s.~~ 259.101(3)(a) *and 259.105(3)(b).* ~~Such funds shall only be used to acquire lands identified in the annual Conservation and Recreation Lands list approved by the board of trustees in the year 2000.~~

(4) The council may use existing rules adopted by the board of trustees, until it develops and recommends amendments to those rules, to competitively evaluate, select, and rank projects eligible for the Conservation and Recreation Lands list pursuant to ss. 259.032(3) and 259.101(4) and, beginning no later than May 1, 2001, for Florida Forever funds pursuant to s. 259.105(3)(b). In developing or amending the rules, the council shall give weight to the criteria included in s. 259.105(9). The board of trustees shall review the recommendations and shall adopt rules necessary to administer this section.

(5) An affirmative vote of five members of the council is required in order to change a project boundary or to place a proposed project on a list developed pursuant to subsection (4). Any member of the council who by family or a business relationship has a connection with all or a portion of any proposed project shall declare the interest before voting on its inclusion on a list.

(6) The proposal for a project pursuant to this section or s. 259.105(3)(b) may be implemented only if adopted by the council and approved by the board of trustees. The council shall consider and evaluate in writing the merits and demerits of each project that is proposed for Conservation and Recreation Lands, Florida Preservation 2000, or Florida Forever funding and shall ensure that each proposed project will meet a stated public purpose for the restoration, conservation, or preservation of environmentally sensitive lands and water areas or for providing outdoor recreational opportunities. The council also shall determine whether the project conforms, where applicable with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive multipurpose outdoor recreation plan developed pursuant to s. 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the water resources work plans developed pursuant to s. 373.199, and the provisions of s. 259.032, s. 259.101, or s. 259.105, whichever is applicable.

Section 10. Subsections (3) and (9) of section 259.101, Florida Statutes, are 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. Ten percent of the proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the Department of Environmental Protection for the purchase by the South Florida Water Management District of lands in Dade, Broward, and Palm Beach Counties identified in s. 7, chapter 95-349, Laws of Florida. This distribution shall apply for any bond issue for the 1995-1996 fiscal year. For the 1997-1998 fiscal year only, $20 million per year from the proceeds of any bonds deposited into the Florida Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the St. Johns Water Management District for the purchase of lands necessary to restore Lake Apopka. 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* ~~Authority~~ specifically for the purchase *of conservation easements* ~~through land protection agreements~~, as defined in *s. 380.0677(4)* ~~s. 380.0677(5)~~, 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* ~~Game and Fresh Water Fish~~ 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~~, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. 380.0677(3), shall be vested in the district where the acquisition project is located~~. 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*~~, except that title to lands, or rights or interests therein, acquired by either~~ the Southwest Florida Water Management District *and* ~~or~~ the St. Johns River Water Management District *shall monitor such agreements and easements within their respective districts until the state assumes this responsibility.* ~~in furtherance of the Green Swamp Land Authority's mission pursuant to s. 380.0677(3), shall be vested in the district where the acquisition project is located. This subsection is repealed effective October 1, 2000. Prior to repeal, the Legislature shall review the provisions scheduled for repeal and shall determine whether to reenact or modify the provisions or to take no action.~~

(9)(a) The Legislature finds that, with the increasing pressures on the natural areas of this state, the state must develop creative techniques to maximize the use of acquisition and management moneys. The Legislature also finds that the state's environmental land-buying agencies should be encouraged to augment their traditional, fee simple acquisition programs with the use of alternatives to fee simple acquisition techniques. The Legislature also finds that using alternatives to fee simple acquisition by public land-buying agencies will achieve the following public policy goals:

1. Allow more lands to be brought under public protection for preservation, conservation, and recreational purposes at less expense using public funds.

2. Retain, on local government tax rolls, some portion of or interest in lands which are under public protection.

3. Reduce long-term management costs by allowing private property owners to continue acting as stewards of the land, where appropriate.

Therefore, it is the intent of the Legislature that public land-buying agencies develop programs to pursue alternatives to fee simple acquisition and to educate private landowners about such alternatives and the benefits of such alternatives. It also is the intent of the Legislature that the department and the water management districts spend a portion of their shares of Preservation 2000 bond proceeds to purchase eligible properties using alternatives to fee simple acquisition. Finally, it is the intent of the Legislature that public agencies acquire lands in fee simple for public access and recreational activities. Lands protected using alternatives to fee simple acquisition techniques shall not be accessible to the public unless such access is negotiated with and agreed to by the private landowners who retain interests in such lands.

(b) The Land Acquisition Advisory Council and the water management districts shall identify, within their 1997 acquisition plans, those projects which require a full fee simple interest to achieve the public policy goals, along with the reasons why full title is determined to be necessary. The council and the water management districts may use alternatives to fee simple acquisition to bring the remaining projects in their acquisition plans under public protection. For the purposes of this subsection, the term "alternatives to fee simple acquisition" includes, but is not limited to: purchase of development rights; conservation easements; flowage easements; purchase of timber rights, mineral rights, or hunting rights; purchase of agricultural interests or silvicultural interests; land protection agreements; fee simple acquisitions with reservations; or any other acquisition technique which achieves the public policy goals listed in paragraph (a). It is presumed that a private landowner retains the full range of uses for all the rights or interests in the landowner's land which are not specifically acquired by the public agency. Life estates and fee simple acquisitions with leaseback provisions shall not qualify as an alternative to fee simple acquisition under this subsection, although the department and the districts are encouraged to use such techniques where appropriate.

(c) Beginning in fiscal year 1996-1997, the department and each water management district shall implement initiatives to use alternatives to fee simple acquisition and to educate private landowners about such alternatives. These initiatives shall include at least two

acquisitions a year by the department and each water management district utilizing alternatives to fee simple.

(d) The Legislature finds that the lack of direct sales comparison information has served as an impediment to successful implementation of alternatives to fee simple acquisition. It is the intent of the Legislature that, in the absence of direct comparable sales information, appraisals of alternatives to fee simple acquisitions be based on the difference between the full fee simple valuation and the value of the interests remaining with the seller after acquisition.

(e) The public agency which has been assigned management responsibility shall inspect and monitor any less-than-fee-simple interest according to the terms of the purchase agreement relating to such interest.

(f)~~1. Pursuant to subsection (3) and beginning in fiscal year 1999-2000, that portion of the unencumbered balances of each program described in paragraphs (3)(c), (d), (e), (f), and (g) which has been on deposit in such program's Preservation 2000 account for more than 3 fiscal years shall be redistributed equally to the Department of Environmental Protection, Division of State Lands P2000 sub-account for the purchase of State Lands as described in s. 259.032 and Water Management District P2000 sub-account for the purchase of Water Management Lands pursuant to ss. 373.456, 373.4592 and 373.59. For the purposes of this subsection, the term "unencumbered balances" means the portion of Preservation 2000 bond proceeds which is not obligated through the signing of a purchase contract between a public agency and a private landowner, except that the program described in paragraph (3)(c) may not lose any portion of its unencumbered funds which remain unobligated because of extraordinary circumstances that hampered the affected local governments' abilities to close on land acquisition projects approved through the Florida Communities Trust program. Extraordinary circumstances shall be determined by the Florida Communities Trust governing body and may include such things as death or bankruptcy of the owner of property; a change in the land use designation of the property; natural disasters that affected a local government's ability to consummate the sales contract on such property; or any other condition that the Florida Communities Trust governing board determined to be extraordinary. The portion of the funds redistributed in the Water Management District P2000 sub-account shall be distributed to the water management districts as provided in s. 373.59(8).~~

~~2.~~ The department and the water management districts may enter into joint acquisition agreements to jointly fund the purchase of lands using alternatives to fee simple techniques.

~~(g) If the department or any water management district is unable to spend the funds it receives pursuant to paragraph (f) within the same fiscal year, the unspent funds shall be carried forward to the subsequent fiscal year.~~

~~(h) This subsection is repealed July 1 of the year following the final authorization of Preservation 2000 bonds.~~

Section 11. Subsections (3), (9), (14), (16), and (18) and paragraph (a) of subsection (7) of section 259.105, Florida Statutes, are amended, paragraphs (p), (q), (r), and (s) are added to subsection (4) of that section, and subsection (20) is added to that section to read:

259.105 The Florida Forever Act.—

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures necessary to implement the water management districts' priority lists developed pursuant to s. 373.199. The funds are to be distributed to the water management districts as provided in subsection (11). A minimum of 50 percent of the total funds provided over the life of the Florida Forever program pursuant to this paragraph shall be used for the acquisition of lands.

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. Capital project expenditures may not exceed 10 percent of the funds allocated pursuant to this paragraph.

(c) Twenty-four percent to the Department of Community Affairs for use by the Florida Communities Trust for *land acquisition* ~~the purposes of part III of chapter 380, and~~ grants to local governments or nonprofit environmental organizations that are tax exempt under s. 501(c)(3) of the United States Internal Revenue Code for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. From funds available to the trust, *92 percent shall be used by the trust, and* 8 percent shall be transferred annually to the Land Acquisition Trust Fund for grants pursuant to s. 375.075. From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. The Legislature intends that the Florida Communities Trust emphasize funding projects in low-income or otherwise disadvantaged communities. *At least* thirty percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. 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 acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the Trust shall be selected in a competitive process measured against criteria adopted in rule by the Trust.

(d) One and five-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks *and for capital project expenditures as described in this section. Capital project expenditures may not exceed 10 percent of the funds allocated under this paragraph*. For the purposes of this paragraph, "state park" means any real property in the state which is under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(e) One and five-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, ~~and~~ the implementation of reforestation plans or sustainable forestry management practices, *and for capital project expenditures as described in this section. Capital project expenditures may not exceed 10 percent of the funds allocated under this paragraph*.

(f) One and five-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 *and for capital project expenditures as described in this*

section. Capital project expenditures may not exceed 10 percent of the funds allocated under this paragraph.

(g) One and five-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trail systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail *and for capital project expenditures as described in this section. Capital project expenditures may not exceed 10 percent of the funds allocated under this paragraph.*

(h) It is the intent of the Legislature that proceeds of Florida Forever bonds distributed under this section shall be expended in an efficient and fiscally responsible manner. An agency that receives proceeds from Florida Forever bonds under this section may not maintain a balance of unencumbered funds in its Florida Forever subaccount beyond 3 fiscal years from the date of deposit of funds from each bond issue. Any funds that have not been expended or encumbered after 3 fiscal years from the date of deposit shall be distributed by the Legislature at its next regular session for use in the Florida Forever program.

(i)~~(h)~~ For the purposes of paragraphs (d), (e), (f), and (g), the agencies which receive the funds shall develop their individual acquisition or restoration lists. Proposed additions may be acquired if they are identified within the original project boundary, the management plan required pursuant to s. 253.034(5), or the management prospectus required pursuant to s. 259.032(9)(d). Proposed additions not meeting the requirements of this paragraph shall be submitted to the Acquisition and Restoration Council for approval. The council may only approve the proposed addition if it meets two or more of the following criteria: serves as a link or corridor to other publicly owned property; enhances the protection or management of the property; would add a desirable resource to the property; would create a more manageable boundary configuration; has a high resource value that otherwise would be unprotected; or can be acquired at less than fair market value.

(4) It is the intent of the Legislature that projects or acquisitions funded pursuant to paragraphs (3)(a) and (b) contribute to the achievement of the following goals:

(p) The implementation of practices that provide sufficient quantities of water available to meet current and future needs of the natural system and residents of the state, as measured by execution of water-resource-development components of the districts' water management plans. However, funds provided for capital improvements under this purpose are limited to those provided the water management districts in paragraph (3)(a).

(q) An increase in the state's inventory of historical and cultural sites as measured by the number of sites acquired.

(r) An increase in the protection of fragile coastal resources, as measured by the linear feet and acreage of coastline acquired.

(s) An increase in the protection of significant surface waters of the state, as measured by the acreage of lands acquired to buffer them.

(7)(a) Beginning *no later than* July 1, *2001* ~~2000~~, and every year thereafter, the Acquisition and Restoration Council shall accept applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals for project proposals eligible for funding pursuant to paragraph (3)(b). The council shall evaluate the proposals received pursuant to this subsection to ensure that they meet at least one of the criteria under subsection (9).

(9) The Acquisition and Restoration Council shall *recommend rules for adoption by the board of trustees* ~~develop a rule~~ to competitively evaluate, select, and rank projects eligible for Florida Forever funds pursuant to paragraph (3)(b) *and for additions to the Conservation and Recreation Lands list pursuant to ss. 259.032 and 259.101(4).* In developing *these proposed rules,* ~~this rule~~ the Acquisition and Restoration Council shall give weight to the following criteria:

(a) The project meets multiple goals described in subsection (4).

(b) The project is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources.

(c) The project enhances or facilitates management of properties already under public ownership.

(d) The project has significant archaeological or historic value.

(e) The project has funding sources that are identified and assured through at least the first 2 years of the project.

(f) The project contributes to the solution of water resource problems on a regional basis.

(g) The project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished.

(h) The project implements an element from a plan developed by an ecosystem management team.

(i) The project is one of the components of the Everglades restoration effort.

(j) The project may be purchased at 80 percent of appraised value.

(k) The project may be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights *or*~~,~~ obtaining conservation easements or flowage easements~~; or use of land protection agreements as defined in s. 380.0677(5)~~.

(l) The project is a joint acquisition, either among public agencies, nonprofit organizations, or private entities, or by a public-private partnership.

(14) Each year that bonds are to be issued pursuant to this section, the Acquisition and Restoration Council shall review *the most current* ~~that year's~~ approved project list and shall, by the first board meeting in May, present to the Board of Trustees of the Internal Improvement Trust Fund for approval a listing of projects developed pursuant to subsection (8). The board of trustees may remove projects from the list developed pursuant to this subsection, but may not add projects or rearrange project rankings.

(16) All proposals for projects pursuant to paragraph (3)(b) *or subsection (20)* shall be implemented only if adopted by the Acquisition and Restoration Council and approved by the board of trustees. The council shall consider and evaluate in writing the merits and demerits of each project that is proposed for Florida Forever funding *and each proposed addition to the Conservation and Recreation Lands list program. The council* ~~and~~ shall ensure that each proposed project will meet a stated public purpose for the restoration, conservation, or preservation of environmentally sensitive lands and water areas or for providing outdoor recreational opportunities *and that each proposed addition to the Conservation and Recreation Lands list will meet the public purposes under s. 259.032(3) and, when applicable, s. 259.101(4).* The council also shall determine *whether* ~~if~~ the project *or addition* conforms, where applicable, with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive multipurpose outdoor recreation plan developed pursuant to s. 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the water resources work plans developed pursuant to s. 373.199, and the provisions of this section.

(18) The Acquisition and Restoration Council *shall* ~~may~~ recommend adoption of rules by the board of trustees necessary to implement the provisions of this section relating to: solicitation, scoring, selecting, and ranking of Florida Forever project proposals; disposing of or leasing

lands or water areas selected for funding through the Florida Forever program; and the process of reviewing and recommending for approval or rejection the land management plans associated with publicly owned properties. Rules promulgated pursuant to this subsection shall be submitted to the President of the Senate and the Speaker of the House of Representatives, for review by the Legislature, no later than 30 days prior to the *2001* ~~2000~~ Regular Session and shall become effective only after legislative review. In its review, the Legislature may reject, modify, or take no action relative to such rules. The *board of trustees* ~~council~~ shall conform such rules to changes made by the Legislature, or, if no action was taken by the Legislature, such rules shall become effective.

(20) The Acquisition and Restoration Council, as successors to the Land Acquisition and Management Advisory Council, may amend existing Conservation and Recreation Lands projects and add to or delete from the 2000 Conservation and Recreation Lands list until funding for the Conservation and Recreation Lands program has been expended. The amendments to the 2000 Conservation and Recreation Lands list will be reported to the board of trustees in conjunction with the council's report developed pursuant to s. 259.105(15).

Section 12. Section 260.018, Florida Statutes, is amended to read:

260.018 Agency recognition.—All agencies of the state, regional planning councils through their comprehensive plans, and local governments through their local comprehensive planning process pursuant to chapter 163 shall recognize the special character of publicly owned lands and waters designated by the state as greenways and trails and shall not take any action which will impair their use as designated. Identification of lands or waterways in planning materials, maps, data, and other information developed or used in the greenways and trails program shall not be cause for such lands or waterways to be subject to this section, unless such lands or waterways have been designated as a part of the statewide system *of* ~~or~~ greenways and trails pursuant to s. 260.016(2)(d).

Section 13. Subsections (2) and (3) of section 373.139, Florida Statutes, are amended to read:

373.139 Acquisition of real property.—

(2) The governing board of the district is empowered and authorized to acquire in fee or less than fee title to real property, and easements therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, *conservation and protection of water resources,* aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes. Eminent domain powers may be used only for acquiring real property for flood control and water storage or for curing title defects or encumbrances to real property to be acquired from a willing seller.

(3)~~(a)~~ *The initial 5-year workplan and any subsequent modifications or additions thereto shall be adopted by each water management district after a public hearing. Each water management district shall provide at least 14 days' advance notice of the hearing date and shall separately notify each county commission within which a proposed workplan project or project modification or addition is located of the hearing date.* ~~No acquisition of lands shall occur without a public hearing similar to those held pursuant to the provisions set forth in s. 120.54.~~

(a)~~(b)~~ Title information, appraisal reports, offers, and counteroffers are confidential and exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing board. However, each district may, at its discretion, disclose appraisal reports to private landowners during negotiations for acquisitions using alternatives to fee simple techniques, if the district determines that disclosure of such reports will bring the proposed acquisition to closure. In the event that negotiation is terminated by the district, the title information, appraisal report, offers, and counteroffers shall become available pursuant to s. 119.07(1). Notwithstanding the provisions of this section and s. 259.041, a district and the Division of State Lands may share and disclose title information, appraisal reports, appraisal information, offers, and counteroffers when joint acquisition of property is contemplated. A district and the Division of State Lands shall maintain the confidentiality of such title information, appraisal reports, appraisal information, offers, and counteroffers in conformance with this section and s. 259.041, except in those cases in which a district and the division have exercised discretion to disclose such information.

(b)~~(c)~~ The Secretary of Environmental Protection shall release moneys from the appropriate account or trust fund to a district for preacquisition costs within 30 days after receipt of a resolution adopted by the district's governing board which identifies and justifies any such preacquisition costs necessary for the purchase of any lands listed in the district's 5-year work plan. The district shall return to the department any funds not used for the purposes stated in the resolution, and the department shall deposit the unused funds into the appropriate account or trust fund.

(c)~~(d)~~ The Secretary of Environmental Protection shall release acquisition moneys from the appropriate account or trust fund to a district following receipt of a resolution adopted by the governing board identifying the lands being acquired and certifying that such acquisition is consistent with the 5-year work plan of acquisition and other provisions of this section. The governing board also shall provide to the Secretary of Environmental Protection a copy of all certified appraisals used to determine the value of the land to be purchased. Each parcel to be acquired must have at least one appraisal. Two appraisals are required when the estimated value of the parcel exceeds $500,000. However, when both appraisals exceed $500,000 and differ significantly, a third appraisal may be obtained. If the purchase price is greater than the appraisal price, the governing board shall submit written justification for the increased price. The Secretary of Environmental Protection may withhold moneys for any purchase that is not consistent with the 5-year plan or the intent of this section or that is in excess of appraised value. The governing board may appeal any denial to the Land and Water Adjudicatory Commission pursuant to s. 373.114.

Section 14. Paragraph (c) of subsection (1) of section 373.1391, Florida Statutes, is amended to read:

373.1391 Management of real property.—

(1)

(c) In developing or reviewing land management plans *when* ~~should~~ a dispute *arises* ~~arise~~ that *has not been* ~~cannot be~~ resolved by *a* ~~the~~ water management *district's final agency action* ~~districts~~, that *dispute must* ~~issue shall~~ be *resolved under chapter 120* ~~forwarded to the Secretary of Environmental Protection who shall submit it to the Florida Forever Advisory Council~~.

Section 15. Subsection (7) of section 373.199, Florida Statutes, is amended to read:

373.199 Florida Forever Water Management District Work Plan.—

(7) By *June* ~~January~~ 1, *2001,* ~~of each year,~~ each district shall file with the *President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the Secretary of Environmental Protection *the initial 5-year workplan as required under subsection (2). By January 1 of each year thereafter, each district shall file with the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection* a report of acquisitions completed during the year together with modifications or additions to its 5-year work plan. Included in the report shall be:

(a) A description of land management activity for each property or project area owned by the water management district.

(b) A list of any lands surplused and the amount of compensation received.

(c) The progress of funding, staffing, and resource management of every project funded pursuant to s. 259.101, s. 259.105, or s. 373.59 for which the district is responsible.

The secretary shall submit the report *referenced in this subsection to the Board of Trustees of the Internal Improvement Trust Fund together* ~~required pursuant to this subsection along~~ with the *Acquisition and Restoration Council's project list as* ~~Florida Forever report~~ required under s. 259.105.

Section 16. Subsections (1) and (10) of section 373.59, Florida Statutes, are amended to read:

373.59 Water Management Lands Trust Fund.—

(1) There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management, maintenance, capital improvements of land titled to the districts, payments in lieu of taxes, debt service on bonds issued prior to July 1, 1999, *debt service on bonds issued on or after July 1, 1999, which are issued to refund bonds issued before July 1, 1999,* preacquisition costs associated with land purchases, and the department's costs of administration of the fund. The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (8). Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets.

(10)(a) Beginning July 1, 1999, not more than one-fourth of the land management funds provided for in subsections (1) and (8) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payments in lieu of taxes for all actual tax losses incurred as a result of governing board acquisitions for water management districts *pursuant to ss. 259.101, 259.105, and 373.59* ~~under the Florida Forever program~~ during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the Water Management Lands Trust Fund to be used in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available:

1. To all counties that have a population of 150,000 or *fewer* ~~less and in which the amount of tax loss from all completed Preservation 2000 and Florida Forever acquisitions in the county exceeds 0.01 percent of the county's total taxable value~~. Population levels shall be determined pursuant to s. 11.031.

2. To all local governments located in eligible counties and whose lands are bought and taken off the tax rolls.

For properties acquired after January 1, 2000, in the event that such properties otherwise eligible for payment in lieu of taxes under this subsection are leased or reserved and remain subject to ad valorem taxes, payments in lieu of taxes shall commence or recommence upon the expiration or termination of the lease or reservation, but in no event shall there be more than a total of ten annual payments in lieu of taxes for each tax loss. If the lease is terminated for only a portion of the lands at any time, the ten annual payments shall be made for that portion only commencing the year after such termination, without limiting the requirement that ten annual payments shall be made on the remaining portion or portions of the land as the lease on each expires. For the purposes of this subsection, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes.

(c) If *sufficient* ~~insufficient~~ funds are *unavailable* ~~available~~ in any year to make full payments to all qualifying counties and local governments, such counties and local governments shall receive a pro rata share of the moneys available.

(d) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property that was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The water management districts shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that governmental entity shall receive 10 consecutive annual payments for each tax loss, and no further eligibility determination shall be made during that period.

(e) Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property, and after the water management districts have provided supporting documents to the Comptroller and have requested that payment be made in accordance with the requirements of this section.

(f) If a water management district conveys to a county or local government title to any land owned by the district, any payments in lieu of taxes on the land made to the county or local government shall be discontinued as of the date of the conveyance.

(g) The districts may make retroactive payments to counties and local governments that did not receive payments in lieu of taxes for lands purchased under ss. 259.101 and 373.59 during fiscal year 1999-2000 if the counties and local governments would have received those payments under ss. 259.032(12) and 373.59(14).

Section 17. Section 375.051, Florida Statutes, is amended to read:

375.051 Issuance of revenue bonds subject to constitutional authorization.—The acquisition of lands, water areas, and related resources by the department under this act is a public purpose for which revenue bonds may be issued when and only when there has been granted in the State Constitution specific authorization for the department to issue revenue bonds to pay the cost of acquiring such lands, water areas, and related resources and to construct, improve, enlarge, and extend capital improvements and facilities thereon as determined by the department to be necessary for the purposes of this act. The department may utilize the services and facilities of the Department of Legal Affairs, the Board of Administration, or any other agency in this regard. No revenue bonds, revenue certificates, or other evidences of indebtedness shall be issued for the purposes of this act except as specifically authorized by the State Constitution. All revenue bonds, revenue certificates, or other evidences of indebtedness issued pursuant to this act shall be submitted to the State Board of Administration for approval or disapproval. No individual series of bonds may be issued pursuant to this section unless the ~~first year's~~ debt service for *the remainder of the fiscal year in which the bonds are issued* ~~such bonds~~ is specifically appropriated in the General Appropriations Act.

Section 18. Subsection (1) of section 375.075, Florida Statutes, is amended to read:

375.075 Outdoor recreation; financial assistance to local governments.—

(1) The Department of Environmental Protection is authorized~~, pursuant to s. 370.023,~~ to establish the Florida Recreation Development

Assistance Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. To the extent not needed for debt service on bonds issued pursuant to s. 375.051, each ~~fiscal~~ year ~~through fiscal year 2000-2001,~~ the department shall develop and plan a program which shall be based upon funding of not less than 5 percent of the money credited to the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3) in that year. Beginning fiscal year 2001-2002, the department shall develop and plan a program which shall be based upon *the cumulative total* funding provided from *this section and from* the Florida Forever Trust Fund pursuant to s. 259.105(3)(c).

Section 19. Subsection (11) of section 380.507, Florida Statutes, is amended to read:

380.507 Powers of the trust.—The trust shall have all the powers necessary or convenient to carry out the purposes and provisions of this part, including:

(11) To make rules necessary to carry out the purposes of this part and to exercise any power granted in this part, pursuant to the provisions of chapter 120. The trust shall adopt rules governing the acquisition of lands ~~by local governments or the trust~~ using proceeds from the Preservation 2000 Trust Fund and the Florida Forever Trust Fund, consistent with the intent expressed in the Florida Forever Act. Such rules *for land acquisition* must include, but are not limited to, procedures for appraisals and confidentiality consistent with ss. 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of determining a maximum purchase price, and procedures to assure that the land is acquired in a voluntarily negotiated transaction, surveyed, conveyed with marketable title, and examined for hazardous materials contamination. Land acquisition procedures of a local land authority created pursuant to s. 380.0663 or s. 380.0677 may be used for the land acquisition programs described by ss. 259.101(3)(c) and 259.105 if within areas of critical state concern designated pursuant to s. 380.05, subject to approval of the trust.

Section 20. Subsection (7) of section 380.510, Florida Statutes, is amended to read:

380.510 Conditions of grants and loans.—

(7) Any funds received by the trust from the Preservation 2000 Trust Fund pursuant to s. 259.101(3)(c) and the Florida Forever Trust Fund pursuant to s. 259.105(3)(c) shall be held separate and apart from any other funds held by the trust and shall be used ~~only to pay the cost of the acquisition of lands by a local government or the state~~ for the *land acquisition* purposes of this part. In addition to the other conditions set forth in this section, the disbursement of Preservation 2000 and Florida Forever funds from the trust shall be subject to the following conditions:

(a) The administration and use of any funds received by the trust from the Preservation 2000 Trust Fund and the Florida Forever Trust Fund shall be subject to such terms and conditions imposed thereon by the agency of the state responsible for the bonds, the proceeds of which are deposited in the Preservation 2000 Trust Fund and the Florida Forever Trust Fund, including restrictions imposed to ensure that the interest on any such bonds issued by the state as tax-exempt bonds will not be included in the gross income of the holders of such bonds for federal income tax purposes.

(b) All deeds or leases with respect to any real property acquired with funds received by the trust from the Preservation 2000 Trust Fund shall contain such covenants and restrictions as are sufficient to ensure that the use of such real property at all times complies with s. 375.051 and s. 9, Art. XII of the State Constitution. All deeds or leases with respect to any real property acquired with funds received by the trust from the Florida Forever Trust Fund shall contain such covenants and restrictions as are sufficient to ensure that the use of such real property at all times complies with s. 11(e), Art. VII of the State Constitution. Each deed or lease shall contain a reversion, conveyance, or termination clause that will vest title in the Board of Trustees of the Internal Improvement Trust Fund if any of the covenants or restrictions are violated by the titleholder or leaseholder or by some third party with the knowledge of the titleholder or leaseholder.

Section 21. *Notwithstanding the provisions of section 259.101(3)(c), Florida Statutes (1993) (Section 5, Chapter 92-288, Laws of Florida), regarding the set-aside of funds for land acquisition in areas of critical state concern, $2.5 million from funds previously approved is hereby designated to the City of Apalachicola for land acquisition associated with the area of critical state concern to assist in completing the City's sewer improvement program. This appropriation is contingent upon the review of the city's proposal and a determination by the Department of Community Affairs that the proposed project is an eligible use of funds under the Florida Communities Trust program. The city is not required to provide matching funds for the approved project.*

Section 22. *Subsection (9) of section 211.3103, Florida Statutes, is repealed.*

Section 23. 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 land acquisition; amending s. 201.15, F.S.; providing for changes to bond debt service; amending s. 201.15, F.S.; providing for changes to bond debt service; revising the deposit of certain funds and providing limitations, effective July 1, 2001; amending s. 215.618, F.S.; providing for the refunding and sale of Florida Forever bonds; amending s. 253.03, F.S.; providing for the permitting of certain habitable structures; amending s. 253.034, F.S.; clarifying provisions governing the deposit of funds received from the sale of surplus lands; exempting the Departments of Juvenile Justice and Children and Family Services from a requirement for land-management-plan review; requiring the adoption of rules; revising management planning requirements; providing procedures for determining the value of certain lands; amending s. 259.03, F.S.; redefining the terms "capital improvement" and "water resource development project"; amending s. 259.032, F.S.; revising the payments-in-lieu-of-taxes program; amending s. 259.0345, F.S.; deleting obsolete provisions; revising the terms of Florida Forever Advisory Council members; clarifying the duties of the Florida Forever Advisory Council; amending s. 259.035, F.S.; authorizing the Acquisition and Restoration Council to use specified rules; revising procedures; amending s. 259.101, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to hold title to specified lands; requiring the monitoring of easements and agreements; deleting provisions requiring the redistribution of specified funds; deleting a repeal of Preservation 2000 bond allocations; amending s. 259.105, F.S.; requiring the redistribution of funds in specified circumstances; requiring a specific percentage of the Florida Communities Trust's Florida Forever funds to be expended in standard metropolitan statistical areas; revising a date for acceptance of acquisition applications; authorizing capital expenditures; revising the goals of the Florida Forever program; requiring the recommendation of rules to the board of trustees; revising the distribution of funds; amending s. 260.018, F.S.; correcting an error; amending s. 373.139, F.S.; requiring a public hearing and notification to the county of proposed purchases; amending s. 373.1391, F.S.; providing for the resolution of certain disputes; amending s. 373.199, F.S.; revising the date for submission of a report and the content of the report; amending s. 373.59, F.S.; revising payments-in-lieu-of-taxes requirements; authorizing the refunding of bonds; amending s. 375.051, F.S.; revising requirements for debt service for bonds issued to acquire lands, water areas, and related resources; amending s. 375.075, F.S.; revising the funding plan for recreational development; amending s. 380.507, F.S.; revising the uses of Florida Forever funds; amending s. 380.510, F.S.; revising the uses of Florida Forever funds; providing an appropriation; repealing s. 211.3103(9), F.S., relating to the severance tax on phosphate; providing effective dates.

Senate Amendment 1A (with title amendment)—On page 8, line 3, through page 17, line 3, delete Section 5

and insert:

Section 5. Subsections (1), (2), (3), (4), (5), (6), (8), and (10) of section 253.034, Florida Statutes, are amended to read:

253.034 State-owned lands; uses.—

(1) All lands acquired pursuant to chapter 259 shall be managed to serve the public interest by protecting and conserving land, air, water, and the state's natural resources, which contribute to the public health, welfare, and economy of the state. These lands shall be managed to provide for areas of natural resource based recreation, and to ensure the survival of plant and animal species and the conservation of finite and renewable natural resources. The state's lands and natural resources shall be managed using a stewardship ethic that assures these resources will be available for the benefit and enjoyment of all people of the state, both present and future. It is the intent of the Legislature that, where feasible and consistent with the goals of protection and conservation of natural resources associated with lands held in the public trust by the Board of Trustees of the Internal Improvement Trust Fund, public land not designated for single-use purposes pursuant to paragraph (2)(b) be managed for multiple-use purposes. All multiple-use land management strategies shall address public access and enjoyment, resource conservation and protection, ecosystem maintenance and protection, and protection of threatened and endangered species, and the degree to which public-private partnerships or endowments may allow the *entity* ~~agency~~ with management responsibility to enhance its ability to manage these lands. *The council created in s. 259.035 shall recommend rules to the board of trustees, and the board shall adopt rules necessary to carry out the purposes of this section.*

(2) As used in this section, the following phrases have the following meanings:

(a) "Multiple use" means the harmonious and coordinated management of timber, recreation, conservation of fish and wildlife, forage, archaeological and historic sites, habitat and other biological resources, or water resources so that they are utilized in the combination that will best serve the people of the state, making the most judicious use of the land for some or all of these resources and giving consideration to the relative values of the various resources. Where necessary and appropriate for all state-owned lands that are larger than 1,000 acres in project size and are managed for multiple uses, buffers may be formed around any areas *that* ~~which~~ require special protection or have special management needs. Such buffers shall not exceed more than one-half of the total acreage. Multiple uses within a buffer area may be restricted to provide the necessary buffering effect desired. Multiple use in this context includes both uses of land or resources by more than one *management entity, which may include* ~~state agency, or by one or more state agencies and~~ private sector land managers. In any case, lands identified as multiple-use lands in the land management plan shall be managed to enhance and conserve the lands and resources for the enjoyment of the people of the state.

(b) "Single use" means management for one particular purpose to the exclusion of all other purposes, except that the using *entity* ~~agency~~ shall have the option of including in its management program compatible secondary purposes which will not detract from or interfere with the primary management purpose. Such single uses may include, but are not necessarily restricted to, the use of agricultural lands for production of food and livestock, the use of improved sites and grounds for institutional purposes, and the use of lands for parks, preserves, wildlife management, archaeological or historic sites, or wilderness areas where the maintenance of essentially natural conditions is important. All submerged lands shall be considered single-use lands and shall be managed primarily for the maintenance of essentially natural conditions, the propagation of fish and wildlife, and public recreation, including hunting and fishing where deemed appropriate by the managing *entity* ~~agency~~.

(3) In recognition that recreational trails purchased with rails-to-trails funds pursuant to s. 259.101(3)(g) or s. 259.105(3)*(h)*~~(g)~~ have had historic transportation uses and that their linear character may extend many miles, the Legislature intends that when the necessity arises to serve public needs, after balancing the need to protect trail users from collisions with automobiles and a preference for the use of overpasses and underpasses to the greatest extent feasible and practical, transportation uses shall be allowed to cross recreational trails purchased pursuant to s. 259.101(3)(g) or s. 259.105(3)*(h)*~~(g)~~. When these crossings are needed, the location and design should consider and mitigate the impact on humans and environmental resources, and the value of the land shall be paid based on fair market value.

(4) No management agreement, lease, or other instrument authorizing the use of lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall be executed for a period greater than is necessary to provide for the reasonable use of the land for the existing or planned life cycle or amortization of the improvements, except that an easement in perpetuity may be granted by the Board of Trustees of the Internal Improvement Trust Fund if the improvement is a transportation facility. An *entity* ~~agency~~ managing or leasing state-owned lands from the board ~~of Trustees of the Internal Improvement Trust Fund~~ may not sublease such lands without prior review by the division and, *for conservation lands,* by the *Acquisition and Restoration* ~~Land Acquisition and Management Advisory~~ Council created in s. 259.035. *All management agreements, leases, or other instruments authorizing the use of lands owned by the board shall be reviewed for approval by the board or its designee* ~~or its successor and approval by the board~~. The ~~Land Acquisition and Management Advisory~~ council is not required to review subleases of parcels which are less than 160 acres in size.

(5) Each *entity* ~~state agency~~ managing *conservation* lands ~~owned by the Board of Trustees of the Internal Improvement Trust Fund~~ shall submit to the Division of State Lands a land management plan at least every 5 years in a form and manner prescribed by rule by the board. All management plans, whether for single-use or multiple-use properties, shall specifically describe how the managing *entity* ~~agency~~ plans to identify, locate, protect and preserve, or otherwise use fragile nonrenewable resources, such as archaeological and historic sites, as well as other fragile resources, including endangered plant and animal species, and provide for the conservation of soil and water resources and for the control and prevention of soil erosion. Land management plans submitted by an *entity* ~~agency~~ shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan. All land management plans for parcels larger than 1,000 acres shall contain an analysis of the multiple-use potential of the parcel, which analysis shall include the potential of the parcel to generate revenues to enhance the management of the parcel. Additionally, the land management plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands. In those cases where a newly acquired property has a valid conservation plan, the plan shall be used to guide management of the property until a formal land management plan is completed.

(a) The Division of State Lands shall make available to the public a copy of each land management plan for parcels *that* ~~which~~ exceed 160 acres in size. The council ~~or its successor~~ shall review each plan for compliance with the requirements of this subsection, *the requirements of chapter 259,* and ~~with~~ the requirements of the rules established by the board pursuant to this *section* ~~subsection~~. The council ~~or its successor~~ shall also consider the propriety of the recommendations of the managing *entity* ~~agency~~ with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing *entity* ~~agency~~, and the possibility of disposal of the property by the board. After its review, the council ~~or its successor~~ shall submit the plan, along with its recommendations and comments, to the board. The council ~~or its successor~~ shall specifically recommend to the board whether to approve

the plan as submitted, approve the plan with modifications, or reject the plan.

(b) The Board of Trustees of the Internal Improvement Trust Fund shall consider the land management plan submitted by each *entity* ~~state agency~~ and the recommendations of the council ~~or its successor~~ and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands *that* ~~which~~ is not in accordance with an approved land management plan is subject to termination by the board.

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. Notwithstanding s. 253.111, for *conservation* ~~those~~ lands ~~designated as acquired for conservation purposes~~, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by majority vote.

(a) For the purposes of this subsection, all lands acquired by the state prior to July 1, 1999, using proceeds from the Preservation 2000 bonds, the Conservation and Recreation Lands Trust Fund, the Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board, which lands are identified as core parcels or within original project boundaries, shall be deemed to have been acquired for conservation purposes.

(b) For any lands purchased by the state on or after July 1, 1999, a determination shall be made by the board prior to acquisition as to those parcels that shall be designated as having been acquired for conservation purposes. No lands acquired for use by the Department of Corrections, the Department of Management Services for use as state offices, the Department of Transportation, except those specifically managed for conservation or recreation purposes, or the State University System or State Community College System shall be designated as having been purchased for conservation purposes.

(c) At least every 3 years, *as a component of each land management plan or land use plan and* in a form and manner prescribed by rule by the board, each *management entity* ~~state agency~~ shall *evaluate and* indicate to the board those lands *that* ~~which~~ the *entity* ~~agency~~ manages which are not being used for the purpose for which they were originally leased. Such lands shall be reviewed by the council ~~or its successor~~ for its recommendation as to whether such lands should be disposed of by the board.

(d) Lands owned by the board which are not actively managed by any state agency or for which a land management plan has not been completed pursuant to subsection (5) shall be reviewed by the council or its successor for its recommendation as to whether such lands should be disposed of by the board.

(e) Prior to any decision by the board to surplus lands, the Acquisition and Restoration Council shall review and make recommendations to the board concerning the request for surplusing. The council shall determine whether the request for surplusing is compatible with the resource values of and management objectives for such lands.

(f) In reviewing lands owned by the board, the council or its successor shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The council or its successor shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the county or local government for a period of 90 days. Permittable uses for such surplus lands may include public schools; public libraries; fire or law enforcement substations; and governmental, judicial, or recreational centers. County or local government requests for surplus lands shall be expedited throughout the surplusing process. State agencies shall have the subsequent opportunity to acquire the surplus lands for a period not to exceed 30 days after the offer to a county or local government expires. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

(g) Lands determined to be surplus pursuant to this subsection shall be sold for fair market value or the price paid by the state or a water management district to originally acquire the lands, whichever is greater, except that the price of lands sold as surplus to any unit of government shall not exceed the price paid by the state or a water management district to originally acquire the lands. A unit of government which acquires title to lands hereunder for less than fair market value may not sell or transfer title to all or any portion of the lands to any private owner for a period of 10 years. Any unit of government seeking to transfer or sell lands pursuant to this paragraph shall first allow the board of trustees to reacquire such lands. The board of trustees may reacquire such lands for the price at which they sold such lands.

(h) Where a unit of government acquired land by gift, donation, grant, quit-claim deed, or other such conveyance where no monetary consideration was exchanged, the price of land sold as surplus shall not exceed the fair market value of the lands. Fair market value shall be determined by the average of two separate appraisals. The individual or entity requesting the surplus shall select and use appraisers from the list of approved appraisers maintained by the Division of State Lands in accordance with s. 253.025(6)(b). The individual or entity requesting the surplus is to incur all costs of the appraisals.

(i)~~(h)~~ After reviewing the recommendations of the council or its successor, the board shall determine whether lands identified for surplus are to be held for other public purposes or whether such lands are no longer needed. The board may require an agency to release its interest in such lands.

(j)~~(i)~~ Requests for surplusing may be made by any public or private entity or person. All requests shall be submitted to the lead managing agency for review and recommendation to the council or its successor. Lead managing agencies shall have 90 days to review such requests and make recommendations. Any surplusing requests that have not been acted upon within the 90-day time period shall be immediately scheduled for hearing at the next regularly scheduled meeting of the council or its successor. Requests for surplusing pursuant to this paragraph shall not be required to be offered to local or state governments as provided in paragraph (f).

(k)~~(j)~~ Proceeds from any sale of surplus lands pursuant to this subsection shall be deposited into the fund from which such lands were acquired. However, if the fund from which the lands were originally acquired no longer exists, such proceeds shall be deposited into an appropriate account *to be used for land management by the lead managing agency assigned the lands prior to the lands being declared surplus* ~~for use by the lead managing agency for land management~~.

(l)~~(k)~~ Notwithstanding the provisions of this subsection, no such disposition of land shall be made if such disposition would have the effect of causing all or any portion of the interest on any revenue bonds issued to lose the exclusion from gross income for federal income tax purposes.

(m)~~(l)~~ The sale of filled, formerly submerged land that does not exceed 5 acres in area is not subject to review by the council or its successor.

(8) Land management plans required to be submitted by the Department of Corrections, *the Department of Juvenile Justice, the Department of Children and Family Services,* or the Department of Education *are not* ~~shall not be~~ subject to the provisions for review by the council or its successor described in subsection (5). Management plans

filed by these agencies shall be made available to the public for a period of 90 days at the administrative offices of the parcel or project affected by the management plan and at the Tallahassee offices of each agency. Any plans not objected to during the public comment period shall be deemed approved. Any plans for which an objection is filed shall be submitted to the Board of Trustees of the Internal Improvement Trust Fund for consideration. The Board of Trustees of the Internal Improvement Trust Fund shall approve the plan with or without modification, or reject the plan. The use or possession of any such lands which is not in accordance with an approved land management plan is subject to termination by the board.

(10) The following additional uses of *conservation* lands acquired pursuant to the Florida Forever program and other state-funded *conservation* land purchase programs shall be authorized, upon a finding by the board of trustees, if they meet the criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:

(a) Not inconsistent with the management plan for such lands;

(b) Compatible with the natural ecosystem and resource values of such lands;

(c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other available lands;

(d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and

(e) The use is consistent with the public interest.

A decision by the board of trustees pursuant to this *section* ~~subsection~~ shall be given a presumption of correctness. Moneys received from the use of state lands pursuant to this *section* ~~subsection~~ shall be returned to the lead managing *entity* ~~agency~~ in accordance with the provisions of s. 259.032(11)(d).

And the title is amended as follows:

On page 56, line 30, before the word "amending"

insert: clarifying that the private sector and nonprofit organizations may manage state lands;

Senate Amendment 1B—On page 23, line 5, through page 24, line 21, delete those lines

and insert:

(7) The council shall provide a report, by *December 15* ~~November 1~~, 2000, to the Secretary of Environmental Protection, who shall forward the report to the board of trustees for their approval. After approval by the board of trustees, the secretary shall forward the approved report to the President of the Senate and the Speaker of the House of Representatives, ~~at least 30 days~~ prior to the *beginning of the* 2001 Regular Legislative Session, for review by the appropriate *substantive* legislative *committee from which the Florida Forever Act originated, or its successor* ~~committees with jurisdiction over the department~~. The Legislature may reject, modify, or take no action relative to the goals and performance measures established by the report. If no action is taken, the goals and performance measures shall be implemented. The report shall meet the following requirements *solely with respect to the funding provided pursuant to s. 259.105(3)(b)*:

(a) Establish specific goals for those identified in s. 259.105(4).

(b) Provide recommendations expanding or refining the goals identified in s. 259.105(4).

(c) Identify specific performance measures that may be used to analyze progress towards the goals established.

~~(c) Provide recommendations for the development and identification of performance measures to be used for analyzing the progress made towards the goals established pursuant to s. 259.105(4).~~

~~(d) Provide recommendations for the process by which projects are to be submitted, reviewed, and approved by the Acquisition and Restoration Council. The advisory council is to specifically examine ways to streamline the process created by the Florida Forever Act.~~

It is recognized that during the development of this report, the council may identify other recommendations concerning the implementation of Florida Forever. These recommendations shall be incorporated in the reports identified in subsection (8).

Senate Amendment 1C (with title amendment)—On page 36, line 27, through page 38, line 2, delete those lines

and insert:

(c) *Twenty-two* ~~Twenty-four~~ percent to the Department of Community Affairs for use by the Florida Communities Trust for the purposes of part III of chapter 380, *as described and limited by this subsection*, and grants to local governments or nonprofit environmental organizations that are tax exempt under s. 501(c)(3) of the United States Internal Revenue Code for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. ~~From funds available to the trust, 8 percent shall be transferred annually to the Land Acquisition Trust Fund for grants pursuant to s. 375.075.~~ From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. The Legislature intends that the Florida Communities Trust emphasize funding projects in low-income or otherwise disadvantaged communities. *At least 30* ~~Thirty~~ percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. 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 acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the Trust shall be selected in a competitive process measured against criteria adopted in rule by the Trust.

(d) Two percent to the Department of Environmental Protection for grants pursuant to s. 375.075.

(Redesignate subsequent paragraphs.)

And the title is amended as follows:

On page 57, line 22, after the semicolon

insert: revising the funding of the Florida Communities Trust and the Florida Recreation Development Assistance Program;

Senate Amendment 1D (with title amendment)—On page 47, between lines 21 and 22,

insert:

Section 15. Subsections (1) and (3) of section 373.1501, Florida Statutes, are amended to read:

373.1501 South Florida Water Management District as local sponsor.—

(1) As used in this section and s. 373.026(8), the term:

(a) "C-111 Project" means the project identified in the Central and Southern Florida Flood Control Project, Real Estate Design Memorandum, Canal 111, South Dade County, Florida.

(b) "Department" means the Department of Environmental Protection.

(c) "District" means the South Florida Water Management District.

(d) "Kissimmee River Restoration Project" means the project identified in the Project Cooperation Agreement between the United States Department of the Army and the South Florida Water Management District dated March 22, 1994.

(e) "Pal-Mar Project" means the Pal-Mar (West Jupiter Wetlands) lands identified in the Save Our Rivers 2000 Land Acquisition and Management Plan approved by the South Florida Water Management District on September 9, 1999, (Resolution 99-94).

(f)~~(e)~~ "Project" means the Central and Southern Florida Project.

(g)~~(f)~~ "Project Component" means any structural or operational change, resulting from the restudy, to the Central and Southern Florida Project as it existed and was operated as of January 1, 1999.

(h)~~(g)~~ "Restudy" means the Comprehensive Review Study of the Central and Southern Florida Project, for which federal participation was authorized by the federal Water Resources Development Acts of 1992 and 1996 together with related Congressional resolutions and for which participation by the South Florida Water Management District is authorized by this section. The term includes all actions undertaken pursuant to the aforementioned authorizations which will result in recommendations for modifications or additions to the Central and Southern Florida Project.

(i) "Southern Corkscrew Regional Ecosystem Watershed Project" means the area described in the Critical Restoration Project Contract C-9906 Southern Corkscrew Regional Ecosystem Watershed Project Addition/Imperial River Flowway and approved by the South Florida Water Management District on August 12, 1999.

(j)~~(h)~~ "Water Preserve Areas" means those areas located only within Palm Beach and Broward counties that are designated as Water Preserve Areas, as approved by the South Florida Water Management District Governing Board on September 11, 1997*, and shall also include all of those lands within Cell II of the East Coast Buffer in Broward County as delineated in the boundary survey prepared by Stoner and Associates, Inc., dated January 31, 2000, SWFWMD #10953.*

(k)~~(i)~~ "Ten Mile Creek Project" means the Ten Mile Creek Water Preserve Area identified in the Central and Southern Florida Ecosystem Critical Project Letter Report dated April 13, 1998.

(3) The Legislature declares that the Kissimmee River Project, the Ten Mile Creek Project, the Water Preserve Areas, *the Southern Corkscrew Regional Ecosystem Watershed Project, the Pal-Mar Project,* and the C-111 Project are in the public interest, for a public purpose, and necessary for the public health and welfare. The governing board of the district is empowered and authorized to acquire fee title or easement by eminent domain for the limited purposes of implementing the Kissimmee River Project, the Ten Mile Creek Project, the Water Preserve Areas, *the Southern Corkscrew Regional Ecosystem Watershed Project, the Pal-Mar Project,* and the C-111 Project. Any acquisition of real property, including by eminent domain, for those objectives constitutes a public purpose for which it is in the public interest to expend public funds. Notwithstanding any provision of law to the contrary, such properties shall not be removed from the district's plan of acquisition, and the use of state funds for these properties is authorized. In the absence of willing sellers, any land necessary for implementing the projects in this subsection shall be acquired in accordance with state condemnation law pursuant to chapters 73 and 74.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 58, line 3, before the word "amending"

insert: amending s. 373.1501, F.S.; providing definitions; providing for acquisition of certain land by eminent domain by the South Florida Water Management District;

Senate Amendment 1E—On page 47, lines 22-25, delete those lines

and insert:

Section 15. Paragraph (a) of subsection (3) and subsection (7) of section 373.199, Florida Statutes, are amended to read:

373.199 Florida Forever Water Management District Work Plan.—

(3) In developing the list, each water management district shall:

(a) Integrate its existing surface water improvement and management plans, Save Our Rivers land acquisition lists, stormwater management projects, proposed water resource development projects, proposed water body restoration projects, *proposed capital improvement projects necessary to promote reclamation, storage, or recovery of water,* and other properties or activities that would assist in meeting the goals of Florida Forever.

Senate Amendment 1F (with title amendment)—On page 48, between lines 20 and 21,

insert:

Section 16. Section 373.1995, Florida Statutes, is created to read:

373.1995 Florida Forever performance measures.—The five water management districts shall jointly provide a report by December 15, 2000, to the Secretary of Environmental Protection, which shall establish specific goals and performance measures that may be used to analyze activities funded pursuant to s. 259.105(3)(a). The report shall, at a minimum, be based on those goals and performance measures identified in s. 259.105(4). The secretary shall forward the report to the Board of Trustees of the Internal Improvement Trust Fund for their approval. After approval by the board of trustees, the secretary shall forward the approved report to the President of the Senate and the Speaker of the House of Representatives, prior to the beginning of the 2001 Regular Legislative Session, for review by the substantive legislative committee from which the Florida Forever Act originated, or its successor. The Legislature may reject, modify, or take no action relative to the goals and performance measures established by the report. If no action is taken, the goals and performance measures established in the report shall be implemented.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 58, line 5, after the semicolon

insert: creating s. 373.1995, F.S.; requiring a joint report by the water management districts establishing goals and performance measures for Florida Forever funding of district priority projects;

Senate Amendment 1G (with title amendment)—On page 56, before line 1,

insert:

Section 23. Section 259.037, Florida Statutes, is created to read:

259.037 Land Management Uniform Accounting Council.—

(1) The Land Management Uniform Accounting Council is created within the Department of Environmental Protection and shall consist of the director of the Division of State Lands, the director of the Division of Recreation and Parks, the director of the Office of Coastal and Aquatic

Managed Areas, and the director of the Office of Greenways and Trails of the Department of Environmental Protection; the director of the Division of Forestry of the Department of Agriculture and Consumer Services; the executive director of the Fish and Wildlife Conservation Commission; and the director of the Division of Historial Resources of the Department of State, or their respective designees. Each state agency represented on the council shall have one vote. The chair of the council shall rotate annually in the foregoing order of state agencies. The agency of the representative serving as chair of the council shall provide staff support for the council. The Division of State Lands shall serve as the recipient of and repository for the council's documents. The council shall meet initially by May 20, 2000, and thereafter at the request of the chair.

(2) The Auditor General and the director of the Office of Program Policy Analysis and Government Accountability, or their designees, shall advise the council to ensure that appropriate accounting procedures are utilized and that a uniform method of collecting and reporting accurate costs of land management activities are created and can be used by all agencies.

(3) The council shall, by June 20, 2000, review current land management practices and group closely related land management activities and needs into categories. All land management activities and costs must be assigned to a specific category, and any single activity or cost may not be assigned to more than one category. Administrative costs, such as planning or training, shall be segregated from other management activities. Specific management activities and costs must initially be grouped, at a minimum, within the following categories:

(a) Resource management.

(b) Administration.

(c) New facility construction.

(d) Facility maintenance.

Upon adoption of the initial list of land management categories by the council, agencies assigned to manage conservation or recreation lands shall, on July 1, 2000, begin to account for land management costs in accordance with the category to which an expenditure is assigned.

(4) The council shall provide its adopted complete list of land management categories, including subcategories, to the Governor, the Board of Trustees of the Internal Improvement Trust Fund, the President of the Senate, the Speaker of the House of Representatives, and the Acquisition and Restoration Council by January 1, 2001.

(5) The council shall report agencies' expenditures pursuant to the adopted categories to the President of the Senate and the Speaker of the House of Representatives annually, beginning July 1, 2001. The council shall also provide this report to the Acquisition and Restoration Council for inclusion in its annual report required pursuant to s. 259.105.

(6) Should the council determine that the list of land management categories needs to be revised, it shall meet upon the call of the chair.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 58, line 18, after the semicolon

insert: creating the Land Management Uniform Accounting Council; revising requirements for reporting funding needs;

Senate Amendment 1H (with title amendment)—On page 55, after line 31,

insert:

Section 23. Section 163.065, Florida Statutes, is created to read:

163.065 Miami River Improvement Act.—

(1) SHORT TITLE.—This section may be cited as the "Miami River Improvement Act."

(2) FINDINGS; PURPOSE.—

(a) The Miami River Commission was created by chapter 98-402, Laws of Florida, to be the official coordinating clearinghouse for all public policy and projects related to the Miami River.

(b) The United States Congress has provided funding for an initial federal share of 80 percent for the environmental and navigational improvements to the Miami River. The governments of the City of Miami and Miami-Dade County are coordinating with the Legislature and the Florida Department of Environmental Protection to determine how the 20 percent local share will be provided.

(c) Successful revitalizing and sustaining the urban redevelopment of the areas adjacent to the Miami River is dependent on addressing, through an integrated and coordinated intergovernmental plan, a range of varied components essential to a healthy urban environment, including cultural, recreational, economic, and transportation components.

(d) The purpose of this section is to ensure a coordinated federal, state, regional, and local effort to improve the Miami River and adjacent areas.

(3) AGENCY ASSISTANCE.—All state and regional agencies shall provide all available assistance to the Miami River Commission in the conduct of its activities.

(4) PLAN.—The Miami River Commission, working with the City of Miami and Miami-Dade County, shall consider the merits of the following:

(a) Development and adoption of an urban infill and redevelopment plan, under ss. 163.2511-163.2526, and participating state and regional agencies shall review the proposed plan for the purposes of consistency with applicable law.

(b) Development of a greenway/riverwalk and blueway, where appropriate, as authorized in s. 260.101, to provide an attractive and safe connector system of bicycle, pedestrian, and transit routes and water taxis to link jobs, waterfront amenities, and people, and contribute to the comprehensive revitalization of the Miami River.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 58, line 18, after the semicolon,

insert: creating s. 163.065, F.S.; creating the "Miami River Improvement Act"; providing findings and purpose; directing state and regional agencies to assist the Miami River Commission; requiring a plan;

On motion by Rep. Dockery, the House concurred in Senate Amendments 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, and 1H. The question recurred on the passage of HB 2403. The vote was:

Session Vote Sequence: 623

Yeas—119

The Chair	Bitner	Chestnut	Fasano
Albright	Bloom	Constantine	Fiorentino
Alexander	Boyd	Cosgrove	Flanagan
Andrews	Bradley	Crady	Frankel
Argenio	Bronson	Crist	Fuller
Argenziano	Brown	Crow	Futch
Arnall	Brummer	Detert	Garcia
Bainter	Bucher	Diaz de la Portilla, R.	Gay
Ball	Bullard	Dockery	Goode
Barreiro	Bush	Edwards	Goodlette
Bense	Byrd	Effman	Gottlieb
Betancourt	Cantens	Eggelletion	Green, C.
Bilirakis	Casey	Farkas	Greene, A.

Greenstein	Levine	Pruitt	Spratt
Hafner	Littlefield	Putnam	Stafford
Harrington	Logan	Rayson	Stansel
Hart	Lynn	Reddick	Starks
Henriquez	Maygarden	Ritchie	Suarez
Heyman	Melvin	Ritter	Sublette
Hill	Merchant	Roberts	Trovillion
Jacobs	Miller, J.	Rojas	Tullis
Johnson	Miller, L.	Rubio	Turnbull
Jones	Minton	Russell	Villalobos
Kelly	Morroni	Ryan	Wallace
Kilmer	Murman	Sanderson	Wasserman Schultz
Kosmas	Ogles	Sembler	Waters
Kyle	Patterson	Smith, C.	Wiles
Lacasa	Peaden	Smith, K.	Wilson
Lawson	Posey	Sobel	Wise
Lee	Prieguez	Sorensen	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1063, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1063—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 16.55, 16.58(2)(g), 16.60(5), 20.19(17)(h), 20.316(6)(f), 24.104 introductory paragraph and (1), (3), and (4), 24.105(2)(b), 27.709(3), 61.181(11) and (12), 61.1812(2)(b), 117.05(3)(b), 120.574(2)(g), 142.18, 159.345(2), 159.475(2), 159.7055(2), 161.56(2), 163.3184(11)(c), 163.3187(7), 163.3191(13) and (15), 166.231(9)(d)4., 190.006(3)(a)2.d., 193.621(3), 211.025(1)(a), 211.026(1)(a), 211.3106(2)(a)-(d), 212.04(2)(a)2.b., 213.305, 215.3208(1) and (2), 228.054(2)(b), 228.057(7), 228.058(4), 229.603(2)(b), 235.056(2)(a)5., 239.5143(2), 239.5144(3), 240.2605(8), 240.262(3)(a), 240.326(3)(a), 240.40401(4), 246.101(2), 252.83(1)(c) and (d), 252.91, 259.101(4)(g), 265.001(3), 272.161(1)(d), 288.1185(4)(a), 288.1223(2)(c), 288.7772, 288.9951(8)(c), 288.9953(7)(a), 288.9956(4)(b), (5), and (6)(b), 290.0491(5), 325.223(6), 327.53(2)(b) and (8), 365.173(2)(b)2., 370.06(2)(d)2.h., 373.461(3)(a), 378.011(3), 378.208(3), 393.22(2), 393.501(3), 397.407(2), 402.72(3), 403.0872(11)(a)8., 408.7071(3), 409.912(35)(f), 409.9131(5)(c), 411.224(10), 414.030(4)(a) and (9)(b), 414.25, 468.314(3), 478.44(3)(b), 483.172(4), 483.901(4)(i) and (6)(e)1., 494.00171, 501.143(11)(b), 539.001(21), 550.01215(2), (3), and (10), 550.09514(2)(b)1., 550.09515(2)(a)3. and 4., 571.24(4), 576.045(7), 597.004(2)(e), 627.6699(11)(c)2. and (e)2. and (12)(a)2. and (e)2., 633.537(3)(b), 634.404(1)(a) and (b), 641.407(1)(a) and (b), 642.0262(2), 655.961(1), 655.962(1), 658.2954, 753.004(1)(a) and (b) and (4), 775.087(7), 945.74(2), and 985.315(6), F.S., pursuant to s. 11.242, F.S.; deleting provisions that have become obsolete, have had their effect, have served their purpose, have been impliedly repealed or superseded, or provide unnecessary duplication.

Senate Amendment 1 (with title amendment)—On page 5, lines 12-20, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, delete the figure "117.05(3)(b),"

Senate Amendment 2 (with title amendment)—On page 16, lines 5-11, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, delete the figure "288.1185(4)(a),"

Senate Amendment 3 (with title amendment)—On page 17, lines 9-16, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, delete the figure "288.9953(7)(a),"

Senate Amendment 4 (with title amendment)—On page 17, lines 18-30, delete those lines

and insert:

Section 49. Effective July 1, 2000, paragraph (b) of subsection (6) of section 288.9956, Florida Statutes, is repealed.

Reviser's note.—Paragraph (6)(b) is repealed to delete a provision requiring a review and report relating to the workforce development system,

And the title is amended as follows:

On page 1, lines 20 and 21, delete the figure "228.9956(4)(b), (5), and (6)(b)"

and insert: 228.9956(6)(b)

Senate Amendment 5 (with title amendment)—On page 23, lines 13-21, delete those lines

and insert:

Section 67. Paragraph (b) of subsection (9) of section 414.030, Florida Statutes, is repealed.

Reviser's note.—Repeals a provision requiring a review of WAGES Program Employment Projects with a report due by January 1, 2000.

And the title is amended as follows:

On page 1, line 27, delete the figure "414.030(4)(a) and (9)(b)"

and insert: 414.030(9)(b)

On motion by Rep. Arnall, the House concurred in Senate Amendments 1, 2, 3, 4, and 5. The question recurred on the passage of HB 1063. The vote was:

Session Vote Sequence: 624

Yeas—117

The Chair	Bullard	Frankel	Kilmer
Albright	Bush	Fuller	Kosmas
Alexander	Byrd	Futch	Kyle
Andrews	Cantens	Garcia	Lacasa
Argenio	Casey	Gay	Lawson
Argenziano	Chestnut	Goode	Lee
Arnall	Constantine	Goodlette	Levine
Bainter	Cosgrove	Gottlieb	Littlefield
Ball	Crady	Green, C.	Logan
Barreiro	Crist	Greene, A.	Lynn
Bense	Crow	Greenstein	Maygarden
Betancourt	Detert	Hafner	Melvin
Bilirakis	Diaz de la Portilla, R.	Harrington	Merchant
Bitner	Dockery	Hart	Miller, J.
Bloom	Edwards	Henriquez	Miller, L.
Boyd	Effman	Heyman	Minton
Bradley	Farkas	Hill	Morroni
Bronson	Fasano	Jacobs	Murman
Brown	Feeney	Johnson	Ogles
Brummer	Fiorentino	Jones	Patterson
Bucher	Flanagan	Kelly	Peaden

Posey	Rojas	Sorensen	Turnbull
Prieguez	Rubio	Spratt	Villalobos
Pruitt	Russell	Stafford	Wallace
Putnam	Ryan	Stansel	Waters
Rayson	Sanderson	Starks	Wiles
Reddick	Sembler	Suarez	Wise
Ritchie	Smith, C.	Sublette	
Ritter	Smith, K.	Trovillion	
Roberts	Sobel	Tullis	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2532, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senator Thomas—

CS for SB 2532—A bill to be entitled An act relating to workers' compensation; clarifying the legislative intent that the terms "net premiums written" and "net premiums collected" as used in ch. 440, F.S., include ceded reinsurance premiums in accord with original intent; amending s. 440.49, F.S., relating to the assessment for the Special Disability Trust Fund; amending s. 440.51, F.S., relating to the assessment for the Workers' Compensation Administration Trust Fund and to expenses of administration; prescribing effect of deductions with respect to retaliatory taxes; reducing the assessment rate for calendar year 2001; creating a Task Force on Workers' Compensation Administration to study the way in which the workers' compensation system is funded and administered; amending s. 440.50, F.S.; revising the purpose of the Workers' Compensation Administration Trust Fund; amending s. 440.51, F.S.; defining the terms "plan" and "fixed administrative expenses" for purposes of administering the workers' administration program; providing for transfer of funds to the workers' compensation joint underwriting plan, subject to appropriation; amending s. 627.311, F.S.; providing for funding a deficit in the workers' compensation joint underwriting plan through policyholder surplus; amending s. 440.38, F.S.; revising certain requirements relating to self-insurers; providing an effective date.

—was read the first time by title. On motion by Rep. Bainter, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 625

Yeas—109

The Chair	Brummer	Farkas	Hill
Albright	Bucher	Fasano	Jacobs
Alexander	Bullard	Fiorentino	Johnson
Andrews	Bush	Flanagan	Jones
Argenio	Byrd	Frankel	Kelly
Argenziano	Cantens	Futch	Kilmer
Arnall	Casey	Garcia	Kosmas
Bainter	Chestnut	Gay	Kyle
Barreiro	Constantine	Goode	Lawson
Bense	Cosgrove	Gottlieb	Lee
Betancourt	Crady	Green, C.	Levine
Bilirakis	Crow	Greene, A.	Littlefield
Bitner	Detert	Greenstein	Logan
Bloom	Diaz de la Portilla, R.	Hafner	Lynn
Boyd	Dockery	Harrington	Maygarden
Bradley	Edwards	Hart	Merchant
Bronson	Effman	Henriquez	Miller, J.
Brown	Eggelletion	Heyman	Miller, L.
Minton	Rayson	Smith, K.	Tullis
Morroni	Reddick	Sobel	Turnbull
Murman	Ritchie	Sorensen	Villalobos
Ogles	Ritter	Spratt	Wallace
Patterson	Roberts	Stafford	Wasserman Schultz
Peaden	Rojas	Stansel	Waters
Posey	Rubio	Starks	Wiles
Prieguez	Russell	Suarez	
Pruitt	Ryan	Sublette	
Putnam	Sanderson	Trovillion	

Nays—None

Votes after roll call:
Yeas—Crist, Goodlette

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1604, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Fiscal Resource and Senator Sullivan and others—

CS for SB 1604—A bill to be entitled An act relating to community-based development organizations; creating the "Community-Based Development Organization Act"; providing legislative findings and intent; providing eligibility requirements for administrative and operating grants to community-based development organizations; providing for award of grants by the Department of Community Affairs for housing and economic development projects; providing a three-tiered plan; providing a description of activities eligible for funding; providing application requirements; providing reporting and evaluation requirements; authorizing the Department of Community Affairs to adopt rules; providing an appropriation; amending s. 212.08, F.S.; revising an exemption from taxation for machinery and equipment used in silicon-technology production and research and development; making the exemption applicable to semiconductor-technology production and research and development; providing an exemption from taxation for building materials purchased for use in manufacturing or expanding clean rooms for semiconductor-manufacturing facilities; revising definitions; revising criteria and procedures; providing a partial exemption for machinery and equipment for use in defense and space technology research and development and production; providing definitions; amending the future repeal date for the exemption for solar energy systems; forgiving certain taxes; amending s. 125.0104, F.S.; authorizing counties that levy a tourist development tax after a specified date for the purpose of issuing bonds to construct, reconstruct, or renovate a convention center to pay the operation and maintenance costs of the convention center for the life of the bonds; forgiving certain taxes; providing an effective date.

—was read the first time by title. On motion by Rep. Johnson, the rules were suspended and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 626

Yeas—117

The Chair	Ball	Bradley	Cantens
Albright	Barreiro	Bronson	Casey
Alexander	Bense	Brown	Chestnut
Andrews	Betancourt	Brummer	Cosgrove
Argenio	Bilirakis	Bucher	Crady
Argenziano	Bitner	Bullard	Crist
Arnall	Bloom	Bush	Crow
Bainter	Boyd	Byrd	Detert

Diaz de la Portilla, R.	Hart	Minton	Smith, K.
Dockery	Henriquez	Morroni	Sobel
Edwards	Heyman	Murman	Sorensen
Effman	Hill	Ogles	Spratt
Eggelletion	Jacobs	Patterson	Stafford
Farkas	Johnson	Peaden	Stansel
Fasano	Jones	Posey	Starks
Feeney	Kelly	Prieguez	Suarez
Fiorentino	Kilmer	Pruitt	Sublette
Flanagan	Kosmas	Putnam	Trovillion
Fuller	Kyle	Rayson	Tullis
Futch	Lacasa	Reddick	Turnbull
Garcia	Lawson	Ritchie	Villalobos
Gay	Lee	Ritter	Wallace
Goode	Levine	Roberts	Wasserman Schultz
Goodlette	Littlefield	Rojas	Waters
Gottlieb	Logan	Rubio	Wiles
Green, C.	Lynn	Russell	Wilson
Greene, A.	Melvin	Ryan	Wise
Greenstein	Merchant	Sanderson	
Hafner	Miller, J.	Sembler	
Harrington	Miller, L.	Smith, C.	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate returns CS for CS for CS for SB 1406 as requested.

Faye W. Blanton, Secretary

Reconsideration of CS for CS for CS for SB 1406

On motion by Rep. Constantine, the House reconsidered the vote by which **CS for CS for CS for SB 1406**, as amended, passed earlier today.

CS for CS for CS for SB 1406—A bill to be entitled An act relating to state regulation of lands; amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances; amending s. 197.432, F.S.; conforming statutory cross-references; amending s. 197.502, F.S.; authorizing local governments to file tax deed applications in a specified manner; amending s. 197.522, F.S.; conforming a statutory cross-reference; amending s. 199.1055, F.S.; broadening the contaminated site rehabilitation tax credit against the intangible personal property tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for building materials used in the rehabilitation of real property located in a designated brownfield area; providing an exemption from the sales and use tax for business property purchased for use by businesses located in a designated brownfield area; amending s. 212.096, F.S.; providing for a brownfield area jobs credit against the sales and use tax; amending s. 212.20, F.S.; providing for distribution of funds; amending s. 220.181, F.S.; providing for a designated brownfield area jobs credit against the corporate income tax; amending s. 220.182, F.S.; providing for a designated brownfield area property tax credit against the corporate income tax; amending s. 220.183, F.S.; providing a partial credit against the corporate income tax for community contributions that benefit designated brownfield areas; amending s. 220.1845, F.S.; broadening the contaminated site rehabilitation tax credit against the corporate income tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 252.87, F.S.; revising reporting requirements under the Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 288.047, F.S.; requiring Enterprise Florida, Inc., to set aside each fiscal year a certain amount of the appropriation for the Quick Response Training Program for businesses located in a brownfield area; amending s. 288.107, F.S.; redefining the term “eligible business”; providing for bonus refunds for businesses that can demonstrate a fixed capital investment in certain mixed use activities in the brownfield area; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., to develop comprehensive marketing strategies for redevelopment of brownfield areas; amending s. 290.007, F.S.; providing for state incentives in designated brownfield areas; amending s. 376.301, F.S.; redefining the terms “antagonistic effects,” “discharge,” “institutional controls,” and “site rehabilitation”; amending s. 376.3078, F.S.; providing for rehabilitation criteria; amending s. 376.30781, F.S.; broadening the partial tax credits for the rehabilitation of certain contaminated sites; clarifying provisions regarding the filing for the tax credits; amending s. 376.79, F.S.; defining the terms “contaminant” and “risk reduction”; redefining the terms “natural attenuation,” “institutional control,” and “source removal”; amending s. 376.80, F.S.; allowing local governments or persons responsible for brownfield area rehabilitation and redevelopment to use an existing advisory committee; deleting the requirement that the advisory committee must review and provide recommendations to the local government with jurisdiction on the proposed brownfield site rehabilitation agreement; providing that the person responsible for site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement; requiring the person responsible for site rehabilitation to hold a meeting or attend a regularly scheduled meeting of the advisory committee to inform the advisory committee of the outcome of the environmental assessment; requiring the person responsible for site rehabilitation to enter into a brownfield site rehabilitation agreement only if actual contamination exists; clarifying provisions relating to the required comprehensive general liability and comprehensive automobile liability insurance; amending s. 376.81, F.S.; providing direction regarding the risk-based corrective action rule; requiring the department to establish alternative cleanup levels under certain circumstances; amending s. 376.82, F.S.; providing immunity for liability regarding contaminated site remediation under certain circumstances; amending s. 376.84, F.S.; authorizing entities approved by the local government for the purpose of redeveloping brownfield areas to use tax increment financing; amending s. 376.86, F.S.; increasing the limits of the state loan guaranty in brownfield areas; creating s. 376.876, F.S.; providing for a Brownfield Redevelopment Grants Program in the Department of Environmental Protection; specifying the uses of grant funds; requiring matching funds; authorizing the department to adopt rules; providing for interim application requirements; creating s. 376.88, F.S.; providing for the Brownfield Program Review Advisory Council; providing duties and responsibilities; requiring that certain unencumbered moneys be used for grants to fund assessment and remediation at specified brownfield sites or certain federal brownfield pilot projects; amending s. 403.973, F.S.; providing that projects located in a designated brownfield area are eligible for the expedited permitting process; amending ss. 712.01, 712.03, F.S.; prohibiting subsequent property owners from removing certain deed restrictions under other provisions of the Marketable Record Title Act; providing for implementation to the extent funds are appropriated; amending s. 376.303, F.S.; providing authority for mapping and registering contamination within brownfields; repealing s. 211.3103(9), F.S.; deleting requirements for a county that accepts real property of mined or reclaimed land from phosphate mining companies to forfeit a portion of its share of severance tax equal to the value of property donated; amending s. 376.051, F.S.; authorizing the Department of Environmental Protection to utilize certain criteria in conducting cleanups on lands owned by the state university system; amending s. 220.191, F.S.; redefining the term “qualifying project” with respect to capital investment tax credits; providing capital investment tax credits for certain projects; providing an effective date.

The question recurred on the passage of CS for CS for CS for SB 1406.

Rep. Constantine moved that the House reconsider the vote by which **Amendment 1** was adopted.

Further consideration of **CS for CS for CS for SB 1406**, with pending motion by Rep. Constantine to reconsider the vote by which Amendment 1 was adopted, was temporarily postponed under Rule 141.

Subsequently, the question recurred on the motion by Rep. Constantine to reconsider the vote by which Amendment 1 was adopted, which was agreed to by the required two-thirds vote.

The question recurred on the adoption of Amendment 1. Subsequently, **Amendment 1** was withdrawn.

Representative(s) Albright offered the following:

(Amendment Bar Code: 103703)

Amendment 2 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 206.9935, Florida Statutes, is amended to read:

206.9935 Taxes imposed.—

(2) TAX FOR WATER QUALITY.—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel or other unit of pollutant, other than petroleum products, when first produced in or imported into this state. The tax on pollutants first imported into or produced in this state shall be imposed when the product is first sold or first removed from storage. The tax shall be paid and remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, diesel fuel, aviation fuel, or other pollutants.

3. The tax shall be imposed on petroleum products and remitted to the department in the same manner as the motor fuel tax imposed pursuant to s. 206.41.

(b) The excise tax shall be the applicable rate as specified in subparagraph 1. per barrel or per unit of pollutant, or equivalent measure as established by the department, produced in or imported into the state. If the unobligated balance of the Water Quality Assurance Trust Fund is or falls below $3 million, the tax shall be increased to the applicable rates specified in subparagraph 2. and shall remain at said rates until the unobligated balance in the fund exceeds $5 million, at which time the tax shall be imposed at the rates specified in subparagraph 1. If the unobligated balance of the fund exceeds $12 million, the levy of the tax shall be discontinued until the unobligated balance of the fund falls below $5 million, at which time the tax shall be imposed at the rates specified in subparagraph 1. Changes in the tax rates pursuant to this paragraph shall take effect on the first day of the month after 30 days' notification to the Department of Revenue when the unobligated balance of the fund falls below or exceeds a limit set pursuant to this paragraph. *The unobligated balance of the Water Quality Assurance Trust Fund as it relates to determination of the applicable excise tax rate shall exclude the unobligated balances of funds of the Dry Cleaning, Operator Certification, and nonagricultural nonpoint source programs, and other required reservations of fund balance. The unobligated balance in the Water Quality Assurance Trust Fund is based upon the current unreserved fund balance, projected revenues, authorized legislative appropriations, and funding for the department's base budget for the subsequent fiscal year. Determination of the unobligated balance of the Water Quality Assurance Trust Fund shall be performed annually subsequent to the annual legislative appropriations becoming law.*

1. As provided in this paragraph, the tax shall be 2.36 cents per gallon of solvents, 1 cent per gallon of motor oil or other lubricants, and 2 cents per barrel of petroleum products, pesticides, ammonia, and chlorine.

2. As provided in this paragraph, the tax shall be 5.9 cents per gallon of solvents, 2.5 cents per gallon of motor oil or other lubricants, 2 cents per barrel of ammonia, and 5 cents per barrel of petroleum products, pesticides, and chlorine. ingestion.

(3) TAX FOR INLAND PROTECTION.—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel of pollutant produced in or imported into this state in the same manner as the motor fuel tax imposed pursuant to s. 206.41. The tax shall be paid or remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, diesel fuel, aviation fuel, or other pollutants.

(b)1. The excise tax per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state shall be:

a. Thirty cents if the unobligated balance of the fund is between $100 million and $150 million.

b. Sixty cents if the unobligated balance of the fund is above $50 million, but below $100 million.

c. Eighty cents if the unobligated balance of the fund is $50 million or less.

2. Any change in the tax rate shall be effective for a minimum of 6 months, unless the unobligated balance of the fund requires that a higher rate be levied.

3. If the unobligated balance of the fund exceeds $150 million, the tax shall be discontinued until such time as the unobligated balance of the fund reaches $100 million.

4. The Secretary of Environmental Protection shall immediately notify the Department of Revenue when the unobligated balance of the fund falls below or exceeds an amount set herein. Changes in the tax rates pursuant to this subsection shall take effect on the first day of the month after 30 days' notification to the Department of Revenue by the Secretary of Environmental Protection when the unobligated balance of the fund falls below or exceeds a limit set pursuant to this subsection. *The unobligated balance of the Inland Protection Trust Fund as it relates to determination of the applicable excise tax rate shall exclude any required reservations of fund balance. The unobligated balance of the Inland Protection Trust Fund is based upon the current unreserved fund balance, projected revenues, authorized legislative appropriations, and funding for the department's base budget for the subsequent fiscal year. Determination of the unobligated balance of the Inland Protection Trust Fund shall be performed annually subsequent to the annual legislative appropriations becoming law.*

(c) This subsection shall be reviewed by the Legislature during the 1998 regular legislative session.

Section 2. Subsections (4) and (7) of section 252.87, Florida Statutes, are amended to read:

252.87 Supplemental state reporting requirements.—

(4) Each employer that owns or operates a facility in this state at which hazardous materials are present in quantities at or above the thresholds established under ss. 311(b) and 312(b) of EPCRA shall comply with the reporting requirements of ss. 311 and 312 of EPCRA. Such employer shall also be responsible for notifying the department,

the local emergency planning committee and the local fire department in writing within 30 days if there is a discontinuance or abandonment of the employer's business activities that could affect any stored hazardous materials.

(7) The department shall avoid duplicative reporting requirements by utilizing the reporting requirements of other state agencies that regulate hazardous materials *to the extent feasible* and shall ~~only~~ request the ~~necessary~~ information *authorized* ~~required~~ under EPCRA ~~or required to implement the fee provisions of this part~~. *With the advice and consent of the State Emergency Response Commission for Hazardous Materials, the department may require by rule that the maximum daily amount entry on the chemical inventory report required under s. 312 of EPCRA provide for reporting in estimated actual amounts. The department may also require by rule an entry for the Federal Employer Identification Number on this report. To the extent feasible, the department shall encourage and accept required information in a form initiated through electronic data interchange and shall describe by rule the format, manner of execution, and method of electronic transmission necessary for using such form*. To the extent feasible, the Department of Insurance, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Public Service Commission, the Department of Revenue, the Department of Labor and Employment Security, and other state agencies which regulate hazardous materials shall coordinate with the department in order to avoid duplicative requirements contained in each agency's respective reporting or registration forms. The other state agencies that inspect facilities storing hazardous materials and suppliers and distributors of covered substances shall assist the department in informing the facility owner or operator of the requirements of this part. The department shall provide the other state agencies with the necessary information and materials to inform the owners and operators of the requirements of this part to ensure that the budgets of these agencies are not adversely affected.

Section 3. Subsection (5) of section 288.047, Florida Statutes, is amended to read:

288.047 Quick-response training for economic development.—

(5) For the first 6 months of each fiscal year, Enterprise Florida, Inc., shall set aside 30 percent of the amount appropriated for the Quick-Response Training Program by the Legislature to fund instructional programs for businesses located in an enterprise zone or *brownfield area* ~~to instruct residents of an enterprise zone~~. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide funding for any program qualifying for funding pursuant to this section.

Section 4. Section 288.107, Florida Statutes, is amended to read:

288.107 Brownfield redevelopment bonus refunds.—

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

(a) "Account" means the Economic Development Incentives Account as authorized in s. 288.095.

(b) "Brownfield sites" means sites that are generally abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination.

(c) "Brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental-Protection-Agency-designated brownfield pilot projects.

(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(e) "Eligible business" means a qualified target industry business as defined in s. 288.106(2)(o) *or other business that can demonstrate a fixed capital investment of at least $2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas and which pays wages that are at least 80 percent of the average of all private sector wages in the county in which the business is located*.

(f) "Jobs" means full-time equivalent positions, consistent with the use of such terms by the 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 and which are not associated with the implementation of the site rehabilitation as provided in s. 376.80.

(g) "Office" means the Office of Tourism, Trade, and Economic Development.

(h) "Project" means the creation of a new business or the expansion of an existing business as defined in s. 288.106.

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—There shall be allowed from the account a bonus refund of $2,500 to any qualified target industry business *or other eligible business as defined in paragraph (1)(e)* for each new Florida job created in a brownfield which is claimed on the qualified target industry business's annual refund claim authorized in s. 288.106(6) *or other similar annual claim procedure for other eligible business as defined in paragraph (1)(e)* and approved by the office as specified in the final order issued by the director.

(3) CRITERIA.—The minimum criteria for participation in the brownfield redevelopment bonus refund are:

(a) The creation of at least 10 new full-time permanent jobs. Such jobs shall not include construction or site rehabilitation jobs associated with the implementation of a brownfield site agreement as described in s. 376.80(5).

(b) The completion of a fixed capital investment of at least $2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas and which pay wages that are at least 80 percent of the average of all private sector wages in the county in which the business is located.

(c)~~(b)~~ That the designation as a brownfield will diversify and strengthen the economy of the area surrounding the site.

(d)~~(c)~~ That the designation as a brownfield will promote capital investment in the area beyond that contemplated for the rehabilitation of the site.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield, a business must have been certified as a qualified target industry business under s. 288.106 *or eligible business as defined in paragraph (1)(e)* and must have indicated on the qualified target industry tax refund application form submitted in accordance with s. 288.106(4) *or other similar agreement for other eligible business as defined in paragraph (1)(e)* that the project for which the application is submitted is or will be located in a brownfield and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry tax refund agreement with the office which indicates that the business has been certified as a qualified target industry business located in a brownfield and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the requirements of

paragraph (a) must submit a claim once each fiscal year on a claim form approved by the office which indicates the location of the brownfield, the address of the business facility's brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within the brownfield as defined in s. 288.106 *or other eligible business as defined in paragraph (1)(e)* and the administrative rules and policies for that section.

(c) The bonus refunds shall be available on the same schedule as the qualified target industry tax refund payments scheduled in the qualified target industry tax refund agreement authorized in s. 288.106 *or other similar agreement for other eligible businesses as defined in paragraph (1)(e)*.

(d) After entering into a tax refund agreement as provided in s. 288.106 *or other similar agreement for other eligible businesses as defined in paragraph (1)(e)*, an eligible business may receive brownfield redevelopment bonus refunds from the account pursuant to s. 288.106(3)(c).

(e) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund, which shall be deposited into the General Revenue Fund.

2. Commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(f) The office shall review all applications submitted under s. 288.106 *or other similar application forms for other eligible businesses as defined in paragraph (1)(e)* which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.

(g) The office shall approve all claims for a brownfield redevelopment bonus refund payment that are found to meet the requirements of paragraphs (b) and (d).

(h) The director, with such assistance as may be required from the office and the Department of Environmental Protection, shall specify by written final order the amount of the brownfield redevelopment bonus refund that is authorized 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.

(i) The total amount of the bonus refunds approved by the director under this section in any fiscal year must not exceed the total amount appropriated to the Economic Development Incentives Account for this purpose for the fiscal year. In the event that the Legislature does not appropriate an amount sufficient to satisfy projections by the office for brownfield redevelopment bonus refunds under this section in a fiscal year, the office shall, not later than July 15 of such year, determine the proportion of each brownfield redevelopment bonus refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of brownfield redevelopment bonus refund claims for the fiscal year. The amount of each claim for a brownfield redevelopment bonus 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 brownfield redevelopment tax refunds, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(j) Upon approval of the brownfield redevelopment bonus refund, payment shall be made for the amount specified in the final order. If the final order is appealed, payment may not be made for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(5) 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 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 Department of Labor and Employment Security, to the Department of Environmental Protection, or to any local government authority. The office may request the assistance of those entities with respect to monitoring the payment of the taxes listed in s. 288.106(3).

Section 5. Paragraph (b) of subsection (3) of section 288.905, Florida Statutes, is amended to read:

288.905 Duties of the board of directors of Enterprise Florida, Inc.—

(3)

(b)1. The strategic plan required under this section shall include specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state.

2. Enterprise Florida, Inc., shall involve local governments, local and regional economic development organizations, and other local, state, and federal economic, international, and workforce development entities, both public and private, in developing and carrying out policies, strategies, and programs, seeking to partner and collaborate to produce enhanced public benefit at a lesser cost.

3. Enterprise Florida, Inc., shall involve rural, urban, small-business, and minority-business development agencies and organizations, both public and private, in developing and carrying out policies, strategies, and programs.

4. Enterprise Florida, Inc., shall develop a comprehensive marketing plan for redevelopment of brownfield areas designated pursuant to s. 376.80. The plan must include, but is not limited to, strategies to distribute information about current designated brownfield areas and the available economic incentives for redevelopment of brownfield areas. Such strategies are to be used in the promotion of business formation, expansion, recruitment, retention, and workforce development programs.

Section 6. Subsection (6) of section 376.051, Florida Statutes, is added to said section to read:

376.051 Powers and duties of the Department of Environmental Protection.—

(6) The department is specifically authorized to utilize risk-based cleanup criteria as described in ss. 376.3071, 376.3078, and 376.81 in conducting cleanups on lands owned by the state university system.

Section 7. Section 376.301, Florida Statutes, is amended to read:

376.301 Definitions of terms used in ss. 376.30-376.319, 376.70, and 376.75.—When used in ss. 376.30-376.319, 376.70, and 376.75, unless the context clearly requires otherwise, the term:

(1) "Aboveground hazardous substance tank" means any stationary aboveground storage tank and onsite integral piping that contains hazardous substances which are liquid at standard temperature and pressure and has an individual storage capacity greater than 110 gallons.

(2) "Additive effects" means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which the individual is exposed.

(3) "Antagonistic effects" means a scientific principle that the toxicity that occurs *as a result of exposure* is less than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(4) "Backlog" means reimbursement obligations incurred pursuant to s. 376.3071(12), prior to March 29, 1995, or authorized for reimbursement under the provisions of s. 376.3071(12), pursuant to chapter 95-2, Laws of Florida. Claims within the backlog are subject to adjustment, where appropriate.

(5) "Barrel" means 42 U.S. gallons at 60 degrees Fahrenheit.

(6) "Bulk product facility" means a waterfront location with at least one aboveground tank with a capacity greater than 30,000 gallons which is used for the storage of pollutants.

(7) "Cattle-dipping vat" means any structure, excavation, or other facility constructed by any person, or the site where such structure, excavation, or other facility once existed, for the purpose of treating cattle or other livestock with a chemical solution pursuant to or in compliance with any local, state, or federal governmental program for the prevention, suppression, control, or eradication of any dangerous, contagious, or infectious diseases.

(8) "Compression vessel" means any stationary container, tank, or onsite integral piping system, or combination thereof, which has a capacity of greater than 110 gallons, that is primarily used to store pollutants or hazardous substances above atmospheric pressure or at a reduced temperature in order to lower the vapor pressure of the contents. Manifold compression vessels that function as a single vessel shall be considered as one vessel.

(9) "Contaminant" means any physical, chemical, biological, or radiological substance present in any medium which may result in adverse effects to human health or the environment or which creates an adverse nuisance, organoleptic, or aesthetic condition in groundwater.

(10) "Contaminated site" means any contiguous land, sediment, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.

(11) "Department" means the Department of Environmental Protection.

(12) "Discharge" includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, *releasing,* or dumping of any pollutant *or hazardous substance* which occurs and which affects lands and the surface and ground waters of the state not regulated by ss. 376.011-376.21.

(13) "Drycleaning facility" means a commercial establishment that operates or has at some time in the past operated for the primary purpose of drycleaning clothing and other fabrics utilizing a process that involves any use of drycleaning solvents. The term "drycleaning facility" includes laundry facilities that use drycleaning solvents as part of their cleaning process. The term does not include a facility that operates or has at some time in the past operated as a uniform rental company or a linen supply company regardless of whether the facility operates as or was previously operated as a drycleaning facility.

(14) "Drycleaning solvents" means any and all nonaqueous solvents used in the cleaning of clothing and other fabrics and includes perchloroethylene (also known as tetrachloroethylene) and petroleum-based solvents, and their breakdown products. For purposes of this definition, "drycleaning solvents" only includes those drycleaning solvents originating from use at a drycleaning facility or by a wholesale supply facility.

(15) "Dry drop-off facility" means any commercial retail store that receives from customers clothing and other fabrics for drycleaning or laundering at an offsite drycleaning facility and that does not clean the clothing or fabrics at the store utilizing drycleaning solvents.

(16) "Engineering controls" means modifications to a site to reduce or eliminate the potential for exposure to petroleum products' chemicals of concern, drycleaning solvents, or other contaminants. Such modifications may include, but are not limited to, physical or hydraulic control measures, capping, point of use treatments, or slurry walls.

(17) "Wholesale supply facility" means a commercial establishment that supplies drycleaning solvents to drycleaning facilities.

(18) "Facility" means a nonresidential location containing, or which contained, any underground stationary tank or tanks which contain hazardous substances or pollutants and have individual storage capacities greater than 110 gallons, or any aboveground stationary tank or tanks which contain pollutants which are liquids at standard ambient temperature and pressure and have individual storage capacities greater than 550 gallons. This subsection shall not apply to facilities covered by chapter 377, or containers storing solid or gaseous pollutants, and agricultural tanks having storage capacities of less than 550 gallons.

(19) "Flow-through process tank" means an aboveground tank that contains hazardous substances or specified mineral acids as defined in s. 376.321 and that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks include, but are not limited to, seal tanks, vapor recovery units, surge tanks, blend tanks, feed tanks, check and delay tanks, batch tanks, oil-water separators, or tanks in which mechanical, physical, or chemical change of a material is accomplished.

(20) "Hazardous substances" means those substances defined as hazardous substances in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(21) "Institutional controls" means the restriction on use or access to a site to eliminate or minimize exposure to petroleum products' chemicals of concern, drycleaning solvents, or other contaminants. Such restrictions may include, but are not limited to, deed restrictions, *restrictive covenants, or conservation easements* ~~use restrictions, or restrictive zoning~~.

(22) "Laundering on a wash, dry, and fold basis" means the service provided by the owner or operator of a coin-operated laundry to its customers whereby an employee of the laundry washes, dries, and folds laundry for its customers.

(23) "Marine fueling facility" means a commercial or recreational coastal facility, excluding a bulk product facility, providing fuel to vessels.

(24) "Natural attenuation" means *a verifiable* ~~an~~ approach to site rehabilitation that allows natural processes to contain the spread of contamination and reduce the concentrations of contaminants in contaminated groundwater and soil. Natural attenuation processes may include the following: sorption, biodegradation, chemical reactions with subsurface materials, diffusion, dispersion, and volatilization.

(25) "Operator" means any person operating a facility, whether by lease, contract, or other form of agreement.

(26) "Owner" means any person owning a facility.

(27) "Person" means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.

(28) "Person in charge" means the person on the scene who is in direct, responsible charge of a facility from which pollutants are discharged, when the discharge occurs.

(29) "Person responsible for conducting site rehabilitation" means the site owner, operator, or the person designated by the site owner or operator on the reimbursement application. Mortgage holders and trust holders may be eligible to participate in the reimbursement program pursuant to s. 376.3071(12).

(30) "Petroleum" includes:

(a) Oil, including crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary methods and which are not the result of condensation of gas after it leaves the reservoir; and

(b) All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in paragraph (a).

(31) "Petroleum product" means any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials (ASTM) grades no. 5 and no. 6 residual oils, bunker C residual oils, intermediate fuel oils (IFO) used for marine bunkering with a viscosity of 30 and higher, asphalt oils, and petrochemical feedstocks.

(32) "Petroleum products' chemicals of concern" means the constituents of petroleum products, including, but not limited to, xylene, benzene, toluene, ethylbenzene, naphthalene, and similar chemicals, and constituents in petroleum products, including, but not limited to, methyl tert-butyl ether (MTBE), lead, and similar chemicals found in additives, provided the chemicals of concern are present as a result of a discharge of petroleum products.

(33) "Petroleum storage system" means a stationary tank not covered under the provisions of chapter 377, together with any onsite integral piping or dispensing system associated therewith, which is used, or intended to be used, for the storage or supply of any petroleum product. Petroleum storage systems may also include oil/water separators, and other pollution control devices installed at petroleum product terminals as defined in this chapter and bulk product facilities pursuant to, or required by, permits or best management practices in an effort to control surface discharge of pollutants. Nothing herein shall be construed to allow a continuing discharge in violation of department rules.

(34) "Pollutants" includes any "product" as defined in s. 377.19(11), pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.

(35) "Pollution" means the presence on the land or in the waters of the state of pollutants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(36) "Real property owner" means the individual or entity that is vested with ownership, dominion, or legal or rightful title to the real property, or which has a ground lease interest in the real property, on which a drycleaning facility or wholesale supply facility is or has ever been located.

(37) "Response action" means any activity, including evaluation, planning, design, engineering, construction, and ancillary services, which is carried out in response to any discharge, release, or threatened release of a hazardous substance, pollutant, or other contaminant from a facility or site identified by the department under the provisions of ss. 376.30-376.319.

(38) "Response action contractor" means a person who is carrying out any response action, including a person retained or hired by such person to provide services relating to a response action.

(39) "Risk reduction" means the lowering or elimination of the level of risk posed to human health or the environment through interim remedial actions, remedial action, or institutional and, if appropriate, engineering controls.

(40)~~(39)~~ "Secretary" means the Secretary of Environmental Protection.

(41)~~(40)~~ "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. *For purposes of sites subject to the Resource Conservation and Recovery Act, as amended, the term includes removal, decontamination, and corrective action of releases of hazardous substances.*

(42)~~(41)~~ "Source removal" means the removal of free product, or the removal of contaminants from soil or sediment that has been contaminated to the extent that leaching to groundwater or surface water has occurred or is occurring.

(43)~~(42)~~ "Storage system" means a stationary tank not covered under the provisions of chapter 377, together with any onsite integral piping or dispensing system associated therewith, which is or has been used for the storage or supply of any petroleum product, pollutant, or hazardous substance as defined herein, and which is registered with the Department of Environmental Protection under this chapter or any rule adopted pursuant hereto.

(44)~~(43)~~ "Synergistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(45)~~(44)~~ "Terminal facility" means any structure, group of structures, motor vehicle, rolling stock, pipeline, equipment, or related appurtenances which are used or capable of being used for one or more of the following purposes: pumping, refining, drilling for, producing, storing, handling, transferring, or processing pollutants, provided such pollutants are transferred over, under, or across any water, estuaries, tidal flats, beaches, or waterfront lands, including, but not limited to, any such facility and related appurtenances owned or operated by a public utility or a governmental or quasi-governmental body. In the event of a ship-to-ship transfer of pollutants, the vessel going to or coming from the place of transfer and a terminal facility shall also be considered a terminal facility. For the purposes of ss. 376.30-376.319, the term "terminal facility" shall not be construed to include spill response vessels engaged in response activities related to removal of pollutants, or temporary storage facilities created to temporarily store recovered pollutants and matter, or waterfront facilities owned and operated by governmental entities acting as agents of public convenience for persons engaged in the drilling for or pumping, storing, handling, transferring, processing, or refining of pollutants. However, each person engaged in the drilling for or pumping, storing, handling, transferring, processing, or refining of pollutants through a waterfront facility owned and operated by such a governmental entity shall be construed as a terminal facility.

(46)~~(45)~~ "Transfer" or "transferred" includes onloading, offloading, fueling, bunkering, lightering, removal of waste pollutants, or other similar transfers, between terminal facility and vessel or vessel and vessel.

Section 8. Subsections (5) and (6) of section 376.303, Florida Statutes, are added to read:

(5) MAPPING.—If an institutional control is implemented at any contaminated site in a brownfield area designated pursuant to s. 376.80, the property owner must provide information regarding the institutional control to the local government for mapping purposes. The local government must then note the existence of the institutional control on any relevant local land use and zoning maps with a cross reference to the department's site registry developed pursuant to subsection (6). If the type of institutional control used requires recording with the local government, then the map notation shall also provide a cross reference to the book and page number where recorded. When a local government is provided with evidence that the department has subsequently issued a no further action order without institutional controls for a site currently noted on such maps, the local government shall remove the notation.

(6) REGISTRY.—The department shall prepare and maintain a registry of all contaminated sites located in a brownfield area designated

pursuant to s. 376.80, which are subject to institutional and engineering controls, in order to provide a mechanism for the public and local governments to monitor the status of these controls, monitor the department's short-term and long-term protection of human health and the environment in relation to these sites, and evaluate economic revitalization efforts in these areas. At a minimum, the registry shall include the type of institutional or engineering controls employed at a particular site, types of contaminants and affected media, land use limitations, and the county in which the site is located. Sites listed on the registry at which the department has subsequently issued a no further action order without institutional controls shall be removed from the registry. The department shall make the registry available to the public and local governments within 1 year after the effective date of this act. The department shall provide local governments with actual notice when the registry becomes available. Local zoning and planning offices shall post information on how to access the registry in public view.

Section 9. Paragraph (i) of subsection (4) and paragraph (a) of subsection (9) of section 376.3078, Florida Statutes, are amended, to read:

376.3078 Drycleaning facility restoration; funds; uses; liability; recovery of expenditures.—

(4) REHABILITATION CRITERIA.—It is the intent of the Legislature to protect the health of all people under actual circumstances of exposure. By July 1, 1999, the secretary of the department shall establish criteria by rule for the purpose of determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program, including a voluntary site rehabilitation program, and the level at which a rehabilitation program task and a site rehabilitation program may be deemed completed. In establishing the rule, the department shall incorporate, to the maximum extent feasible, risk-based corrective action principles to achieve protection of human health and safety and the environment in a cost-effective manner as provided in this subsection. The rule shall also include protocols for the use of natural attenuation and the issuance of "no further action" letters. The criteria for determining what constitutes a rehabilitation program task or completion of a site rehabilitation program task or site rehabilitation program, including a voluntary site rehabilitation program, must:

(i) Establish appropriate cleanup target levels for soils.

1. In establishing soil cleanup target levels for human exposure to each contaminant found in soils from the land surface to 2 feet below land surface, the department shall consider the following, as appropriate: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limit; or the naturally occurring background concentration. Institutional controls or other methods shall be used to prevent human exposure to contaminated soils more than 2 feet below the land surface. Any removal of such institutional controls shall require such contaminated soils to be remediated.

2. Leachability-based soil target levels shall be based on protection of the groundwater cleanup target levels or the alternate cleanup target levels for groundwater established pursuant to this paragraph, as appropriate. Source removal and other cost-effective alternatives that are technologically feasible shall be considered in achieving the leachability soil target levels established by the department. The leachability goals shall not be applicable if the department determines, based upon individual site characteristics, that contaminants will not leach into the groundwater at levels which pose a threat to human health, public safety, and the environment.

3. *Using risk-based corrective action principles,* the department *shall approve* ~~may set~~ alternative cleanup target levels based upon the person responsible for site rehabilitation *demonstrating,* using site-specific modeling and risk assessment studies, that human health, public safety, and the environment are protected.

The department shall require source removal, *as a risk reduction measure,* if warranted and cost-effective. Once source removal at a site is complete, the department shall reevaluate the site to determine the degree of active cleanup needed to continue. Further, the department shall determine if the reevaluated site qualifies for monitoring only or if no further action is required to rehabilitate the site. If additional site rehabilitation is necessary to reach "no further action" status, the department is encouraged to utilize natural attenuation and monitoring where site conditions warrant.

(9) REQUIREMENT FOR DRYCLEANING FACILITIES.—It is the intent of the Legislature that the following drycleaning solvent containment shall be required of the owners or operators of drycleaning facilities, as follows:

(a) Owners or operators of drycleaning facilities shall by January 1, 1997, install dikes or other containment structures around each machine or item of equipment in which drycleaning solvents are used and around any area in which solvents or waste-containing solvents are stored. Such dikes or containment structures shall be capable of containing 110 percent of the capacity of each such machine and each such storage area. To the extent practicable, each owner or operator of a drycleaning facility shall seal or otherwise render impervious those portions of all dikes' floor surfaces upon which any drycleaning solvents may leak, spill, or otherwise be released. *A drycleaning facility that commenced operating before January 1, 1996, and applied to the program by December 30, 1997, is considered to have had secondary containment timely installed for the purpose of determining eligibility for state-funded site rehabilitation under this section if the drycleaning facility meets the following criteria:*

1. Reported in the completed application that the facility was not in compliance with paragraph (a) of this subsection, and entered into a consent order with the department to install secondary containment and installed the required containment by April 15, 1999; or

2. Reported in the completed application that the facility had installed secondary containment but stated in the application that the date the facility installed secondary containment was not known, and was requested by the department subsequent to April 30, 1997, to apply for program eligibility and did so apply within 90 days of the request, and installed secondary containment by February 28, 1998.

The department shall reconsider the applications of facilities that meet the criteria set forth in this paragraph and that were previously determined to be ineligible due to failure to comply with secondary containment requirements. The facilities must meet all other eligibility requirements.

Section 10. Section 376.79, Florida Statutes, is amended to read:

376.79 Definitions.—As used in ss. 376.77-376.85, the term:

(1) "Additive effects" means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which the individual is exposed.

(2) "Antagonistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is less than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(3) "Brownfield sites" means sites that are generally abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination.

(4) "Brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects.

(5) "Contaminant" means any physical, chemical, biological, or radiological substance present in any medium which may result in adverse effects to human health or the environment or which creates an adverse nuisance, organoleptic, or aesthetic condition in groundwater.

(6)~~(5)~~ "Contaminated site" means any contiguous land, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.

(7)~~(6)~~ "Department" means the Department of Environmental Protection.

(8)~~(7)~~ "Engineering controls" means modifications to a site to reduce or eliminate the potential for exposure to contaminants. Such modifications may include, but are not limited to, physical or hydraulic control measures, capping, point of use treatments, or slurry walls.

(9)~~(8)~~ "Environmental justice" means the fair treatment of all people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

(10)~~(9)~~ "Institutional controls" means the restriction on use of or access to a site to eliminate or minimize exposure to contaminants. Such restrictions may include, but are not limited to, deed restrictions, *restrictive covenants, or conservation easements* ~~use restrictions, or restrictive zoning~~.

(11)~~(10)~~ "Local pollution control program" means a local pollution control program that has received delegated authority from the Department of Environmental Protection under ss. 376.80(11) and 403.182.

(12)~~(11)~~ "Natural attenuation" means *a verifiable approach to site rehabilitation which allows natural processes to contain the spread of contamination and reduce the concentrations of contaminants in contaminated groundwater and soil. Natural attenuation processes may include sorption, biodegradation, chemical reactions with subsurface materials, diffusion, dispersion, and volatilization.* ~~the verifiable reduction of contaminants through natural processes, which may include diffusion, dispersion, adsorption, and biodegradation.~~

(13)~~(12)~~ "Person responsible for brownfield site rehabilitation" means the individual or entity that is designated by the local government to enter into the brownfield site rehabilitation agreement with the department or an approved local pollution control program and enters into an agreement with the local government for redevelopment of the site.

(14)~~(13)~~ "Person" means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.

(15) "Risk reduction" means the lowering or elimination of the level of risk posed to human health or the environment through interim remedial actions, remedial action, or institutional, and if appropriate, engineering controls.

(16)~~(14)~~ "Secretary" means the secretary of the Department of Environmental Protection.

(17)~~(15)~~ "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site.

(18)~~(16)~~ "Source removal" means the removal of free product, or *the removal of* contaminants from soil *or sediment* that has been contaminated to the extent that leaching to groundwater *or surface water* has *occurred* or is occurring.

(19)~~(17)~~ "Synergistic effects" means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which the individual is exposed.

Section 11. Subsections (4) and (5) and paragraph (c) of subsection (7) of section 376.80, Florida Statutes, are amended to read:

376.80 Brownfield program administration process.—

(4) Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee *or use an existing advisory committee that has formally expressed its intent to address redevelopment of the specific brownfield area* for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. Such advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. *The person responsible for brownfield site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement, and provide the committee with a copy of the draft plan for site rehabilitation which addresses elements required by subsection (5). This includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed. The advisory committee shall review the proposed redevelopment agreement required pursuant to paragraph (5)(i) and provide comments, if appropriate, to the board of the local government with jurisdiction over the brownfield area. The advisory committee must receive a copy of the executed brownfield site rehabilitation agreement. When the person responsible for brownfield site rehabilitation submits a site assessment report or the technical document containing the proposed course of action following site assessment to the department or the local pollution control program for review, the person responsible for brownfield site rehabilitation must hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.* ~~The advisory committee must review and provide recommendations to the board of the local government with jurisdiction on the proposed site rehabilitation agreement provided in subsection (5).~~

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local pollution control program *if actual contamination exists at the brownfield site.* The brownfield site rehabilitation agreement must include:

(a) A brownfield site rehabilitation schedule, including milestones for completion of site rehabilitation tasks and submittal of technical reports and rehabilitation plans as agreed upon by the parties to the agreement;

(b) A commitment to conduct site rehabilitation activities under the observation of professional engineers or geologists who are registered in accordance with the requirements of chapter 471 or chapter 492, respectively. Submittals provided by the person responsible for brownfield site rehabilitation must be signed and sealed by a professional engineer registered under chapter 471, or a professional geologist registered under chapter 492, certifying that the submittal and associated work comply with the law and rules of the department and those governing the profession. In addition, upon completion of the approved remedial action, the department shall require a professional engineer registered under chapter 471 or a professional geologist registered under chapter 492 to certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the department;

(c) A commitment to conduct site rehabilitation in accordance with an approved comprehensive quality assurance plan under department rules;

(d) A commitment to conduct site rehabilitation consistent with state, federal, and local laws and consistent with the brownfield site

contamination cleanup criteria in s. 376.81, including any applicable requirements for risk-based corrective action;

(e) Timeframes for the department's review of technical reports and plans submitted in accordance with the agreement. The department shall make every effort to adhere to established agency goals for reasonable timeframes for review of such documents;

(f) A commitment to secure site access for the department or approved local pollution control program to all brownfield sites within the eligible brownfield area for activities associated with site rehabilitation;

(g) Other provisions that the person responsible for brownfield site rehabilitation and the department agree upon, that are consistent with ss. 376.77-376.85, and that will improve or enhance the brownfield site rehabilitation process;

(h) A commitment to consider appropriate pollution prevention measures and to implement those that the person responsible for brownfield site rehabilitation determines are reasonable and cost-effective, taking into account the ultimate use or uses of the brownfield site. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include goals for the reduction of releases of toxic materials; and

(i) Certification that an agreement exists between the person responsible for brownfield site rehabilitation and the local government with jurisdiction over the brownfield area. Such agreement shall contain terms for the redevelopment of the brownfield area.

(7) The contractor must certify to the department that the contractor:

(c) Maintains comprehensive general liability and comprehensive automobile liability insurance with minimum limits of at least $1 million per *claim* ~~occurrence~~ and $1 million annual aggregate, sufficient to protect it from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise from performance of work under the program, designating the state as an additional insured party.

Section 12. Section 376.81, Florida Statutes, is amended to read:

376.81 Brownfield site and brownfield areas contamination cleanup criteria.—

(1) It is the intent of the Legislature to protect the health of all people under actual circumstances of exposure. By July 1, *2001* ~~1998~~, the secretary of the department shall establish criteria by rule for the purpose of determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed completed. In establishing the rule, the department shall *apply* ~~incorporate~~, to the maximum extent feasible, *a* risk-based corrective action *process* ~~principles~~ to achieve protection of human health and safety and the environment in a cost-effective manner *based on the principles set forth* ~~as provided~~ in this subsection. *The rule must prescribe a phased risk-based corrective action process that is iterative and that tailors site rehabilitation tasks to site-specific conditions and risks. The department and the person responsible for brownfield site rehabilitation are encouraged to establish decision points at which risk management decisions will be made. The department shall provide an early decision, when requested, regarding applicable exposure factors and a risk management approach based on the current and future land use at the site.* The rule shall also include protocols for the use of natural attenuation, *the use of institutional and engineering controls,* and the issuance of "no further action" letters. The criteria for determining what constitutes a rehabilitation program task or completion of a site rehabilitation program task or site rehabilitation program must:

(a) Consider the current exposure and potential risk of exposure to humans and the environment, including multiple pathways of exposure. The physical, chemical, and biological characteristics of each contaminant must be considered in order to determine the feasibility of risk-based corrective action assessment.

(b) Establish the point of compliance at the source of the contamination. However, the department is authorized to temporarily move the point of compliance to the boundary of the property, or to the edge of the plume when the plume is within the property boundary, while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding. The department also is authorized, pursuant to criteria provided for in this section, to temporarily extend the point of compliance beyond the property boundary with appropriate monitoring, if such extension is needed to facilitate natural attenuation or to address the current conditions of the plume, provided human health, public safety, and the environment are protected. When temporarily extending the point of compliance beyond the property boundary, it cannot be extended further than the lateral extent of the plume at the time of execution of the brownfield site rehabilitation agreement, if known, or the lateral extent of the plume as defined at the time of site assessment. Temporary extension of the point of compliance beyond the property boundary, as provided in this paragraph, must include actual notice by the person responsible for brownfield site rehabilitation to local governments and the owners of any property into which the point of compliance is allowed to extend and constructive notice to residents and business tenants of the property into which the point of compliance is allowed to extend. Persons receiving notice pursuant to this paragraph shall have the opportunity to comment within 30 days of receipt of the notice.

(c) Ensure that the site-specific cleanup goal is that all contaminated brownfield sites and brownfield areas ultimately achieve the applicable cleanup target levels provided in this section. In the circumstances provided below, and after constructive notice and opportunity to comment within 30 days from receipt of the notice to local government, to owners of any property into which the point of compliance is allowed to extend, and to residents on any property into which the point of compliance is allowed to extend, the department may allow concentrations of contaminants to temporarily exceed the applicable cleanup target levels while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding, if human health, public safety, and the environment are protected.

(d) Allow brownfield site and brownfield area rehabilitation programs to include the use of institutional or engineering controls, where appropriate, to eliminate or control the potential exposure to contaminants of humans or the environment. The use of controls must be preapproved by the department and only after constructive notice and opportunity to comment within 30 days from receipt of notice is provided to local governments, to owners of any property into which the point of compliance is allowed to extend, and to residents on any property into which the point of compliance is allowed to extend. When institutional or engineering controls are implemented to control exposure, the removal of the controls must have prior department approval and must be accompanied by the resumption of active cleanup, or other approved controls, unless cleanup target levels under this section have been achieved.

(e) Consider the additive effects of contaminants. The synergistic and antagonistic effects shall also be considered when the scientific data become available.

(f) Take into consideration individual site characteristics, which shall include, but not be limited to, the current and projected use of the affected groundwater and surface water in the vicinity of the site, current and projected land uses of the area affected by the contamination, the exposed population, the degree and extent of contamination, the rate of contaminant migration, the apparent or

potential rate of contaminant degradation through natural attenuation processes, the location of the plume, and the potential for further migration in relation to site property boundaries.

(g) Apply state water quality standards as follows:

1. Cleanup target levels for each contaminant found in groundwater shall be the applicable state water quality standards. Where such standards do not exist, the cleanup target levels for groundwater shall be based on the minimum criteria specified in department rule. The department shall *apply* ~~consider~~ the following, as appropriate, in establishing the applicable *cleanup target levels* ~~minimum criteria~~: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limit; *and* ~~the naturally occurring background concentration; or~~ nuisance, organoleptic, and aesthetic considerations. *However, the department shall not require site rehabilitation to achieve a cleanup target level for any individual contaminant which is more stringent than the site-specific, naturally occurring background concentration for that contaminant.*

2. Where surface waters are exposed to contaminated groundwater, the cleanup target levels for the contaminants shall be based on the *more protective of the groundwater or* surface water standards as established by department rule. The point of measuring compliance with the surface water standards shall be in the groundwater immediately adjacent to the surface water body.

3. *Using risk-based corrective action principles,* the department *shall approve* ~~may set~~ alternative cleanup target levels *in conjunction with institutional and engineering controls, if needed,* based upon an applicant's demonstration, using site-specific *data,* modeling *results,* ~~and~~ risk assessment studies, *risk reduction techniques, or a combination thereof,* that human health, public safety, and the environment are protected to the same degree as provided in subparagraphs 1. and 2. Where a state water quality standard is applicable, a deviation may not result in the application of cleanup target levels more stringent than the standard. In determining whether it is appropriate to establish alternative cleanup target levels at a site, the department must consider the effectiveness of source removal, *if any, which* ~~that~~ has been completed at the site and the practical likelihood of the use of low yield or poor quality groundwater, the use of groundwater near marine surface water bodies, the current and projected use of the affected groundwater in the vicinity of the site, or the use of groundwater in the immediate vicinity of the contaminated area, where it has been demonstrated that the groundwater contamination is not migrating away from such localized source, provided human health, public safety, and the environment are protected. *When using alternative cleanup target levels at a brownfield site, institutional controls shall not be required if:*

a. The only cleanup target levels exceeded are the groundwater cleanup target levels derived from nuisance, organoleptic, or aesthetic considerations;

b. Concentrations of all contaminants meet the state water quality standards or minimum criteria, based on protection of human health, provided in subparagraph 1.;

c. All of the groundwater cleanup target levels established pursuant to subparagraph 1. are met at the property boundary;

d. The person responsible for brownfield site rehabilitation has demonstrated that the contaminants will not migrate beyond the property boundary at concentrations exceeding the groundwater cleanup target levels established pursuant to subparagraph 1.;

e. The property has access to and is using an offsite water supply and no unplugged private wells are used for domestic purposes; and

f. The real property owner provides written acceptance of the "no further action" proposal to the department or the local pollution control program.

(h) Provide for the department to issue a "no further action order," with conditions, *including, but not limited to, the use of institutional or engineering controls* where appropriate, when alternative cleanup target levels established pursuant to subparagraph (g)3. have been achieved, or when the person responsible for brownfield site rehabilitation can demonstrate that the cleanup target level is unachievable within available technologies. Prior to issuing such an order, the department shall consider the feasibility of an alternative site rehabilitation technology in the brownfield area.

(i) Establish appropriate cleanup target levels for soils.

1. In establishing soil cleanup target levels for human exposure to each contaminant found in soils from the land surface to 2 feet below land surface, the department shall *apply* ~~consider~~ the following, as appropriate: calculations using a lifetime cancer risk level of 1.0E-6; a hazard index of 1 or less; *and* the best achievable detection limit~~; or the naturally occurring background concentration~~. *However, the department shall not require site rehabilitation to achieve a cleanup target level for an individual contaminant which is more stringent than the site-specific, naturally occurring background concentration for that contaminant.* Institutional controls or other methods shall be used to prevent human exposure to contaminated soils more than 2 feet below the land surface. Any removal of such institutional controls shall require such contaminated soils to be remediated.

2. Leachability-based soil target levels shall be based on protection of the groundwater cleanup target levels or the alternate cleanup target levels for groundwater established pursuant to this paragraph, as appropriate. Source removal and other cost-effective alternatives that are technologically feasible shall be considered in achieving the leachability soil target levels established by the department. The leachability goals shall not be applicable if the department determines, based upon individual site characteristics, *and in conjunction with institutional and engineering controls, if needed,* that contaminants will not leach into the groundwater at levels *that* ~~which~~ pose a threat to human health, public safety, and the environment.

3. *Using risk-based corrective action principles,* the department *shall approve* ~~may set~~ alternative cleanup target levels *in conjunction with institutional and engineering controls, if needed,* based upon an applicant's demonstration, using site-specific *data,* modeling *results,* ~~and~~ risk assessment studies, *risk reduction techniques, or a combination thereof,* that human health, public safety, and the environment are protected *to the same degree as provided in subparagraphs 1. and 2.*

(2) The department shall require source removal, *as a risk reduction measure,* if warranted and cost-effective. Once source removal at a site is complete, the department shall reevaluate the site to determine the degree of active cleanup needed to continue. Further, the department shall determine if the reevaluated site qualifies for monitoring only or if no further action is required to rehabilitate the site. If additional site rehabilitation is necessary to reach "no further action" status, the department is encouraged to utilize natural attenuation and monitoring where site conditions warrant.

(3) The cleanup criteria described in this section govern only site rehabilitation activities occurring at the contaminated site. Removal of contaminated media from a site for offsite relocation or treatment must be in accordance with all applicable federal, state, and local laws and regulations.

Section 13. Paragraph (k) is added to subsection (2) of section 376.82, Florida Statutes, to read:

376.82 Eligibility criteria and liability protection.—

(2) LIABILITY PROTECTION.—

(k) A person whose property becomes contaminated due to geophysical or hydrologic reasons, including the migration of contaminants onto their property from the operation of facilities and

activities on a nearby designated brownfield area, and whose property has never been occupied by a business that utilized or stored the contaminants or similar constituents is not subject to administrative or judicial action brought by or on behalf of another to compel the rehabilitation of or the payment of the costs for the rehabilitation of sites contaminated by materials that migrated onto the property from the designated brownfield area, if the person:

1. Does not own and has never held an ownership interest in, or shared in the profits of, activities in the designated brownfield area operated at the source location;

2. Did not participate in the operation or management of the activities in the designated brownfield area operated at the source location; and

3. Did not cause, contribute to, or exacerbate the release or threat of release of any hazardous substance through any act or omission.

Section 14. Paragraph (d) is added to subsection (3) of section 403.973, Florida Statutes, to read:

403.973 Expedited permitting; comprehensive plan amendments.—

(3)

(d) Projects located in a designated brownfield area are eligible for the expedited permitting process.

Section 15. Subsection (1) of section 190.012, Florida Statutes, is amended to read:

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:

(1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.

(b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.

(d)1. District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.

2. Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage.

(e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination.

(f)~~(e)~~ Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.

(g)~~(f)~~ Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 or s. 380.061 approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.

Section 16. Section 712.01, Florida Statutes, is amended to read:

712.01 Definitions.—As used in this law:

(1) The term "person" as used herein denotes singular or plural, natural or corporate, private or governmental, including the state and any political subdivision or agency thereof as the context for the use thereof requires or denotes and including any homeowners' association.

(2) "Root of title" means any title transaction purporting to create or transfer the estate claimed by any person and which is the last title transaction to have been recorded at least 30 years prior to the time when marketability is being determined. The effective date of the root of title is the date on which it was recorded.

(3) "Title transaction" means any recorded instrument or court proceeding which affects title to any estate or interest in land and which describes the land sufficiently to identify its location and boundaries.

(4) The term "homeowners' association" means a homeowners' association as defined in s. 617.301(7), or an association of parcel owners which is authorized to enforce use restrictions that are imposed on the parcels.

(5) The term "parcel" means real property which is used for residential purposes that is subject to exclusive ownership and which is subject to any covenant or restriction of a homeowners' association.

(6) The term "covenant or restriction" means any agreement or limitation contained in a document recorded in the public records of the county in which a parcel is located which subjects the parcel to any use restriction which may be enforced by a homeowners' association or which authorizes a homeowners' association to impose a charge or assessment against the parcel or the owner of the parcel *or which may be enforced by the Florida Department of Environmental Protection pursuant to chapter 376 or chapter 403.*

Section 17. Section 712.03, Florida Statutes, is amended to read:

712.03 Exceptions to marketability.—Such marketable record title shall not affect or extinguish the following rights:

(1) Estates or interests, easements and use restrictions disclosed by and defects inherent in the muniments of title on which said estate is based beginning with the root of title; provided, however, that a general reference in any of such muniments to easements, use restrictions or other interests created prior to the root of title shall not be sufficient to preserve them unless specific identification by reference to book and page of record or by name of recorded plat be made therein to a recorded title transaction which imposed, transferred or continued such easement, use restrictions or other interests; subject, however, to the provisions of subsection (5).

(2) Estates, interests, claims, or charges, or any covenant or restriction, preserved by the filing of a proper notice in accordance with the provisions hereof.

(3) Rights of any person in possession of the lands, so long as such person is in such possession.

(4) Estates, interests, claims, or charges arising out of a title transaction which has been recorded subsequent to the effective date of the root of title.

(5) Recorded or unrecorded easements or rights, interest or servitude in the nature of easements, rights-of-way and terminal

facilities, including those of a public utility or of a governmental agency, so long as the same are used and the use of any part thereof shall except from the operation hereof the right to the entire use thereof. No notice need be filed in order to preserve the lien of any mortgage or deed of trust or any supplement thereto encumbering any such recorded or unrecorded easements, or rights, interest, or servitude in the nature of easements, rights-of-way, and terminal facilities. However, nothing herein shall be construed as preserving to the mortgagee or grantee of any such mortgage or deed of trust or any supplement thereto any greater rights than the rights of the mortgagor or grantor.

(6) Rights of any person in whose name the land is assessed on the county tax rolls for such period of time as the land is so assessed and which rights are preserved for a period of 3 years after the land is last assessed in such person's name.

(7) State title to lands beneath navigable waters acquired by virtue of sovereignty.

(8) A restriction or covenant recorded pursuant to chapter 376 or chapter 403.

Section 18. Paragraph (j) of subsection (3) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.—

(3) A local government seeking to designate a geographic area within its jurisdiction as an urban infill and redevelopment area shall prepare a plan that describes the infill and redevelopment objectives of the local government within the proposed area. In lieu of preparing a new plan, the local government may demonstrate that an existing plan or combination of plans associated with a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, or neighborhood improvement district includes the factors listed in paragraphs (a)-(n), including a collaborative and holistic community participation process, or amend such existing plans to include these factors. The plan shall demonstrate the local government and community's commitment to comprehensively address the urban problems within the urban infill and redevelopment area and identify activities and programs to accomplish locally identified goals such as code enforcement; improved educational opportunities; reduction in crime; neighborhood revitalization and preservation; provision of infrastructure needs, including mass transit and multimodal linkages; and mixed-use planning to promote multifunctional redevelopment to improve both the residential and commercial quality of life in the area. The plan shall also:

(j) Identify and adopt a package of financial and local government incentives which the local government will offer for new development, expansion of existing development, and redevelopment within the urban infill and redevelopment area. Examples of such incentives include:

1. Waiver of license and permit fees.

2. *Exemption of sales made in the urban infill and redevelopment area from* ~~Waiver of~~ local option sales *surtaxes imposed pursuant to s. 212.054* ~~taxes~~.

3. Waiver of delinquent *local* taxes or fees to promote the return of property to productive use.

4. Expedited permitting.

5. Lower transportation impact fees for development which encourages more use of public transit, pedestrian, and bicycle modes of transportation.

6. Prioritization of infrastructure spending within the urban infill and redevelopment area.

7. Local government absorption of developers' concurrency costs.

In order to be authorized to recognize the exemption from local option sales surtaxes pursuant to subparagraph 2., the owner, lessee, or lessor of the new development, expanding existing development, or redevelopment within the urban infill and redevelopment area must file an application under oath with the governing body having jurisdiction over the urban infill and redevelopment area where the business is located. The application must include the name and address of the business claiming the exclusion from collecting local option surtaxes; an address and assessment roll parcel number of the urban infill and redevelopment area for which the exemption is being sought; a description of the improvements made to accomplish the new development, expanding development, or redevelopment of the real property; a copy of the building permit application or the building permit issued for the development of the real property; a new application for a certificate of registration with the Department of Revenue with the address of the new development, expanding development, or redevelopment; and the location of the property. The local government must review and approve the application and submit the completed application and documentation along with a copy of the ordinance adopted pursuant to subsection (5) to the Department of Revenue in order for the business to become eligible to make sales exempt from local option sales surtaxes in the urban infill and redevelopment area.

Section 19. Subsection (13) 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.

(13) No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. All laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 258.14, 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09, and the following Laws of Florida, acts of the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681. *This subsection does not supersede the authority of a local government to adopt financial and local government incentives pursuant to s. 163.2517.*

Section 20. Section 163.2523, Florida Statutes, is amended to read:

163.2523 Grant program.—An Urban Infill and Redevelopment Assistance Grant Program is created for local governments. A local government may allocate grant money to special districts, including community redevelopment agencies, and nonprofit community development organizations to implement projects consistent with an adopted urban infill and redevelopment plan or plan employed in lieu thereof. Thirty percent of the general revenue appropriated for this program shall be available for planning grants to be used by local governments for the development of an urban infill and redevelopment plan, including community participation processes for the plan. Sixty percent of the general revenue appropriated for this program shall be available for fifty/fifty matching grants for implementing urban infill and redevelopment projects that further the objectives set forth in the local government's adopted urban infill and redevelopment plan or plan employed in lieu thereof. The remaining 10 percent of the revenue must be used for outright grants for implementing projects requiring an expenditure of under $50,000. *If the volume of fundable applications under any of the allocations specified in this section does not fully obligate the amount of the allocation, the Department of Community Affairs may transfer the unused balance to the category having the highest dollar value of applications eligible but unfunded. However, in*

no event may the percentage of dollars allocated to outright grants for implementing projects exceed 20 percent in any given fiscal year. Projects that provide employment opportunities to clients of the WAGES program and projects within urban infill and redevelopment areas that include a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, federal enterprise zone, enterprise community, or neighborhood improvement district must be given an elevated priority in the scoring of competing grant applications. The Division of Housing and Community Development of the Department of Community Affairs shall administer the grant program. The Department of Community Affairs shall adopt rules establishing grant review criteria consistent with this section.

Section 21. *Section 376.3195, Florida Statutes, is repealed.*

Section 22. *Subsection (9) of section 211.3103, Florida Statutes, is repealed.*

Section 23. *In fiscal year 2000-2001, any unencumbered funds remaining undisbursed on June 30, 2001, from the Quick-Response Training Program, Brownfield Redevelopment Bonus Refunds, and funds appropriated in the General Appropriations Act for cleanup of state-owned lands, shall be used for grants to fund assessment and remediation at brownfield sites or areas designated pursuant to s. 376.80, Florida Statues, prior to April 1, 2000, that are United States Environmental Protection Agency brownfield pilot projects designated prior to July 1, 1997, at which site assessment has been initiated as of April 1, 2000. Grants shall be distributed to eligible pilot projects under this part on a pro-rata basis in an amount not to exceed $500,000 per pilot project.*

Section 24. This act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, line 2 through page 6, line 4
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to state regulation of lands; amending s. 206.9935, F.S.; providing requirements for determination of the rate; amending s. 252.87, F.S.; revising reporting requirements under the Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 288.047, F.S.; requiring Enterprise Florida, Inc., to set aside each fiscal year a certain amount of the appropriation for the Quick Response Training Program for businesses located in a brownfield area; amending s. 288.107, F.S.; redefining the term "eligible business"; providing for bonus refunds for businesses that can demonstrate a fixed capital investment in certain mixed use activities in the brownfield area; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., to develop comprehensive marketing strategies for redevelopment of brownfield areas; amending s. 376.051, F.S.; providing for the use of risk-based cleanup criteria on state university lands; amending s. 376.301, F.S.; redefining the terms "antagonistic effects," "discharge," "institutional controls," "natural attenuation," and "site rehabilitation" and defining the term "risk reduction"; amending s. 376.303, F.S.; providing authority for mapping and registering contamination within brownfields; amending s. 376.3078, F.S.; providing conditions with respect to determination of eligibility of specified drycleaning facilities for state-funded site rehabilitation; providing for rehabilitation criteria; amending s. 376.79, F.S.; defining the terms "contaminant" and "risk reduction"; redefining the terms "natural attenuation," "institutional control," and "source removal"; amending s. 376.80, F.S.; allowing local governments or persons responsible for brownfield area rehabilitation and redevelopment to use an existing advisory committee; deleting the requirement that the advisory committee must review and provide recommendations to the local government with jurisdiction on the proposed brownfield site rehabilitation agreement; providing that the person responsible for site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement; requiring the person responsible for site rehabilitation to hold a meeting or attend a regularly scheduled meeting of the advisory committee to inform the advisory committee of the outcome of the environmental assessment; requiring the person responsible for site rehabilitation to enter into a brownfield site rehabilitation agreement only if actual contamination exists; clarifying provisions relating to the required comprehensive general liability and comprehensive automobile liability insurance; amending s. 376.81, F.S.; providing direction regarding the risk-based corrective action rule; requiring the department to establish alternative cleanup levels under certain circumstances; amending s. 376.82, F.S.; providing immunity for liability regarding contaminated site remediation under certain circumstances; amending s. 403.973, F.S.; providing that projects located in a designated brownfield area are eligible for the expedited permitting process; amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances; amending ss. 712.01, 712.03, F.S.; prohibiting subsequent property owners from removing certain deed restrictions under other provisions of the Marketable Record Title Act; amending s. 163.2517, F.S.; revising the financial incentives which a local government may offer in an urban infill and redevelopment area which relate to exemption from local option sales surtaxes and waiver of delinquent taxes or fees; providing that, in order to be eligible for the exemption from collecting local option sales surtaxes, a business must submit an application under oath to the local government, which must be approved and submitted to the Department of Revenue; amending s. 212.08, F.S.; specifying that the authority of a local government to adopt financial and local government incentives under s. 163.2517, F.S., is not superseded by certain provisions relating to sales tax exemptions; amending s. 163.2523, F.S.; authorizing transfer of unused funds between grant categories under the Urban Infill and Redevelopment Assistance Grant Program; repealing s. 376.3195, F.S.; providing for distribution of certain unspent appropriations; repealing s. 211.3103(9); providing an effective date.

Rep. Constantine moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS for CS for CS for SB 1406. The vote was:

Session Vote Sequence: 627

Yeas—119

The Chair	Casey	Green, C.	Merchant
Albright	Chestnut	Greene, A.	Miller, J.
Alexander	Constantine	Greenstein	Miller, L.
Andrews	Cosgrove	Hafner	Minton
Argenio	Crady	Harrington	Morroni
Argenziano	Crist	Hart	Murman
Arnall	Crow	Henriquez	Ogles
Bainter	Detert	Heyman	Patterson
Ball	Diaz de la Portilla, R.	Hill	Peaden
Barreiro	Dockery	Jacobs	Posey
Bense	Edwards	Johnson	Prieguez
Betancourt	Effman	Jones	Pruitt
Bilirakis	Eggelletion	Kelly	Putnam
Bitner	Farkas	Kilmer	Rayson
Bloom	Fasano	Kosmas	Reddick
Boyd	Feeney	Kyle	Ritchie
Bradley	Fiorentino	Lacasa	Ritter
Bronson	Flanagan	Lawson	Roberts
Brown	Frankel	Lee	Rojas
Brummer	Fuller	Levine	Rubio
Bucher	Futch	Littlefield	Russell
Bullard	Garcia	Logan	Ryan
Bush	Goode	Lynn	Sanderson
Byrd	Goodlette	Maygarden	Sembler
Cantens	Gottlieb	Melvin	Smith, C.

Smith, K.	Stansel	Tullis	Waters
Sobel	Starks	Turnbull	Wiles
Sorensen	Suarez	Villalobos	Wilson
Spratt	Sublette	Wallace	Wise
Stafford	Trovillion	Wasserman Schultz	

Nays—1

Gay

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 2179, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 2179—A bill to be entitled An act relating to school district revenue; amending s. 125.01, F.S.; limiting the ability of counties to levy school impact fees; providing for the distribution to school boards of certain funds appropriated in the General Appropriations Act; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 1, between lines 28 and 29,

insert:

Section 3. Section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(1) Upon the final adoption of the budgets as provided in this chapter, the budgets so adopted shall regulate the expenditures of the county and each special district included within the county budget, and the itemized estimates of expenditures shall have the effect of fixed appropriations and shall not be amended, altered, or exceeded except as provided in this chapter.

(a) The modified-accrual basis or accrual basis of accounting must be followed for all funds in accordance with generally accepted accounting principles.

(b) The cost of the investments provided in this chapter, or the receipts from their sale or redemption, must not be treated as expense or income, but the investments on hand at the beginning or end of each fiscal year must be carried as separate items at cost in the fund balances; however, the amounts of profit or loss received on their sale must be treated as income or expense, as the case may be.

(2) The board at any time within a fiscal year may amend a budget for that year, *and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year,* as follows:

(a) Appropriations for expenditures in any fund may be decreased and other appropriations in the same fund correspondingly increased by motion recorded in the minutes, provided that the total of the appropriations of the fund may not be changed. The board of county commissioners, however, may establish procedures by which the designated budget officer may authorize certain intradepartmental budget amendments, provided that the total appropriation of the department may not be changed.

(b) Appropriations from the reserve for contingencies may be made to increase the appropriation for any particular expense in the same fund, or to create an appropriation in the fund for any lawful purpose, but expenditures may not be charged directly to the reserve for contingencies.

(c) The reserve for future construction and improvements may be appropriated by resolution of the board for the purposes for which the reserve was made.

(d) A receipt of a nature from a source not anticipated in the budget and received for a particular purpose, including but not limited to grants, donations, gifts, or reimbursement for damages, may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. Such receipts and appropriations must be added to the budget of the proper fund. The resolution may amend the budget to transfer revenue between funds to properly account for unanticipated revenue.

(e) Increased receipts for enterprise or proprietary funds received for a particular purpose may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. The resolution may amend the budget to transfer revenue between funds to properly account for increased receipts.

(f) If an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), unless otherwise prohibited by law, the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing. The public hearing must be advertised at least 2 days, but not more than 5 days, before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each budget.

(3) Only the following transfers may be made between funds:

(a) Transfers to correct errors in handling receipts and disbursements.

(b) Budgeted transfers.

(c) Transfers to properly account for unanticipated revenue or increased receipts.

(4) All unexpended balances of appropriations at the end of the fiscal year shall revert to the fund from which the appropriation was made, but reserves for sinking funds and for future construction and improvements may not be diverted to other purposes.

(5) Any county constitutional officer whose budget is approved by the board of county commissioners, who has not been reelected to office or is not seeking reelection, shall be prohibited from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation, following the date he or she is eliminated as a candidate or October 1, whichever comes later, without approval of the board of county commissioners.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon

insert: amending s. 129.06, F.S.; providing a procedure by which counties may amend a prior year's budget;

Senate Amendment 2 (with title amendment)—On page 1, lines 15-22, delete those lines

and insert:

(8)(a) Counties are prohibited from levying any impact fee for school purposes in an amount in excess of 37.5 percent of any school impact fee which that county adopted by county ordinance prior to May 1, 1999. If in any year the Legislature appropriates an amount less than 62.5 percent of the total impact-fee-for-school-purposes revenue collected in fiscal year 1999-2000, a county may increase the county levied portion to make up the difference.

(b) State funds appropriated in lieu of impact fees adopted by county ordinance prior to May 1, 1999 may be used for the same purposes as impact fees for school purposes levied by a county.

And the title is amended as follows:

On page 1, line 7, after the semicolon,

insert: providing for uses of appropriated funds;

Senate Amendment 3—On page 1, between lines 28 and 29,

insert:

Section 3. *State funds appropriated in lieu of impact fees by a county ordinance which was publicly noticed prior to April 23, 2000 for hearing may be used for the same purposes as impact fees for school purposes levied by a county. If in any year the Legislature appropriates an amount less than 62.5 percent of the total impact fee for school purposes revenue collected in 1999-2000, or with respect to ordinances noticed prior to April 23, 2000, for hearing, but adopted after May 1, 1999, the legislature appropriates an amount less than 62.5 percent of the total impact fee for school purposes revenue which would have been collected in 1999-2000 if such ordinance had been in effect, a county may increase the county levied portion to make up the difference.*

(Redesignate subsequent sections.)

On motion by Rep. Lacasa, the House concurred in Senate Amendments 1, 2, and 3. The question recurred on the passage of HB 2179. The vote was:

Session Vote Sequence: 628

Yeas—102

The Chair	Detert	Kosmas	Russell
Albright	Dockery	Kyle	Ryan
Alexander	Edwards	Lacasa	Sanderson
Andrews	Eggelletion	Lawson	Sembler
Argenio	Farkas	Levine	Smith, C.
Arnall	Fasano	Logan	Smith, K.
Bainter	Feeney	Lynn	Sobel
Barreiro	Fiorentino	Maygarden	Sorensen
Betancourt	Flanagan	Melvin	Spratt
Bilirakis	Fuller	Miller, L.	Stafford
Bitner	Futch	Minton	Stansel
Bloom	Garcia	Morroni	Starks
Boyd	Gay	Murman	Suarez
Bradley	Goode	Ogles	Sublette
Bronson	Gottlieb	Patterson	Trovillion
Brummer	Greenstein	Peaden	Tullis
Bush	Hafner	Posey	Turnbull
Byrd	Harrington	Prieguez	Villalobos
Cantens	Hart	Pruitt	Wallace
Casey	Henriquez	Putnam	Wasserman Schultz
Chestnut	Heyman	Rayson	Waters
Constantine	Hill	Reddick	Wiles
Cosgrove	Jacobs	Ritter	Wilson
Crady	Johnson	Roberts	Wise
Crist	Jones	Rojas	
Crow	Kelly	Rubio	

Nays—18

Argenziano	Bullard	Green, C.	Merchant
Ball	Diaz de la Portilla, R.	Greene, A.	Miller, J.
Bense	Effman	Kilmer	Ritchie
Brown	Frankel	Lee	
Bucher	Goodlette	Littlefield	

Votes after roll call:
Nays to Yeas—Argenziano, Littlefield

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has amended House Amendment 1, concurred in same as amended and passed CS for CS for SB 770 & SB 286, as further amended and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS for CS for SB 770 & SB 286—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.501, F.S.; reducing the surcharges on liquor, wine, cider, and beer sold for consumption on the premises; providing an exemption from the surcharge to certain nonprofit organizations; amending s. 561.121, F.S.; increasing the portion of the surcharge which is transferred to the Children and Adolescents Substance Abuse Trust Fund; providing an effective date.

(House Amendment 1 attached to original bill and shown in the *Journal* earlier today.)

Senate Amendment 2 to House Amendment 1 (with title amendment)—On page 1, line 17, through page 72, line 16, delete those lines

and insert:

Section 1. Subsection (1) of section 561.501, Florida Statutes, is amended to read:

561.501 Surcharge on sale of alcoholic beverages for consumption on the premises; penalty.—

(1) Notwithstanding s. 561.50 or any other provision of the Beverage Law, a surcharge of *3.34* ~~6.67~~ cents is imposed upon each ounce of liquor and each 4 ounces of wine, a surcharge of *2* **4** cents is imposed on each 12 ounces of cider, and a surcharge of *1.34* ~~2.67~~ cents is imposed on each 12 ounces of beer sold at retail for consumption on premises licensed by the division as an alcoholic beverage vendor. *However, the surcharges imposed under this subsection need not be paid upon such beverages when they are sold by an organization that is licensed by the division under s. 565.02(4) or s. 561.422 as an alcoholic beverage vendor and that is determined by the Internal Revenue Service to be currently exempt from federal income tax under s. 501(c)(3), (4), (5), (6), (7), (8), or (19) of the Internal Revenue Code of 1986, as amended.*

Section 2. Subsection (4) of section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.—

(4) State funds collected pursuant to s. 561.501 shall be paid into the State Treasury and credited to the following accounts:

(a) *Twenty-seven and two-tenths* ~~Thirteen and six-tenths~~ percent of the surcharge on the sale of alcoholic beverages for consumption on premises shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Children and Family Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

(b) The remainder of collections shall be credited to the General Revenue Fund.

Section 3. Subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

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

(a) Proceeds from the convention development taxes authorized under s. 212.0305 shall be reallocated to the Convention Development Tax Clearing Trust Fund.

(b) Proceeds from discretionary sales surtaxes imposed pursuant to ss. 212.054 and 212.055 shall be reallocated to the Discretionary Sales Surtax Clearing Trust Fund.

(c) Proceeds from the tax imposed pursuant to s. 212.06(5)(a)2. shall be reallocated to the Mail Order Sales Tax Clearing Trust Fund.

(d) Proceeds from the fee imposed pursuant to s. 212.18(5) shall be deposited in the Solid Waste Management Clearing Trust Fund, which is hereby created to be used by the department, and shall be subsequently transferred to the State Treasurer to be deposited into the Solid Waste Management Trust Fund.

(e) Proceeds from the fees imposed under ss. 212.05(1)(i)3. and 212.18(3) shall remain with the General Revenue Fund.

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

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

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

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

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

5. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

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

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

d.~~c.~~ Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

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

Section 4. *Subsection (8) of section 550.01215 is repealed.*

Section 5. Section 550.135, Florida Statutes, is amended to read:

550.135 Division of moneys derived under this law.—All moneys that are deposited with the Treasurer to the credit of the Pari-mutuel Wagering Trust Fund shall be distributed *as follows* ~~in the following proportions, in the manner and at the times specified in this section~~:

~~(1) In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county; any excess of such moneys after the distributions to the counties shall be paid into the General Revenue Fund. If the sum available for distribution is less than $29,915,500, the deficiency shall be paid into the Pari-mutuel Wagering Trust Fund from the General Revenue Fund up to the amount of the deficiency if the deficiency does not exceed the deposits of pari-mutuel tax collections to the General Revenue Fund for that fiscal year.~~

~~(2) The distribution among the several counties provided for in subsection (1) shall begin each fiscal year on or before January 5 and shall continue monthly for a total of 4 months. If during the fiscal year the sums available for distribution to the counties is not sufficient to make the scheduled distributions, the division shall immediately transfer to the Pari-mutuel Wagering Trust Fund from deposits made by the division to the General Revenue Fund during that fiscal year, the sums required to make the distributions. If on April 5 the sums distributed to the counties do not equal the maximum sum to be distributed, the division shall immediately transfer to the Pari-mutuel Wagering Trust Fund, from deposits made by the division to the General Revenue Fund during that fiscal year, the sums required to pay each county the sum entitled and shall make such payments on or before the end of that fiscal year. The Comptroller is appointed as the agent of the division to make the distribution to the counties and to make transfers as may be required by this section.~~

(1)~~(3)~~ The daily license fee revenues collected pursuant to s. 550.0951(1) shall be used to fund the operating cost of the division and to provide a proportionate share of the operation of the office of the secretary and the Division of Administration of the Department of Business and Professional Regulation; however, other collections in the Pari-mutuel Wagering Trust Fund~~, after the payments required by subsections (1) and (2),~~ may also be used to fund the operation of the division in accordance with authorized appropriations.

(2)~~(4) After payments to the counties have been completed as provided in subsections (1) and (2),~~ All unappropriated funds *in excess of $3.5 million* in the Pari-mutuel Wagering Trust Fund shall be deposited to the Treasurer to the credit of the General Revenue Fund ~~as provided in subsection (1)~~.

~~(5) If a local or special law requires that any moneys accruing to a county under this chapter, the same being division funds, be paid to the Treasurer of the state, as ex officio treasurer of the teachers' salary fund,~~

~~to the credit of a district school board, those moneys shall be paid directly to the district school board.~~

Section 6. Subsections (1), (3), and (5) and paragraph (b) of subsection (6) of section 550.0951, Florida Statutes, are amended to read:

550.0951 Payment of daily license fee and taxes.—

(1)(a) DAILY LICENSE FEE.—Each person engaged in the business of conducting race meetings or jai alai games under this chapter, hereinafter referred to as the "permitholder," "licensee," or "permittee," shall pay to the division, for the use of the division, a daily license fee on each live or simulcast pari-mutuel event of $100 for each horserace and $80 for each dograce and $40 for each jai alai game conducted at a racetrack or fronton licensed under this chapter. ~~Effective October 1, 1996,~~ In addition to the tax exemption specified in s. 550.09514(1) of $360,000 or $500,000 per greyhound permitholder per state fiscal year, each greyhound permitholder shall receive in the current state fiscal year a tax credit equal to the number of live greyhound races conducted in the previous state fiscal year times the daily license fee specified for each dograce in this subsection applicable for the previous state fiscal year. This tax credit and the exemption in s. 550.09514(1) shall be applicable to *any* ~~the~~ tax *imposed by this chapter or the daily license fees imposed by this chapter* ~~on live handle under subsection (3)~~ except during any charity or scholarship performances conducted pursuant to s. 550.0351. ~~Effective October 1, 1996,~~ Each permitholder shall pay daily license fees not to exceed $500 per day on any simulcast races or games on which such permitholder accepts wagers regardless of the number of out-of-state events taken or the number of out-of-state locations from which such events are taken. This license fee shall be deposited with the Treasurer to the credit of the Pari-mutuel Wagering Trust Fund.

(b) Each permitholder *that* ~~authorized a maximum tax savings of $500,000 per state fiscal year pursuant to s. 550.09514(1) or the greyhound permitholder that had the lowest live handle during the preceding state fiscal year, which~~ cannot utilize the full amount of *the exemption of $360,000 or $500,000 provided in s. 550.09514(1) or* the daily license fee credit *provided in this section*~~,~~ may, after notifying the division in writing, elect once per state fiscal year on a form provided by the division to transfer such *exemption or* credit or any portion thereof to any greyhound permitholder which acts as a host track to such permitholder for the purpose of intertrack wagering. Once an election to transfer such *exemption or* credit is filed with the division it shall not be rescinded. The division shall disapprove the ~~credit~~ transfer when the amount of *the exemption or* credit or portion thereof is unavailable to the transferring permitholder or when the permitholder~~,~~ who is entitled to transfer the *exemption or* credit or who is entitled to receive the *exemption or* credit~~,~~ owes taxes to the state pursuant to a deficiency letter or administrative complaint issued by the division. Upon approval of the transfer by the division, the transferred tax *exemption or* credit shall be effective for the first performance of the next biweekly pay period as specified in subsection (5). The *exemption or* ~~daily license fee~~ credit transferred to such host track may be applied by such host track against *any* ~~its~~ taxes *imposed by this chapter or daily license fees imposed by this chapter* ~~on live racing as provided in this subsection~~. The greyhound permitholder host track to which such *exemption or* ~~daily license fee~~ credit is transferred shall reimburse such permitholder the exact monetary value of such transferred *exemption or* credit as actually applied against the taxes *and daily license fees* of the host track. The division shall ensure that all transfers of *exemption or* credit are made in accordance with this subsection and shall have the authority to adopt rules to ensure the implementation of this section.

(3) TAX ON HANDLE.—Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on races or games conducted by the permitholder. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily performance. If a permitholder conducts more than one performance daily, the tax is imposed on each performance separately.

(a) The tax on handle for ~~thoroughbred horse racing, harness horse racing, and~~ quarter horse racing is *1.0* ~~3.3~~ percent of the handle.

(b)*1.* The tax on handle for dogracing is *5.5* ~~7.6~~ percent of the handle, *except that for live charity performances held pursuant to s. 550.0351, and for intertrack wagering on such charity performances at a guest greyhound track within the market area of the host, the tax is 7.6 percent of the handle.* ~~and~~

2. The tax on handle for jai alai is 7.1 percent of the handle.

(c)1. The tax on handle for intertrack wagering is *2.0* ~~3.3~~ percent of the handle if the host track is a horse track, *3.3 percent if the host track is a harness track, 5.5* ~~7.6~~ percent if the host track is a dog track, and 7.1 percent if the host track is a jai alai fronton. *The tax on handle for intertrack wagering is 0.5 percent if the host track and the guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a throughbred permitholder currently conducting a live race meet.* The tax on handle for intertrack wagering on rebroadcasts of simulcast *thoroughbred* horseraces is 2.4 percent of the handle *and 1.5 percent of the handle for intertrack wagering on rebroadcasts of simulcast harness horseraces.* The tax shall be deposited into the *Pari-mutuel Wagering Trust* ~~General Revenue~~ Fund.

2. ~~Effective October 1, 1996,~~ The tax on handle for intertrack wagers accepted by any dog track located in an area of the state in which there are only three permitholders, all of which are greyhound permitholders, located in three contiguous counties, from any greyhound permitholder also located within such area or any dog track or jai alai fronton located as specified in s. 550.615(6) or *(9)* ~~(8)~~, on races or games received from the same class of permitholder located within the same market area is *3.9* ~~6~~ percent if the host facility is a greyhound permitholder and, if the host facility is a jai alai permitholder, the rate shall be 6.1 percent except that it shall be 2.3 percent on handle at such time as the total tax on intertrack handle paid to the division by the permitholder during the current state fiscal year exceeds the total tax on intertrack handle paid to the division by the permitholder during the 1992-1993 state fiscal year.

~~3. Any guest track that imposes a surcharge on each winning ticket cashed pursuant to s. 550.6335 shall pay an additional tax equal to 5 percent of the surcharge so imposed. Any taxes so imposed shall be deposited into the General Revenue Fund.~~

(d) Notwithstanding any other provision of this chapter, in order to protect the Florida jai alai industry, effective July 1, 2000, a jai alai permitholder may not be taxed on live handle at a rate higher than 2 percent.

(5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payment for the admission tax, tax on handle, and the breaks tax imposed by this section shall be paid to the division. The division shall deposit these sums with the Treasurer, *to the credit of* ~~one-half being credited to~~ the Pari-mutuel Wagering Trust Fund, hereby established~~, and one-half being credited to the General Revenue Fund~~. The permitholder shall remit to the division payment for the daily license fee, the admission tax, the tax on handle, and the breaks tax. Such payments shall be remitted by ~~3 p.m. Friday of each week for taxes and fees imposed and collected for the preceding Sunday, Monday, and Tuesday, and by~~ 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding *week ending on Sunday* ~~Wednesday, Thursday, Friday, and Saturday~~. Permitholders shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing the total of all admissions, the pari-mutuel wagering activities for the preceding calendar month, and such other information as may be prescribed by the division.

(6) PENALTIES.—

(b) In addition to the civil penalty prescribed in paragraph (a), any willful or wanton failure by any permitholder to make payments of the

daily license fee, admission tax, tax on handle, *or* breaks tax~~, or surtax~~ constitutes sufficient grounds for the division to suspend or revoke the license of the permitholder, to cancel the permit of the permitholder, or to deny issuance of any further license or permit to the permitholder.

Section 7. *Any double-sum tax liability that accrued under section 550.09515(2)(a)2., Florida Statutes, between January 1, 2000, and the effective date of this act is forgiven, and the Department of Business and Professional Regulation may not maintain an action to collect such taxes.*

Section 8. Section 550.09514, Florida Statutes, is amended to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(1) ~~Notwithstanding the provisions of s. 550.0951(3)(b),~~ Wagering on greyhound racing is subject to a tax on handle for live greyhound racing *as specified in s. 550.0951(3)* ~~at the rate of 7.6 percent of handle~~. *However,* each permitholder shall pay *no* ~~the~~ tax on ~~live~~ handle ~~in excess of $100,000 per performance~~ until such time as this subsection has resulted in a tax savings per state fiscal year of $360,000. Thereafter, each permitholder shall pay the tax *as specified in s. 550.0951(3)* ~~provided in this subsection~~ on all handle for the remainder of the permitholder's current race meet, and the tax must be calculated and commence beginning the day after the biweekly period in which the permitholder reaches the maximum tax savings per state fiscal year provided in this section. For the three permitholders *that* ~~which~~ conducted a full schedule of live racing in 1995, and are closest to another state *that* ~~which~~ authorizes greyhound pari-mutuel wagering, the maximum tax savings per state fiscal year shall be $500,000. The provisions of this subsection relating to tax exemptions shall not apply to any charity or scholarship performances conducted pursuant to s. 550.0351.

(2)(a) The division shall determine for each greyhound permitholder the annual purse percentage rate of live handle for the state fiscal year 1993-1994 by dividing total purses paid on live handle by the permitholder, exclusive of payments made from outside sources, during the 1993-1994 state fiscal year by the permitholder's live handle for the 1993-1994 state fiscal year. Each permitholder shall pay as purses for live races conducted during its current race meet a percentage of its live handle not less than the percentage determined under this paragraph, exclusive of payments made by outside sources, for its 1993-1994 state fiscal year.

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

2. Except as otherwise set forth herein, in addition to the minimum purse percentage required by paragraph (a), ~~beginning July 1, 1997,~~ each permitholder shall pay as purses an annual amount equal to 75 percent of the daily license fees paid by each permitholder for the 1994-1995 fiscal year. This purse supplement shall be disbursed weekly during the permitholder's race meet in an amount determined by dividing the annual purse supplement by the number of performances approved for the permitholder pursuant to its annual license and multiplying that amount by the number of performances conducted each week. For the greyhound permitholders in the county where there are two greyhound permitholders located as specified in s. 550.615(6), such permitholders shall pay in the aggregate an amount equal to 75 percent of the daily license fees paid by such permitholders for the 1994-1995 fiscal year. These permitholders shall be jointly and severally liable for such purse payments.

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

(c)1. Each greyhound permitholder when conducting at least three live performances during any week shall pay purses in that week on wagers it accepts as a guest track on intertrack and simulcast greyhound races at the same rate as it pays on live races. Each greyhound permitholder when conducting at least three live performances during any week shall pay purses in that week, at the same rate as it pays on live races, on wagers accepted on greyhound races at a guest track which is not conducting live racing and is located within the same market area as the greyhound permitholder conducting at least three live performances during any week.

2. Each host greyhound permitholder shall pay purses on its simulcast and intertrack broadcasts of greyhound races to guest facilities that are located outside its market area in an amount equal to one quarter of an amount determined by subtracting the transmission costs of sending the simulcast or intertrack broadcasts from an amount determined by adding the fees received for greyhound simulcast races plus 3 percent of the greyhound intertrack handle at guest facilities that are located outside the market area of the host and that paid contractual fees to the host for such broadcasts of greyhound races.

(d) The division shall require sufficient documentation from each greyhound permitholder regarding purses paid on live racing to assure that the annual purse percentage rates paid by each permitholder on the live races are not reduced below those paid during the 1993-1994 state fiscal year. The division shall require sufficient documentation from each greyhound permitholder to assure that the purses paid by each permitholder on the greyhound intertrack and simulcast broadcasts are in compliance with the requirements of paragraph (c).

(e) In addition to the purse requirements of paragraphs (a)-(c), each greyhound permitholder shall pay as purses an amount equal to one-third of the amount of the tax reduction on live and simulcast handle applicable to such permitholder as a result of the reductions in tax rates provided by this act through the amendments to s. 550.0951(3). With respect to intertrack wagering when the host and guest tracks are greyhound permitholders not within the same market area, an amount equal to the tax reduction applicable to the guest track handle as a result of the reduction in tax rate provided by this act through the amendment to s. 550.0951(3) shall be distributed to the guest track, one-third of which amount shall be paid as purses at the guest track. However, if the guest track is a greyhound permitholder within the market area of the host or if the guest track is not a greyhound permitholder, an amount equal to such tax reduction applicable to the guest track handle shall be retained by the host track, one-third of which amount shall be paid as purses at the host track. These purse funds shall be disbursed in the week received if the permitholder conducts at least one live performance during that week. If the permitholder does not conduct at least one live performance during the week in which the purse funds are received, the purse funds shall be disbursed weekly during the permitholder's next race meet in an amount determined by dividing the purse amount by the number of performances approved for the permitholder pursuant to its annual license, and multiplying that amount by the number of performances conducted each week. The division shall conduct audits necessary to ensure compliance with this paragraph.

(f)~~(e)~~ Each greyhound permitholder shall, during the permitholder's race meet, supply kennel operators and the Division of Pari-Mutuel Wagering with a weekly report showing purses paid on live greyhound races and all greyhound intertrack and simulcast broadcasts, including both as a guest and a host together with the handle or commission calculations on which such purses were paid and the transmission costs of sending the simulcast or intertrack broadcasts, so that the kennel operators may determine statutory and contractual compliance.

(g)~~(f)~~ Each greyhound permitholder shall make direct payment of purses to the greyhound owners who have filed with such permitholder appropriate federal taxpayer identification information based on the percentage amount agreed upon between the kennel operator and the greyhound owner.

(h)~~(g)~~ At the request of a majority of kennel operators under contract with a greyhound permitholder, the permitholder shall make deductions from purses paid to each kennel operator electing such deduction and shall make a direct payment of such deductions to the local association of greyhound kennel operators formed by a majority of kennel operators under contract with the permitholder. The amount of the deduction shall be at least 1 percent of purses, as determined by the local association of greyhound kennel operators. No deductions may be taken

pursuant to this paragraph without a kennel operator's specific approval before or after the effective date of this act.

(3) For the purpose of this section, the term "live handle" means the handle from wagers placed at the permitholder's establishment on the live greyhound races conducted at the permitholder's establishment.

Section 9. Subsections (2), (5), and (6) of section 550.09515, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(2)

(a) Notwithstanding the provisions of s. 550.0951(3)(a), the tax on handle for live thoroughbred *horserace* ~~horse~~ performances shall be subject to the following:

1. The tax on handle per performance for live thoroughbred performances is *0.5* ~~2.0~~ percent of handle for performances conducted during the period beginning on January 3 and ending March 16; *0.2* ~~.20~~ percent of handle for performances conducted during the period beginning March 17 and ending May 22; and *0.5* ~~1.25~~ percent of handle for performances conducted during the period beginning May 23 and ending January 2.

2. If any thoroughbred permitholder conducts performances during more than one time period ~~or if performances are conducted during more than one period at any facility~~, the tax on handle per performance is double the sum of the tax percentages for the periods in which performances are being conducted, except:

a. Pursuant to s. 550.01215, two permitholders, by mutual written agreement, may agree to the operation by one of them in the other permitholder's tax period for up to 3 days, if the 3 days are either the first 3 days or the last 3 days of the racing period in which the permitholders intend to operate.

b. If, on March 31 of any year, there is no permitholder holding a license for operating any one of the three race periods set forth in this section or if the permitholder who is licensed to operate in any period fails to operate for 10 consecutive days, a permitholder already licensed to operate in another period may apply for and be issued a license to operate the period in question, in addition to the period already licensed.

c. Two permitholders who operated in different periods in the preceding fiscal year may, by mutual written agreement, switch periods for the current racing season, even if it results in either permitholder or the facility of a permitholder being operated in two different periods.

However, any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is authorized to conduct live performances at any time of the year and shall pay 0.5 percent on live handle per performance.

~~3. For the period beginning on April 1 and ending May 23 during the state fiscal year 1992-1993, any permitholder which has operated less than 51 racing days in the last 18 months may operate said period and pay 1.25 percent tax on live handle per performance. In the event this provision takes effect after April 1, 1993, it shall be construed to apply retroactively from April 1, 1993, through May 23, 1993.~~

~~4. In the event any licenses have been issued to any thoroughbred permitholders for racing dates prior to April 26, 1993, then, notwithstanding the provisions of s. 550.525(2), amendments may be filed to the racing dates up to May 1, 1993.~~

(b) For purposes of this section, the term "handle" shall have the same meaning as in s. 550.0951, and shall not include handle from intertrack wagering.

(5) Notwithstanding the provisions of s. 550.0951(3)(c), the tax on handle for intertrack wagering on rebroadcasts of simulcast horseraces is 2.4 percent of the handle; provided however, that if the guest track is a throughbred track located more than 35 miles from the host track, the host track shall pay a tax of .5 percent of the handle, and additionally the host track shall pay to the guest track 1.9 percent of the handle to be used by the guest track solely for purses. The tax shall be deposited into the *Pari-mutuel Wagering Trust* ~~General Revenue~~ Fund.

(6) Notwithstanding the provisions of s. 550.0951(3)(c), the tax on handle is 0.2 percent for intertrack wagering and for intertrack wagering on rebroadcasts of simulcast horseraces for a thoroughbred permitholder that conducts performances during the period beginning March 17 and ending May 22. This subsection applies only to thoroughbred permitholders located in any area of the state where there are three or more thoroughbred permitholders within 25 miles of each other. The tax shall be deposited into the *Pari-mutuel Wagering Trust* ~~General Revenue~~ Fund. Effective July 1, 2001, this subsection is repealed.

(7) A credit equal to the amount of contributions made by a thoroughbred permitholder during the taxable year directly to the Jockeys' Guild or its health and welfare fund to be used to provide health and welfare benefits for active, disabled, and retired Florida jockeys and their dependents pursuant to reasonable rules of eligibility established by the Jockeys' Guild is allowed against taxes on live handle due for a taxable year under this section. A thoroughbred permitholder may not receive a credit greater than an amount equal to 1 percent of its paid taxes for the previous taxable year.

Section 10. Effective July 1, 2001, paragraph (a) of subsection (2) of section 550.09515, Florida Statutes, as amended by section 4 of chapter 98-190, Laws of Florida, is reenacted to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(2)(a) ~~Notwithstanding the provisions of s. 550.0951(3)(a),~~ The tax on handle for live thoroughbred *horserace* ~~horse~~ performances shall be *0.5 percent.* ~~subject to the following:~~

~~1. The tax on handle per performance for live thoroughbred performances is 2.25 percent of handle for performances conducted during the period beginning on January 3 and ending March 16; .70 percent of handle for performances conducted during the period beginning March 17 and ending May 22; and 1.5 percent of handle for performances conducted during the period beginning May 23 and ending January 2.~~

~~2. However, any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is authorized to conduct live performances at any time of the year and shall pay 0.5 percent on live handle per performance.~~

Section 11. Section 550.1645, Florida Statutes, is amended to read:

550.1645 Escheat to state of abandoned interest in or contribution to pari-mutuel pools.—

(1) It is the public policy of the state, while protecting the interest of the owners, to possess all unclaimed and abandoned interest in or contribution to *certain* ~~any~~ pari-mutuel *pools* ~~pool~~ conducted in this state under this chapter, for the benefit of all the people of the state; and this law shall be liberally construed to accomplish such purpose.

(2) *Except as otherwise provided in this chapter,* all money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any licensee authorized to conduct pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within the aforesaid period of time, is hereby declared to have escheated to or to escheat to, and to have become the property of, the state.

(3) All money or other property that has escheated to and become the property of the state as provided herein, and which is held by such licensee authorized to conduct pari-mutuel pools in this state, shall be paid by such licensee to the Treasurer annually within 60 days after the close of the race meeting of the licensee. Such moneys so paid by the

licensee to the Treasurer shall be deposited in the State School Fund to be used for the support and maintenance of public free schools as required by s. 6, Art. IX of the State Constitution.

Section 12. Section 550.1647, Florida Statutes, is created to read:

550.1647 Greyhound permitholders; unclaimed tickets; breaks.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any permitholder authorized to conduct greyhound racing pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that period of time, shall, with respect to live races conducted by the permitholder, be remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state fiscal year in an amount equal to the actual amount remitted in the prior state fiscal year which may be applied against any taxes imposed pursuant to this chapter. In addition, each permitholder shall pay, from any source, including the proceeds from performances conducted pursuant to s. 550.0351, an amount not less than 10 percent of the amount of the credit provided by this section to any bonafide organization that promotes or encourages the adoption of greyhounds.

Section 13. Section 550.615, Florida Statutes, is amended to read:

550.615 Intertrack wagering.—

(1) Any horserace permitholder licensed under this chapter which has conducted a full schedule of live racing may, at any time, receive broadcasts of horseraces and accept wagers on horseraces conducted by horserace permitholders licensed under this chapter at its facility.

(2) Any track or fronton licensed under this chapter which in the preceding year conducted a full schedule of live racing is qualified to, at any time, receive broadcasts of any class of pari-mutuel race or game and accept wagers on such races or games conducted by any class of permitholders licensed under this chapter.

(3) If a permitholder elects to broadcast its signal to any permitholder in this state, any permitholder that is eligible to conduct intertrack wagering under the provisions of ss. 550.615-550.6345 is entitled to receive the broadcast and conduct intertrack wagering under this section; provided, however, that the host track may require a guest track within 25 miles of another permitholder to receive in any week at least 60 percent of the live races that the host track is making available on the days that the guest track is otherwise operating live races or games. A host track may require a guest track not operating live races or games and within 25 miles of another permitholder to accept within any week at least 60 percent of the live races that the host track is making available. A person may not restrain or attempt to restrain any permitholder that is otherwise authorized to conduct intertrack wagering from receiving the signal of any other permitholder or sending its signal to any permitholder.

(4) In no event shall any intertrack wager be accepted on the same class of live races or games of any permitholder without the written consent of such operating permitholders conducting the same class of live races or games if the guest track is within the market area of such operating permitholder.

(5) No permitholder within the market area of the host track shall take an intertrack wager on the host track without the consent of the host track.

(6) Notwithstanding the provisions of subsection (3), in any area of the state where there are three or more horserace permitholders within 25 miles of each other, intertrack wagering between permitholders in said area of the state shall only be authorized under the following conditions: Any permitholder, other than a thoroughbred permitholder, may accept intertrack wagers on races or games conducted live by a permitholder of the same class or any harness permitholder located within such area and any harness permitholder may accept wagers on games conducted live by any jai alai permitholder located within its market area and from a jai alai permitholder located within the area specified in this subsection when no jai alai permitholder located within its market area is conducting live jai alai performances; any greyhound or jai alai permitholder may receive broadcasts of and accept wagers on any permitholder of the other class provided that a permitholder, other than the host track, of such other class is not operating a contemporaneous live performance within the market area.

(7) In any county of the state where there are only two permits, one for dogracing and one for jai alai, no intertrack wager may be taken during the period of time when a permitholder is not licensed to conduct live races or games without the written consent of the other permitholder that is conducting live races or games. However, if neither permitholder is conducting live races or games, either permitholder may accept intertrack wagers on horseraces or on the same class of races or games, or on both horseraces and the same class of races or games as is authorized by its permit.

(8) In any three contiguous counties of the state where there are only three permitholders, all of which are greyhound permitholders, if any permitholder leases the facility of another permitholder for all or any portion of the conduct of its live race meet pursuant to s. 550.475, such lessee may conduct intertrack wagering at its pre-lease permitted facility throughout the entire year, including while its live meet is being conducted at the leased facility, if such permitholder has conducted a full schedule of live racing during the preceding fiscal year at its pre-lease permitted facility or at a leased facility, or combination thereof.

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

(10)~~(9)~~(a) Upon application to the division on or before January 31 of each year, any quarter horse permitholder that has conducted at least 15 days of thoroughbred horse sales at a permanent sales facility for at least 3 consecutive years, and conducted at least one day of nonwagering thoroughbred racing, with a purse structure of at least $250,000 per year for 2 consecutive years prior to such application, shall be issued a license to conduct intertrack wagering for thoroughbred racing for up to 21 days in connection with thoroughbred sales, to conduct intertrack wagering at such permanent sales facility between November 1 and May 8 of the following year, to conduct intertrack wagering at such permanent sales facility between May 9 and October 31 at such times and on such days as any jai alai permitholder in the same county is not conducting live performances, and to conduct intertrack wagering under the provisions of this subsection during the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet that is conducted before November 1 and after May 8, subject to conditions set forth in this subsection, provided that no more than one such license may be issued.

(b) If more than one permitholder applies, the division shall determine which permitholder shall be granted the license. In making its determination, the division shall consider the length of time the permitholder has been conducting thoroughbred horse sales in this state, the length of time the applicant has had a permanent location in this state, and the volume of sales of thoroughbred horses in this state, giving the greater weight to the applicant that meets these criteria.

(c) The applicant must comply with the provisions of ss. 550.125 and 550.1815.

(d) Intertrack wagering under this subsection may not be conducted within 50 miles of any greyhound racetrack that conducted a full schedule of live racing prior to June 1, 1990.

(e) For each year such quarter horse permitholder must obtain the license set forth in paragraph (a), any provisions relating to suspension or revocation of a quarter horse permit for failure to conduct live quarter horse racing do not apply.

(f) Intertrack wagering under this subsection may only be conducted on thoroughbred horse racing, and intertrack wagering under this subsection may not be conducted on evening performances.

(11)~~(10)~~ All costs of receiving the transmission of the broadcasts shall be borne by the guest track; and all costs of sending the broadcasts shall be borne by the host track.

(12)~~(11)~~ Notwithstanding any other provision of this section, any thoroughbred permitholder that conducts performances during the period beginning May 23 and ending January 2 must make available any live pari-mutuel event conducted and any simulcast pari-mutuel event received by such permitholder to any thoroughbred permitholder that conducts performances during the period beginning March 17 and ending May 22, and such guest permitholder is authorized to accept wagers on such signals. Notwithstanding s. 550.0951(3)(c), the tax on wagers accepted by the guest permitholder on such events shall be 2 percent, but such amount shall be retained by the host track as compensation for lost revenues and purses. At least 50 percent of the amount retained shall be paid as purses at the host track. This subsection applies only to thoroughbred permitholders located in any area of the state where there are three or more thoroughbred permitholders within 25 miles of each other.

Section 14. Subsection (2) of section 550.0555, Florida Statutes, is amended to read:

550.0555 Greyhound dogracing permits; relocation within a county; conditions.—

(2) Any holder of a valid outstanding permit for greyhound dogracing in a county in which there is only one dogracing permit issued, *as well as any holder of a valid outstanding permit for jai alai in a county where only one jai alai permit is issued,* is authorized, without the necessity of an additional county referendum required under s. 550.0651, to move the location for which the permit has been issued to another location within a 30-mile radius of the location fixed in the permit issued in that county, provided the move does not cross the county boundary, that such relocation is approved under the zoning regulations of the county or municipality in which the permit is to be located *as a planned development use, consistent with the comprehensive plan,* and that such move is approved by the department after it is determined at a proceeding pursuant to chapter 120 in the county affected that the move is necessary to ensure the revenue-producing capability of the permittee without deteriorating the revenue-producing capability of any other pari-mutuel permittee within 50 miles; the distance shall be measured on a straight line from the nearest property line of one racing plant *or jai alai fronton* to the nearest property line of the other.

Section 15. Paragraph (a) of subsection (2) of section 550.09512, Florida Statutes, is amended to read:

550.09512 Harness horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(2)(a) ~~Notwithstanding the provisions of s. 550.0951(3)(a),~~ The tax on handle for live harness horse performances is *0.5* ~~1~~ percent of handle per performance.

Section 16. Section 550.475, Florida Statutes, is amended to read:

550.475 Lease of pari-mutuel facilities by pari-mutuel permitholders.—Holders of valid pari-mutuel permits for the conduct of any *jai alai games,* dogracing, or thoroughbred and standardbred horse racing in this state *are* ~~shall be~~ entitled to lease any and all of their facilities to any other holder of a same class valid pari-mutuel permit for *jai alai games,* dogracing, or thoroughbred or standardbred horse racing, when located within a 35-mile radius of each other; and such lessee *is* ~~shall be~~ entitled to a permit and license to operate its race meet *or jai-alai games* at the leased premises.

Section 17. Subsection (1) of section 550.625, Florida Statutes, is amended to read:

550.625 Intertrack wagering; purses; breeders' awards.—If a host track is a horse track:

(1) A host track racing under either a thoroughbred or quarter horse permit shall pay an amount equal to *7.0* ~~6.125~~ percent of all wagers placed pursuant to the provisions of s. 550.615, as purses during its current race meet. However, up to 0.50 percent of all wagers placed pursuant to s. 550.615 may, at the option of the host track, be deducted from the amount retained by the host track for purses to supplement the awards program for owners of Florida-bred horses as set forth in s. 550.2625(6). A host track racing under a harness permit shall pay an amount equal to 7 percent of all wagers placed pursuant to the provisions of s. 550.615, as purses during its current race meet. If a host track underpays or overpays purses required by this section and s. 550.2625, the provisions of s. 550.2625 apply to the overpayment or underpayment.

Section 18. Subsection (2) of section 550.155, Florida Statutes, is amended to read:

550.155 Pari-mutuel pool within track enclosure; takeouts; breaks; penalty for purchasing part of a pari-mutuel pool for or through another in specified circumstances.—

(2) The permitholder's share of the takeout is that portion of the takeout that remains after the pari-mutuel tax imposed upon the contributions to the pari-mutuel pool is deducted from the takeout and paid by the permitholder. The takeout is deducted from all pari-mutuel pools but may be different depending on the type of pari-mutuel pool. The permitholder shall inform the patrons, either through the official program or via the posting of signs at conspicuous locations, as to the takeout currently being applied to handle at the facility. A capital improvement proposed by a permitholder licensed under this chapter to a pari-mutuel facility existing on June 23, 1981, which capital improvement requires, pursuant to any municipal *or county* ordinance, resolution, or regulation, the qualification or approval of the municipality *or county* wherein the permitholder conducts its business operations, shall receive approval unless the municipality *or county* is able to show that the proposed improvement presents a justifiable and immediate hazard to the health and safety of municipal *or county* residents, provided the permitholder pays to the municipality or county the cost of a building permit and provided the capital improvement meets the following criteria:

(a) The improvement does not qualify as a development of regional impact as defined in s. 380.06; and

(b) The improvement is contiguous to or within the existing pari-mutuel facility site. To be contiguous, the site of the improvement must share a sufficient common boundary with the present pari-mutuel facility to allow full and free access without crossing a public roadway, public waterway, or similar barrier.

Section 19. Subsections (3), (5), (6), (8), and (10) of section 550.26352, Florida Statutes, are amended to read:

550.26352 Breeders' Cup Meet; pools authorized; conflicts; taxes; credits; transmission of races; rules; application.—

(3) If the permitholder conducting the Breeders' Cup Meet is located within 35 miles of one or more permitholders scheduled to conduct a thoroughbred race meet on any of the 3 days of the Breeders' Cup Meet, then operation on any of those 3 days by the other permitholders is prohibited. As compensation for the loss of racing days caused thereby, such operating permitholders shall receive a credit against the taxes otherwise due and payable to the state under ss. 550.0951 and 550.09515. This credit shall be in an amount equal to the operating loss determined to have been suffered by the operating permitholders as a result of not operating on the prohibited racing days, but shall not exceed a total of *$950,000* ~~$500,000~~. The determination of the amount to be credited shall be made by the division upon application by the operating permitholder. The tax credits provided in this subsection shall not be available unless an operating permitholder is required to close a bona fide meet consisting in part of no fewer than 10 scheduled performances in the 15 days immediately preceding or 10 scheduled

performances in the 15 days immediately following the Breeders' Cup Meet. Such tax credit shall be in lieu of any other compensation or consideration for the loss of racing days. There shall be no replacement or makeup of any lost racing days.

(5) The permitholder conducting the Breeders' Cup Meet shall receive a credit against the taxes otherwise due and payable to the state under ss. 550.0951 and 550.09515 generated during said permitholder's next ensuing regular thoroughbred race meet. This credit shall be in an amount not to exceed *$950,000* ~~$800,000~~ and shall be utilized by the permitholder to pay the purses offered by the permitholder during the Breeders' Cup Meet in excess of the purses which the permitholder is otherwise required by law to pay. The amount to be credited shall be determined by the division upon application of the permitholder which is subject to audit by the division.

(6) The permitholder conducting the Breeders' Cup Meet shall receive a credit against the taxes otherwise due and payable to the state under ss. 550.0951 and 550.09515 generated during said permitholder's next ensuing regular thoroughbred race meet. This credit shall be in an amount not to exceed *$950,000* ~~$800,000~~ and shall be utilized by the permitholder for such capital improvements and extraordinary expenses as may be necessary for operation of the Breeders' Cup Meet. The amount to be credited shall be determined by the division upon application of the permitholder which is subject to audit by the division.

(8)(a) Pursuant to s. 550.3551(2), the permitholder conducting the Breeders' Cup Meet is authorized to transmit broadcasts of the races conducted during the Breeders' Cup Meet to locations outside of this state for wagering purposes. The division may approve broadcasts to pari-mutuel permitholders and other betting systems authorized under the laws of any other state or country. Wagers accepted by any out-of-state pari-mutuel permitholder or betting system on any races broadcast under this section may be, but are not required to be, commingled with the pari-mutuel pools of the permitholder conducting the Breeders' Cup Meet. The calculation of any payoff on national pari-mutuel pools with commingled wagers may be performed by the permitholder's totalisator contractor at a location outside of this state. Pool amounts from wagers placed at pari-mutuel facilities or other betting systems in foreign countries before being commingled with the pari-mutuel pool of the Florida permitholder conducting the Breeders' Cup Meet shall be calculated by the totalisator contractor and transferred to the commingled pool in United States currency in cycles customarily used by the permitholder. Pool amounts from wagers placed at any foreign pari-mutuel facility or other betting system shall not be commingled with a Florida pool until a determination is made by the division that the technology utilized by the totalisator contractor is adequate to assure commingled pools will result in the calculation of accurate payoffs to Florida bettors. Any totalisator contractor at a location outside of this state shall comply with the provisions of s. 550.495 relating to totalisator licensing.

(b) The permitholder conducting the Breeders' Cup Meet is authorized to transmit broadcasts of the races conducted during the Breeders' Cup Meet to other pari-mutuel facilities located in this state for wagering purposes; however, the permitholder conducting the Breeders' Cup Meet shall not be required to transmit broadcasts to any pari-mutuel facility located within 25 miles of the facility at which the Breeders' Cup Meet is conducted ~~and, further, shall not transmit broadcasts to any pari-mutuel facility located within 25 miles of the facility at which the Breeders' Cup Meet is conducted without the consent of all operating permitholders in the market area. Wagers accepted by all pari-mutuel facilities located in the state on any races broadcast under this section shall be included in the pari-mutuel pools of the permitholder conducting the Breeders' Cup Meet~~.

(10) The division is authorized to adopt such rules as are necessary to facilitate the conduct of the Breeders' Cup Meet as authorized in this section. Included within this grant of authority shall be the adoption *or waiver* of rules regarding the overall conduct of racing during the Breeders' Cup Meet so as to ensure the integrity of the races, licensing for all participants, special stabling and training requirements for foreign horses, commingling of pari-mutuel pools, and audit requirements for tax credits and other benefits.

Section 20. Paragraph (a) of subsection (9) of section 550.6305, Florida Statutes, is amended to read:

550.6305 Intertrack wagering; guest track payments; accounting rules.—

(9) A host track that has contracted with an out-of-state horse track to broadcast live races conducted at such out-of-state horse track pursuant to s. 550.3551(5) may broadcast such out-of-state races to any guest track and accept wagers thereon in the same manner as is provided in s. 550.3551.

(a) For purposes of this section, "net proceeds" means the amount of takeout remaining after the payment of state taxes, purses required pursuant to s. 550.0951(3)(c)1., the cost to the permitholder required to be paid to the out-of-state horse track, breeders' awards paid to the Florida Thoroughbred Breeders' Association and the Florida Standardbred Breeders and Owners Association, to be used as set forth in s. 550.625(2)(a) and (b), and the deduction of any amount retained pursuant to s. 550.615*(12)*~~(11)~~.

Section 21. Subsection (31) of section 550.002, Florida Statutes, is amended to read:

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

(31) "Same class of *races, games,* ~~race~~ or permit" means, with respect to a jai alai permitholder, jai alai games or other jai alai permitholders; with respect to a greyhound permitholder, greyhound races or other greyhound permitholders; with respect to a thoroughbred permitholder, thoroughbred races or other thoroughbred permitholders; with respect to a harness permitholder, harness races or other harness permitholders; with respect to a quarter horse permitholder, quarter horse races or other quarter horse permitholders.

Section 22. Subsections (8) and (9) of section 550.0351, Florida Statutes, are amended to read:

550.0351 Charity racing days.—

(8) In addition to the eligible charities that meet the criteria set forth in this section, a jai alai permitholder is authorized to conduct *two* ~~one~~ additional charity *performances* ~~performance~~ each fiscal year for a fund to benefit retired jai alai players. This performance shall be known as the "Retired Jai Alai Players Charity Day." The administration of this fund shall be determined by rule by the division.

~~(9) Notwithstanding the limitations set forth in subsection (8), any jai alai permitholder who has not conducted one "Retired Jai Alai Players Charity Day" performance per year since the 1992-1993 fiscal year is authorized to conduct up to two performances per fiscal year until the time when the total number of such performances is equivalent to the total number of fiscal years. This subsection shall be repealed on July 1, 2000.~~

Section 23. Section 550.105, Florida Statutes, is amended to read:

550.105 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines.—

(1) Each person connected with a racetrack or jai alai fronton, *as specified in paragraph (2)(a),* shall purchase from the division an annual occupational license, which license is valid from May 1 until June 30 of the following year. All moneys collected pursuant to this section each fiscal year shall be deposited into the Pari-mutuel Wagering Trust Fund. ~~If the division determines that it is in the best interest of the division and persons connected with racetracks, the division may issue a license valid for one season at one racetrack but may not make that determination apply to any person who objects to such determination. In any event, the season license fee must be equal to the annual occupational license fee.~~ Any person may, at her or his option and pursuant to the rules adopted by the division, purchase an occupational license valid for a period of 3 years if the purchaser of the license pays the full occupational license fee for each of the years for which the license is purchased at the time the 3-year license is requested. The occupational license shall be valid during its specified term at any pari-mutuel facility.

(2)(a) *The following* ~~Unrestricted~~ licenses shall be issued to persons *or entities* with access to the backside, racing animals, jai alai players' room, jockeys' room, drivers' room, totalisator room, the mutuels, or money room, or to persons who, by virtue of the position they hold, might be granted access to these areas *or to any other person or entity in one of the following categories and with scheduled annual fees as follows:*~~.~~

1. Business licenses: any business such as a vendor, contractual concessionaire, contract kennel, business owning racing animals, trust or estate, totalisator company, stable name, or other fictitious name: $50.

2. Professional occupational licenses: professional persons with access to the backside of a racetrack or players' quarters in jai alai such as trainers, officials, veterinarians, doctors, nurses, EMT's, jockeys and apprentices, drivers, jai alai players, owners, trustees, or any management or officer or director or shareholder or any other professional-level person who might have access to the jockeys' room, the drivers' room, the backside, racing animals, kennel compound, or managers or supervisors requiring access to mutuels machines, the money room, or totalisator equipment: $40.

3. General occupational licenses: general employees with access to the jockeys' room, the drivers' room, racing animals, the backside of a racetrack or players' quarters in jai alai, such as grooms, kennel helpers, leadouts, pelota makers, cesta makers, or ball boys, or a practitioner of any other occupation who would have access to the animals, the backside, or the kennel compound, or who would provide the security or maintenance of these areas, or mutuel employees, totalisator employees, money-room employees, or any employee with access to mutuels machines, the money room, or totalisator equipment or who would provide the security or maintenance of these areas: $10.

The individuals and entities that are licensed under this paragraph ~~Persons issued an unrestricted license~~ require *heightened* ~~the most~~ state scrutiny, including the submission *by the individual licensees or persons associated with the entities described in this chapter* of fingerprints for a Federal Bureau of Investigation criminal records check.

~~(b) Restricted licenses shall be issued to persons without access to the backside, racing animals, jai alai players' room, jockeys' room, drivers' room, totalisator room, the mutuels, or money room. Persons issued a restricted license require the less state scrutiny and will not require routine criminal records check. The division may require persons issued the restricted license to submit fingerprints for a criminal records check as needed for investigations.~~

(b)~~(c)~~ The division shall *adopt* ~~promulgate~~ rules *pertaining to pari-mutuel* ~~regarding unrestricted and restricted~~ occupational licenses.

~~(d) Pari-mutuel occupational licenses shall be issued in the categories and with scheduled annual fees as follows:~~

~~1. Business licenses: any business such as vendors, contractual concessionaires, contract kennels, businesses owning racing animals, trusts or estates, totalisator companies, stable names, or other fictitious names: $50.~~

~~2. Unrestricted licenses: professional persons with access to the backside of a racetrack or players' quarters in jai alai such as trainers, officials, veterinarians, doctors, nurses, EMT's, jockeys and apprentices, drivers, jai alai players, owners, trustees, or any management or officer or director or shareholder or any other professional level person who might have access to the jockeys' room, drivers' room, the backside, racing animals, or kennel compound: $40.~~

~~3. Unrestricted licenses: general employees with access to the jockeys' room, drivers' room, racing animals, the backside of a racetrack or players' quarters in jai alai such as grooms, kennel helpers, leadouts, pelota makers, cesta makers, ball boys, vendor representatives, or any other occupation who would have access to the animals, the backside, or the kennel compound, or the security or maintenance of these areas: $10.~~

~~4. Unrestricted licenses: managers or supervisors requiring access to mutuels machines, the money room, or totalisator equipment but not requiring access to the backside: $40.~~

~~5. Unrestricted licenses: mutuel employees, totalisator employees, money room employees, and any employee with access to mutuels machines, the money room, or totalisator equipment or the security or maintenance of these areas: $10.~~

~~6. Restricted licenses: managers, supervisors, and other professionals who do not require access to the jockeys' room, drivers' room, racing animals, the backside, the kennel compound, mutuels areas, or money room or totalisator equipment: $40.~~

~~7. Restricted licenses: general employees or occupations which do not require access to the jockeys' room, drivers' room, racing animals, the backside, kennel compound, mutuels areas, money room, or totalisator equipment: $10.~~

(3) Certified public accountants and attorneys licensed to practice in this state shall not be required to hold an occupational license under this section while providing accounting or legal services to a permitholder if the certified public accountant's or attorney's primary place of employment is not on the permitholder premises.

(4)~~(3)~~ It is unlawful ~~for any person~~ to take part in or officiate in any way ~~or to serve in any capacity~~ at any pari-mutuel facility without first having secured a license and paid the occupational license fee.

(5)~~(4)~~(a) The division may:

1. Deny a license to or revoke, suspend, or place conditions upon or restrictions on a license of any person who has been refused a license by any other state racing commission or racing authority;

2. Deny, suspend, or place conditions on a license of any person who is under suspension or has unpaid fines in another jurisdiction;

if the state racing commission or racing authority of such other state or jurisdiction extends to the division reciprocal courtesy to maintain the disciplinary control.

(b) The division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with racetracks and frontons. In addition, the division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state which would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or a crime involving a lack of good moral character, or has had a pari-mutuel license revoked by this state or any other jurisdiction for an offense related to pari-mutuel wagering.

(c) The division may deny, declare ineligible, or revoke any occupational license if the applicant for such license has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States, if such felony or misdemeanor is related to gambling or bookmaking, as contemplated in s. 849.25, or involves cruelty to animals. If the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the director of the division.

(d) If an occupational license will expire by division rule during the period of a suspension the division intends to impose, or if a license would have expired but for pending administrative charges and the occupational licensee is found to be in violation of any of the charges, the license may be revoked and a time period of license ineligibility may be declared. The division may bring administrative charges against any person not holding a current license for violations of statutes or rules which occurred while such person held an occupational license, and the division may declare such person ineligible to hold a license for a period of time. The division may impose a civil fine of up to $1,000 for each violation of the rules of the division in addition to or in lieu of any other

penalty provided for in this section. In addition to any other penalty provided by law, the division may exclude from all pari-mutuel facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligibility, any person whose occupational license application has been denied by the division, who has been declared ineligible to hold an occupational license, or whose occupational license has been suspended or revoked by the division.

(e) The division may cancel any occupational license that has been voluntarily relinquished by the licensee.

(6)~~(5)~~ In order to promote the orderly presentation of pari-mutuel meets authorized in this chapter, the division may issue a temporary occupational license. The division shall adopt rules to implement this subsection. However, no temporary occupational license shall be valid for more than 30 days, and no more than one temporary license may be issued for any person in any year.

(7)~~(6)~~ The division may deny, revoke, or suspend any occupational license if the applicant therefor or holder thereof accumulates unpaid obligations or defaults in obligations, or issues drafts or checks that are dishonored or for which payment is refused without reasonable cause, if such unpaid obligations, defaults, or dishonored or refused drafts or checks directly relate to the sport of jai alai or racing being conducted at a pari-mutuel facility within this state.

(8)~~(7)~~ The division may fine, or suspend or revoke, or place conditions upon, the license of any licensee who under oath knowingly provides false information regarding an investigation by the division.

(9)~~(8)~~ The tax imposed by this section is in lieu of all license, excise, or occupational taxes to the state or any county, municipality, or other political subdivision, except that, if a race meeting or game is held or conducted in a municipality, the municipality may assess and collect an additional tax against any person conducting live racing or games within its corporate limits, which tax may not exceed $150 per day for horseracing or $50 per day for dogracing or jai alai. Except as provided in this chapter, a municipality may not assess or collect any additional excise or revenue tax against any person conducting race meetings within the corporate limits of the municipality or against any patron of any such person.

(10)~~(9)~~ Upon application for an occupational license, the division may require the applicant's full legal name; any nickname, alias, or maiden name for the applicant; name of the applicant's spouse; the applicant's date of birth, residence address, mailing address, residence address and business phone number, and social security number; disclosure of any felony or any conviction involving bookmaking, illegal gambling, or cruelty to animals; disclosure of any past or present enforcement or actions by any racing or gaming agency against the applicant; and any information the division determines is necessary to establish the identity of the applicant or to establish that the applicant is of good moral character. Fingerprints shall be taken in a manner approved by the division and then shall be submitted to the Federal Bureau of Investigation, or to the association of state officials regulating pari-mutuel wagering pursuant to the Federal Pari-mutuel Licensing Simplification Act of 1988. The cost of processing fingerprints shall be borne by the applicant and paid to the association of state officials regulating pari-mutuel wagering from the trust fund to which the processing fees are deposited. The division shall require each applicant for an occupational license to have the applicant's signature witnessed and notarized or signed in the presence of a division official. The division, by rule, may require additional information from licensees which is reasonably necessary to regulate the industry. The division may, by rule, exempt certain occupations or groups of persons from the fingerprinting requirements.

Section 24. Subsection (2) of section 550.24055, Florida Statutes, is amended to read:

550.24055 Use of controlled substances or alcohol prohibited; testing of certain occupational licensees; penalty; evidence of test or action taken and admissibility for criminal prosecution limited.—

(2) The occupational licensees, by applying for and holding such licenses, are deemed to have given their consents to submit to an approved chemical test of their breath for the purpose of determining the alcoholic content of their blood and to a urine or blood test for the purpose of detecting the presence of controlled substances. Such tests shall only be conducted upon reasonable cause that a violation has occurred as shall be determined solely by the stewards at a horseracing meeting or the judges or board of judges at a dogtrack or jai alai meet. The failure to submit to such test may result in a suspension of the person's occupational license for a period of 10 days or until this section has been complied with, whichever is longer.

(a) If there was at the time of the test 0.05 percent or less by weight of alcohol in the person's blood, the person is presumed not to have been under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired, and no action of any sort may be taken by the stewards, judges, or board of judges or the division.

(b) If there was at the time of the test an excess of 0.05 percent but less than *0.08* ~~0.10~~ percent by weight of alcohol in the person's blood, that fact does not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that the person's faculties were impaired, but the stewards, judges, or board of judges may consider that fact in determining whether or not the person will be allowed to officiate or participate in any given race or jai alai game.

(c) If there was at the time of the test *0.08* ~~0.10~~ percent or more by weight of alcohol in the person's blood, that fact is prima facie evidence that the person was under the influence of alcoholic beverages to the extent that the person's normal faculties were impaired, and the stewards or judges may take action as set forth in this section, but the person may not officiate at or participate in any race or jai alai game on the day of such test.

All tests relating to alcohol must be performed in a manner substantially similar, or identical, to the provisions of s. 316.1934 and rules adopted pursuant to that section. Following a test of the urine or blood to determine the presence of a controlled substance as defined in chapter 893, if a controlled substance is found to exist, the stewards, judges, or board of judges may take such action as is permitted in this section.

Section 25. Subsection (1) of section 550.26165, Florida Statutes, is amended to read:

550.26165 Breeders' awards.—

(1) The purpose of this section is to encourage the agricultural activity of breeding *and training* racehorses in this state. Moneys *dedicated in this chapter for use as breeders' awards and stallion awards* ~~from breaks and uncashed tickets from pari-mutuel wagering and horseraces~~ are to be used for awards ~~of up to 20 percent of the announced gross purse at any race~~ to breeders of registered Florida-bred horses winning horseraces and for similar awards to the owners of stallions who sired Florida-bred horses winning stakes races, if the stallions are registered as Florida stallions standing in this state. *Such awards shall be given at a uniform rate to all winners of the awards, shall not be greater than 20 percent of the announced gross purse, and shall not be less than 15 percent of the announced gross purse if funds are available. In addition, no less than 17 percent nor more than 40 percent, as determined by the Florida Thoroughbred Breeders' Association, of the moneys dedicated in this chapter for use as breeders' awards and stallion awards for thoroughbreds shall be returned prorata to the permitholders that generated the moneys for awards to be distributed by the permitholders to owners of registered Florida-bred thoroughbred horses winning in thoroughbred races and winning or placing in thoroughbred stakes races, all in accordance with a plan established annually no later than 120 days before the first day of the permitholders' racing meet and agreed upon by the permitholder, the Florida Thoroughbred Breeders' Association, and the Florida Horsemen's Benevolent and Protective Association, Inc., except that the plan for the distribution by any permitholder located in the area described in s. 550.615(9) shall be agreed upon by that permitholder, the*

Florida Thoroughbred Breeders' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location. Awards for thoroughbred races are to be paid through the Florida Thoroughbred Breeders' Association, and awards for standardbred races are to be paid through the Florida Standardbred Breeders and Owners Association. *Among other sources specified in this chapter,* ~~The~~ moneys for thoroughbred breeders' awards will come from the *0.955* ~~0.75~~ percent of handle for thoroughbred races conducted, received, broadcast, or simulcast under this chapter as provided in s. 550.2625(3). The moneys for quarter horse and harness breeders' awards will come from the breaks and uncashed tickets on live quarter horse and harness racing performances and 1 percent of handle on intertrack wagering. The *funds for these* breeders' awards shall be paid to the respective breeders' associations by the permitholders conducting the races. ~~The awards are to be given at a uniform rate to all winners of the awards and may not be less than 15 percent of the announced gross purse if funds are available.~~

Section 26. Subsections (2) and (3) of section 550.2625, Florida Statutes, are amended to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(2) Each permitholder conducting a horserace meet is required to pay from the takeout withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.

(a) A permitholder conducting a thoroughbred horse race meet under this chapter must pay from the takeout withheld a sum not less than *7.75* ~~7.5~~ percent of all contributions to pari-mutuel pools conducted during the race meet as purses. In addition to the *7.75* ~~7.5~~ percent minimum purse payment, permitholders conducting live thoroughbred performances shall be required to pay as additional purses .625 percent of live handle for performances conducted during the period beginning on January 3 and ending March 16; .225 percent for performances conducted during the period beginning March 17 and ending May 22; and .85 percent for performances conducted during the period beginning May 23 and ending January 2. Except that any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is not subject to this additional purse payment. A permitholder authorized to conduct thoroughbred racing may withhold from the handle an additional amount equal to 1 percent on exotic wagering for use as owners' awards, and may withhold from the handle an amount equal to 2 percent on exotic wagering for use as overnight purses. No permitholder may withhold in excess of 20 percent from the handle without withholding the amounts set forth in this subsection.

(b)1. A permitholder conducting a harness horse race meet under this chapter must pay to the purse pool from the takeout withheld a purse requirement that totals an amount not less than *8.25* ~~8~~ percent of all contributions to pari-mutuel pools conducted during the race meet. An amount not less than *7.75* ~~7.5~~ percent of the total handle shall be paid from this purse pool as purses.

2. An amount not to exceed 0.5 percent of the total handle on all harness horse races that are subject to the purse requirement of subparagraph 1., must be available for use to provide medical, dental, surgical, life, funeral, or disability insurance benefits for occupational licensees who work at tracks in this state at which harness horse races are conducted. Such insurance benefits must be paid from the purse pool specified in subparagraph 1. An annual plan for payment of insurance benefits from the purse pool, including qualifications for eligibility, must be submitted by the Florida Standardbred Breeders and Owners Association for approval to the division. An annual report of the implemented plan shall be submitted to the division. All records of the Florida Standardbred Breeders and Owners Association concerning the administration of the plan must be available for audit at the discretion of the division to determine that the plan has been implemented and administered as authorized. If the division finds that the Florida Standardbred Breeders and Owners Association has not complied with the provisions of this section, the division may order the association to cease and desist from administering the plan and shall appoint the division as temporary administrator of the plan until the division reestablishes administration of the plan with the association.

(c) A permitholder conducting a quarter horse race meet under this chapter shall pay from the takeout withheld a sum not less than 6 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(d) The division shall adopt reasonable rules to ensure the timely and accurate payment of all amounts withheld by horserace permitholders regarding the distribution of purses, owners' awards, and other amounts collected for payment to owners and breeders. Each permitholder that fails to pay out all moneys collected for payment to owners and breeders shall, within 10 days after the end of the meet during which the permitholder underpaid purses, deposit an amount equal to the underpayment into a separate interest-bearing account to be distributed to owners and breeders in accordance with division rules.

(e) An amount equal to 8.5 percent of the purse account generated through intertrack wagering and interstate simulcasting will be used for Florida Owners' Awards as set forth in subsection (3). Any thoroughbred permitholder with an average blended takeout which does not exceed 20 percent and with an average daily purse distribution excluding sponsorship, entry fees, and nominations exceeding $225,000 is exempt from the provisions of this paragraph.

(3) Each horseracing permitholder conducting any thoroughbred race under this chapter, including any intertrack race taken pursuant to ss. 550.615-550.6305 or any interstate simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal to *0.955* ~~0.75~~ percent on all pari-mutuel pools conducted during any such race for the payment of breeders' and stallion awards as authorized in this section. This subsection also applies to all Breeder's Cup races conducted outside this state taken pursuant to s. 550.3551(3). On any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 550.3551(2), the host track is required to pay *3.475* ~~3.3~~ percent of the gross revenue derived from such out-of-state broadcasts as breeders' and stallion awards. The Florida Thoroughbred Breeders' Association is authorized to receive these payments from the permitholders and make payments of awards earned. The Florida Thoroughbred Breeders' Association has the right to withhold up to 10 percent of the permitholder's payments under this section as a fee for administering the payments of awards and for general promotion of the industry. The permitholder shall remit these payments to the Florida Thoroughbred Breeders' Association by the 5th day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the division as prescribed by the division. With the exception of the 10-percent fee, the moneys paid by the permitholders shall be maintained in a separate, interest-bearing account, and such payments together with any interest earned shall be used exclusively for the payment of breeders' awards and stallion awards in accordance with the following provisions:

(a) The breeder of each Florida-bred thoroughbred horse winning a thoroughbred horse race is entitled to an award of up to, but not exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

(b) The owner or owners of the sire of a Florida-bred thoroughbred horse that wins a stakes race is entitled to a stallion award of up to, but not exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

(c) The owners of registered Florida-bred thoroughbred horses winning or placing in thoroughbred stakes races may receive an award in accordance with a plan established in s. 550.26165(1).

(d)~~(c)~~ In order for a breeder of a Florida-bred thoroughbred horse to be eligible to receive a breeder's award, *or for the owners of a registered Florida-bred thoroughbred horse to be eligible to receive an award under paragraph (c),* the horse ~~winning the race~~ must have been registered as a Florida-bred horse with the Florida Thoroughbred Breeders'

Association, and the Jockey Club certificate for the ~~winning~~ horse must show that *it* ~~the winner~~ has been duly registered as a Florida-bred horse as evidenced by the seal and proper serial number of the Florida Thoroughbred Breeders' Association registry. The Florida Thoroughbred Breeders' Association shall be permitted to charge the registrant a reasonable fee for this verification and registration.

(e)~~(d)~~ In order for an owner of the sire of a thoroughbred horse winning a stakes race to be eligible to receive a stallion award, the stallion must have been registered with the Florida Thoroughbred Breeders' Association, and the breeding of the registered Florida-bred horse must have occurred in this state. The stallion must be standing permanently in this state during the period of time between February 1 and June 15 of each year or, if the stallion is dead, must have stood permanently in this state for a period of not less than 1 year immediately prior to its death. The removal of a stallion from this state during the period of time between February 1 and June 15 of any year for any reason, other than exclusively for prescribed medical treatment, as approved by the Florida Thoroughbred Breeders' Association, renders the owner or owners of the stallion ineligible to receive a stallion award under any circumstances for offspring sired prior to removal; however, if a removed stallion is returned to this state, all offspring sired subsequent to the return make the owner or owners of the stallion eligible for the stallion award but only for those offspring sired subsequent to such return to this state. The Florida Thoroughbred Breeders' Association shall maintain complete records showing the date the stallion arrived in this state for the first time, whether or not the stallion remained in the state permanently, the location of the stallion, and whether the stallion is still standing in this state and complete records showing awards earned, received, and distributed. The association may charge the owner, owners, or breeder a reasonable fee for this service.

(f)~~(e)~~ A permitholder conducting a thoroughbred horse race under the provisions of this chapter shall, within 30 days after the end of the race meet during which the race is conducted, certify to the Florida Thoroughbred Breeders' Association such information relating to the thoroughbred horses winning a stakes or other horserace at the meet as may be required to determine the eligibility for payment of breeders' awards and stallion awards.

(g)~~(f)~~ The Florida Thoroughbred Breeders' Association shall maintain complete records showing the starters and winners in all races conducted at thoroughbred tracks in this state; shall maintain complete records showing awards earned, received, and distributed; and may charge the owner, owners, or breeder a reasonable fee for this service.

(h)~~(g)~~ The Florida Thoroughbred Breeders' Association shall annually establish a uniform rate and procedure for the payment of breeders' and stallion awards and shall make breeders' and stallion award payments in strict compliance with the established uniform rate and procedure plan. The plan may set a cap on winnings and may limit, exclude, or defer payments to certain classes of races, such as the Florida stallion stakes races, in order to assure that there are adequate revenues to meet the proposed uniform rate. Such plan must include proposals for the general promotion of the industry. Priority shall be placed upon imposing such restrictions in lieu of allowing the uniform rate to be less than 15 percent of the total purse payment. The uniform rate and procedure plan must be approved by the division before implementation. In the absence of an approved plan and procedure, the authorized rate for breeders' and stallion awards is 15 percent of the announced gross purse for each race. Such purse must include nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race. If the funds in the account for payment of breeders' and stallion awards are not sufficient to meet all earned breeders' and stallion awards, those breeders and stallion owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

(i)~~(h)~~ The Florida Thoroughbred Breeders' Association shall keep accurate records showing receipts and disbursements of such payments and shall annually file a full and complete report to the division showing such receipts and disbursements and the sums withheld for administration. The division may audit the records and accounts of the Florida Thoroughbred Breeders' Association to determine that payments have been made to eligible breeders and stallion owners in accordance with this section.

(j)~~(i)~~ If the division finds that the Florida Thoroughbred Breeders' Association has not complied with any provision of this section, the division may order the association to cease and desist from receiving funds and administering funds received under this section. If the division enters such an order, the permitholder shall make the payments authorized in this section to the division for deposit into the Pari-mutuel Wagering Trust Fund; and any funds in the Florida Thoroughbred Breeders' Association account shall be immediately paid to the Division of Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering Trust Fund. The division shall authorize payment from these funds to any breeder or stallion owner entitled to an award that has not been previously paid by the Florida Thoroughbred Breeders' Association in accordance with the applicable rate.

Section 27. Paragraph (a) of subsection (6) of section 550.3551, Florida Statutes, is amended to read:

550.3551 Transmission of racing and jai alai information; commingling of pari-mutuel pools.—

(6)(a) A maximum of 20 percent of the total number of races on which wagers are accepted by a greyhound permitholder not located as specified in s. 550.615(6) may be received from locations outside this state. A permitholder may not conduct fewer than eight live races or games on any authorized race day except as provided in this subsection. A thoroughbred permitholder may not conduct fewer than eight live races on any race day without the written approval of the Florida Thoroughbred Breeders' Association and the *Florida Horsemen's Benevolent and Protective Association, Inc., unless it is determined by the department that another entity represents a majority of the thoroughbred racehorse owners and trainers in the state.* ~~horsemen's group representing the majority of thoroughbred racehorse owners and trainers in this state.~~ A harness permitholder may conduct fewer than eight live races on any authorized race day, except that such permitholder must conduct a full schedule of live racing during its race meet consisting of at least eight live races per authorized race day for at least 100 days. Any harness horse permitholder that during the preceding racing season conducted a full schedule of live racing may, at any time during its current race meet, receive full-card broadcasts of harness horse races conducted at harness racetracks outside this state at the harness track of the permitholder and accept wagers on such harness races. With specific authorization from the division for special racing events, a permitholder may conduct fewer than eight live races or games when the permitholder also broadcasts out-of-state races or games. The division may not grant more than two such exceptions a year for a permitholder in any 12-month period, and those two exceptions may not be consecutive.

Section 28. Subsections (1) and (4) of section 550.6308, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

550.6308 Limited intertrack wagering license.—In recognition of the economic importance of the thoroughbred breeding industry to this state, its positive impact on tourism, and of the importance of a permanent thoroughbred sales facility as a key focal point for the activities of the industry, a limited license to conduct intertrack wagering is established to ensure the continued viability and public interest in thoroughbred breeding in Florida.

(1) Upon application to the division on or before January 31 of each year, any person that is licensed to conduct public sales of thoroughbred horses pursuant to s. 535.01, that has conducted at least 15 days of thoroughbred horse sales at a permanent sales facility in this state for at least 3 consecutive years, and that has conducted at least 1 day of nonwagering thoroughbred racing in this state, with a purse structure of at least $250,000 per year for 2 consecutive years before such application, shall be issued a license, *subject to the conditions set forth in this section,* to conduct intertrack wagering *at such a permanent sales facility during the following periods:* ~~for thoroughbred racing for~~

(a) Up to 21 days in connection with thoroughbred sales;~~, to conduct intertrack wagering at such permanent sales facility~~

(b) Between November 1 and May 8;~~, to conduct intertrack wagering at such permanent sales facility~~

(c) Between May 9 and October 31 at such times and on such days as any thoroughbred, jai alai, or a greyhound permitholder in the same county is not conducting live performances*; provided that any such permitholder may waive this requirement, in whole or in part, and allow the licensee under this section to conduct intertrack wagering during one or more of the permitholder's live performances; and*~~, and to conduct intertrack wagering under the provisions of this subsection~~

(d) During the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet that is conducted before November 1 and after May 8.~~, subject to conditions set forth in this section but~~

No more than one such license may be issued, and no such license may be issued for a facility located within 50 miles of any thoroughbred permitholder's track.

(4) Intertrack wagering under this section may be conducted only on thoroughbred horse racing*, except that intertrack wagering may be conducted on any class of pari-mutuel race or game conducted by any class of permitholders licensed under this chapter if all thoroughbred, jai alai, and greyhound permitholders in the same county as the licensee under this section give their consent.*

(5) The licensee shall be considered a guest track under this chapter. The licensee shall pay 2.5 percent of the total contributions to the daily pari-mutuel pool on wagers accepted at the licensee's facility on greyhound races or jai alai games to the thoroughbred permitholder that is conducting live races for purses to be paid during its current racing meet. If more than one thoroughbred permitholder is conducting live races on a day during which the licensee is conducting intertrack wagering on greyhound races or jai alai games, the licensee shall allocate these funds between the operating thoroughbred permitholders on a prorata basis based on the total live handle at the operating permitholders' facilities.

Section 29. Subsection (7) of section 773.01, Florida Statutes, is amended to read:

773.01 Definitions.—As used in ss. 773.01-773.05:

(7) "Participant" means any person, whether amateur or professional, who engages in *or any equine that participates in* an equine activity, whether or not a fee is paid to participate in the equine activity.

Section 30. Subsection (1) of section 773.03, Florida Statutes, is amended to read:

773.03 Limitation on liability for equine activity; exceptions.—

(1) This section *applies* ~~shall not apply~~ to the horseracing industry as defined in chapter 550.

Section 31. *Interstate Compact on Licensure of Participants in Pari-mutuel Wagering.—There is created the Interstate Compact on Licensure of Participants in Pari-mutuel Wagering.*

Section 32. *Purposes.—The purposes of this compact are to:*

(1) Establish uniform requirements among the party states for the licensing of participants with pari-mutuel wagering, and ensure that all licensed participants meet a uniform minimum standard of honesty and integrity.

(2) Facilitate the growth of the pari-mutuel wagering industry in each party state and nationwide by simplifying the process for licensing participants in pari-mutuel wagering, and reduce the duplicative and costly process of separate licensing by the regulatory agency in each state that conducts pari-mutuel wagering.

(3) Authorize the Department of Business and Professional Regulation to participate in this compact.

(4) Provide for participation in this compact by officials of the party states, and permit those officials, through the compact committee established by this compact, to enter into contracts with governmental agencies and nongovernmental persons to carry out the purposes of this compact.

(5) Establish the compact committee created by this compact as an interstate governmental entity duly authorized to request and receive criminal-history record information from the Federal Bureau of Investigation and other state and local law enforcement agencies.

Section 33. *Definitions.—As used in this compact, the term:*

(1) "Compact committee" means the organization of officials from the party states which is authorized and empowered to carry out the purposes of this compact.

(2) "Official" means the appointed, elected, designated, or otherwise duly selected member of a racing commission, or the equivalent thereof, in a party state who represents that party state as a member of the compact committee.

(3) "Participants in pari-mutuel wagering" means participants in horseracing, greyhound racing, and jai alai games with pari-mutuel wagering in the party states.

(4) "Party state" means each state that has enacted this compact.

(5) "State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory or possession of the United States.

Section 34. *Entry into force.—This compact shall come into force when enacted by any four states. Thereafter, this compact shall become effective in any other state upon that state's enactment of this compact and upon the affirmative vote of a majority of the officials on the compact committee as provided in section 41.*

Section 35. *States eligible to join compact.—Any state that has adopted or authorized pari-mutuel wagering shall be eligible to become a party to this compact.*

Section 36. *Withdrawal from compact; impact on force and effect.—*

(1) Any party state may withdraw from this compact by enacting a statute repealing this compact, but such a withdrawal becomes effective only when the head of the executive branch of the withdrawing party state has given written notice of the withdrawal to the heads of the executive branch of all other party states.

(2) If, as a result of withdrawals, participation in this compact decreases to fewer than three party states, this compact shall no longer be in force and effect until participation in this compact increases to three or more party states.

Section 37. *Compact committee.—*

(1) There is created an interstate governmental entity to be known as the "compact committee," which shall be composed of one official from the racing commission, or the equivalent thereof, in each party state who shall be appointed, serve, and be subject to removal in accordance with the laws of the party state that she or he represents. The official from Florida shall be appointed by the Secretary of Business and Professional Regulation. Pursuant to the laws of her or his party state, each official shall have the assistance of her or his state's racing commission, or the equivalent thereof, in considering issues related to licensing of participants in pari-mutuel wagering and in fulfilling her or his responsibilities as the representative from her or his state to the compact committee.

(2) If an official is unable to perform any of her or his duties as a member of the compact committee, the racing commission, or the equivalent thereof, from her or his state shall designate another of its members as an alternate who shall serve in her or his place and represent the party state as its official on the compact committee, until that racing commission, or the equivalent thereof, determines that the original representative official is once again able to perform her or his duties as

that party state's representative official on the compact committee. The designation of an alternate shall be communicated by the affected state's racing commission, or the equivalent thereof, to the compact committee as the committee's bylaws provide.

Section 38. *Powers and duties of compact committee.—In order to carry out the purposes of this compact, the compact committee has the power and duty to:*

(1)(a) Determine which categories of participants in pari-mutuel wagering, including, but not limited to, owners, trainers, jockeys, jai alai players, drivers, grooms, mutuel clerks, racing officials, veterinarians, and farriers, should be licensed by the committee, and to establish the requirements for the initial licensure of applicants in each category, the term of the license for each category, and the requirements for renewal of licenses in each category.

(b) With regard to requests for criminal-history record information on each applicant for a license, and with regard to the effect of a criminal record on the issuance or renewal of a license, determine for each category of participants in pari-mutuel wagering which licensure requirements for that category are, in its judgment, the most-restrictive licensure requirements of any party state for that category and to adopt licensure requirements for that category which are, in its judgment, comparable to those most-restrictive requirements.

(2) Investigate applicants for licensure by the compact committee and, as permitted by federal and state law, gather information on such applicants, including criminal-history record information from the Federal Bureau of Investigation and relevant state and local law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted Police and law enforcement agencies of other countries, which is necessary to determine whether a license should be issued under the licensure requirements established by the committee under subsection (1). The fingerprints of each applicant for licensure by the compact committee shall be taken by the compact committee, its employees, or its designee, and, pursuant to Pub. L. No. 92-544 or Pub. L. No. 100-413, shall be forwarded to a state identification bureau or to the Association of Racing Commissioners International, Inc., for submission to the Federal Bureau of Investigation for a criminal-history record check. Such fingerprints may be submitted on a fingerprint card or by electronic or other means authorized by the Federal Bureau of Investigation or other receiving law enforcement agency.

(3) Issue licenses to, and renew the licenses of, participants in pari-mutuel wagering who are found by the committee to have met the licensure and renewal requirements established by the committee under subsection (1). The compact committee shall not have the power or authority to deny a license. If the compact committee determines that an applicant is not eligible for the issuance or renewal of a compact committee license, the compact committee shall notify the applicant that her or his application will not be processed further. Such notification does not constitute and shall not be considered to be the denial of a license. Any such applicant shall have the right to present additional evidence to, and be heard by, the compact committee, but the final decision on issuance or renewal of the license shall be made by the compact committee using the requirements established under subsection (1).

(4) Enter into contracts or agreements with governmental agencies and nongovernmental persons to provide personal services for its activities and such other services as are necessary to effectuate the purposes of this compact.

(5) Create, appoint, and abolish those offices, employments, and positions, including that of executive director, that it considers necessary for the purposes of this compact; prescribe the powers, duties, and qualifications of, and hire persons to fill, such offices, employments, and positions; and provide for the removal, term, tenure, compensation, fringe benefits, retirement benefits, and other conditions of employment of persons filling such offices, employments, and positions.

(6) Borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association, corporation, or other entity.

(7) Acquire, hold, and dispose of real and personal property by gift, purchase, lease, or license, or in other similar manner, in furtherance of the purposes of this compact.

(8) Charge a fee to each applicant for an initial license or renewal of a license.

(9) Receive other funds through gifts, grants, and appropriations.

Section 39. *Voting requirements.—*

(1) Each member of the compact committee is entitled to one vote.

(2) All action taken by the compact committee with regard to the addition of party states, the licensure of participants in pari-mutuel wagering, and the receipt and disbursement of funds requires a majority vote of the members of the compact committee or their alternates. All other action by the compact committee requires a majority vote of the members present or their alternates.

(3) The compact committee may not take any action unless a quorum is present. A majority of the members of the compact committee or their alternates constitutes a quorum.

Section 40. *Administration and management.—*

(1) The compact committee shall elect annually from among its members a chairperson, a vice chairperson, and a secretary/treasurer.

(2) The compact committee shall adopt bylaws for the conduct of its business by a two-thirds vote of the members of the committee or their alternates and may, by the same vote, amend and rescind these bylaws. The compact committee shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendments thereto with the Secretary of State or equivalent agency of each of the party states.

(3) The compact committee may delegate the day-to-day management and administration of its duties and responsibilities to an executive director and her or his support staff.

(4) Employees of the compact committee shall be considered governmental employees.

Section 41. *Immunity from liability for performance of official responsibilities and duties.—A member or employee of the compact committee may not be held personally liable for any good-faith act or omission that occurs during the performance and within the scope of her or his responsibilities and duties under this compact.*

Section 42. *Rights and responsibilities of each party state.—*

(1) By enacting this compact, each party state:

(a) Agrees to:

1. Accept the decisions of the compact committee regarding the issuance of compact committee licenses to participants in pari-mutuel wagering pursuant to the committee's licensure requirements.

2. Reimburse or otherwise pay the expenses of its official representative on the compact committee or her or his alternate.

(b) Agrees not to treat a notification to an applicant by the compact committee described in subsection (3) of section 42 as the denial of a license, or to penalize such an applicant in any other way based solely on such a decision by the compact committee.

(c) Reserves the right to:

1. Apply its own standards in determining whether, on the facts of a particular case, a compact committee license should be suspended or revoked. Any party state that suspends or revokes a compact committee license shall, through its racing commission or the equivalent thereof, or otherwise, promptly notify the compact committee of that suspension or revocation.

2. Apply its own standards in determining licensure eligibility, under the laws of that party state, for categories of participants in pari-mutuel wagering which the compact committee decides not to license and for

individual participants in pari-mutuel wagering who do not meet the licensure requirements of the compact committee.

3. Establish its own licensure standards for those who are not covered by the compact committee license.

(2) A party state may not be held liable for the debts or other financial obligations incurred by the compact committee.

Section 43. *Construction and severability.—*

(1) This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of the United States or of any party state, or if the applicability of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby.

(2) If all or some portion of this compact is held to be contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Section 44. *Subsection (9) of section 550.615, Florida Statutes, is repealed.*

Section 45. *All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket that has remained in the custody of or under the control of any permitholder authorized to conduct jai alai pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owners thereof have made no claim or demand for such money or other property within that period of time, shall, with respect to live games conducted by the permitholder, be remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state fiscal year in an amount equal to 25 percent of the actual amount remitted in the prior state fiscal year which may be applied against any taxes imposed under this chapter. Funds equal to such credit from any live jai alai games shall be paid by the permitholder to the National Association of Jai Alai Frontons, to be used for the general promotion of the sport of jai alai in the state, including professional tournaments and amateur jai alai youth programs. These youth programs shall focus on benefiting children in after-school and anti-drug programs with special attention to inner-city areas.*

Section 46. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2000.

And the title is amended as follows:

On page 72, line 24, through page 77, line 30, delete those lines

and insert: A bill to be entitled An act relating to regulated industries; amending s. 561.501, F.S.; reducing the surcharges on liquor, wine, cider, and beer sold for consumption on the premises; providing an exemption from the surcharge to certain nonprofit organizations; amending s. 561.121, F.S.; increasing the portion of the surcharge which is transferred to the Children and Adolescents Substance Abuse Trust Fund; amending s. 212.20, F.S.; authorizing a distribution of sales and use tax revenues to county governments; repealing s. 550.01215(8), F.S., relating to the use of permitted facilities; amending s. 550.135, F.S.; eliminating the annual distribution of pari-mutuel tax revenues to county governments; amending s. 550.0951, F.S.; providing that the daily license fee tax credit provided by said section and the $360,000 or $500,000 tax exemption provided by s. 550.09514(1), F.S., may be applied to any tax and daily license fees imposed under ch. 550, F.S.; removing restrictions on the transfer of the daily license fee tax credit by greyhound permitholders; authorizing transfer of the $360,000 or $500,000 tax exemption by a greyhound permitholder to a greyhound permitholder that acts as host track to such permitholder for intertrack wagering; providing for repayment; providing for rules; reducing the taxes on handle for greyhound dogracing, for intertrack wagering when the host track is a dog track, for intertrack wagers accepted by certain dog tracks, for intertrack wagers when both the host and guest are thoroughbred tracks or other guest tracks within the market area; providing exceptions; removing the additional tax on the surcharge on winning tickets; providing a reduced tax rate to live handle on jai alai; redirecting deposits from the General Revenue Fund to the Pari-mutuel Wagering Trust Fund; revising the time period for remittance of certain fees and taxes; forgiving certain taxes; amending s. 550.09514, F.S.; revising application and administration of the $360,000 or $500,000 tax exemption provided by said section; providing for payment of additional purses by greyhound permitholders in an amount equal to a percentage of the tax reduction resulting from the reduction of the taxes on handle; providing requirements with respect thereto; providing for audits; amending s. 550.09515, F.S.; modifying the tax on handle for thoroughbred performances; removing a penalty for operating in more than one facility; redirecting deposits from the General Revenue Fund to the Pari-mutuel Wagering Trust Fund; providing a credit against taxes on live handle equal to a percentage of the tax paid in prior year; providing for contributions for the health and welfare of jockeys; amending s. 550.1645, F.S., to conform; creating s. 550.1647, F.S.; providing for payments and credits concerning unclaimed pari-mutuel tickets by greyhound permitholders; amending s. 550.615, F.S., relating to intertrack wagering and leased greyhound facilities; authorizing certain permitholders to conduct intertrack wagering at certain additional facilities; amending s. 550.0555, F.S.; providing legislative intent; providing for the relocation of jai alai permittees within a county in the same manner as is currently provided for the relocation of greyhound dogracing permittees within a county; providing that relocation of permittees be consistent with local government comprehensive plan; amending s. 550.09512, F.S.; reducing the tax on handle for live harness performances; amending s. 550.475, F.S.; providing for leasing of jai alai facilities; amending s. 550.625, F.S.; increasing the percentage of purses for thoroughbred and quarter horse racing; amending s. 550.155, F.S.; requiring counties to approve certain capital improvements by permitholders in certain situations; amending s. 550.26352, F.S., relating to the Breeders' Cup Meet; increasing the amount of certain tax credits allowed to permitholders; deleting certain limitations on broadcasts to pari-mutuel facilities; authorizing the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to waive certain rules; amending s. 550.6305, F.S.; conforming cross-references; amending s. 550.002, F.S.; substituting the term "same class of races, games, or permit" for the term "same class of race or permit"; amending s. 550.0251, F.S.; providing for the Division of Pari-mutuel Wagering to adopt rules for wagering through a pari-mutuel wagering pool; amending s. 550.0351, F.S.; increasing the number of charity performances per fiscal year which a jai alai permitholder may conduct; amending s. 550.105, F.S.; revising provisions relating to licenses for persons or entities with access to certain areas of racetracks and frontons; amending s. 550.24055, F.S.; amending standards used in testing certain licensees to determine whether they have abused alcoholic beverages; amending s. 550.26165, F.S.; providing for breeders' awards and stallion awards; providing for certain moneys to be returned to the permitholders that generated the money, in accordance with a plan to be established annually by specified entities; providing an exception; amending s. 550.2625, F.S.; amending minimum purse requirements for thoroughbred and harness horse racing permitholders; amending criteria for the payment of breeders' awards and stallion awards; amending s. 550.3551, F.S.; requiring the written approval of the Florida Horsemen's Benevolent and Protective Association, Inc., before a thoroughbred permitholder may conduct fewer than eight live races on any race day; amending s. 550.6308, F.S.; amending provisions relating to limited intertrack wagering licenses; expanding the types of pari-mutuel races or games on which intertrack wagering may be conducted, subject to certain conditions; requiring a licensee to pay a specified amount to the daily pari-mutuel pool on certain wagers to thoroughbred permitholders conducting live races; amending s. 773.01, F.S.; amending the definition of the term "participant" as used in ss. 773.01-773.05, F.S.; amending ss. 773.03, F.S., relating to limitation on liability for equine activity; providing that the section does apply to the horseracing industry as defined in ch. 550, F.S.; creating the Interstate Compact on Licensure of Participants in Pari-mutuel Wagering; providing purposes of the compact; providing definitions; providing for the effective date of the compact; providing

criteria for eligibility to join the compact; providing procedures for withdrawing from the compact; creating an interstate governmental entity to be known as the compact committee; providing the powers and duties of the compact committee; providing voting requirements for the committee; providing for the administration and management of the committee; providing that committee employees are governmental employees; providing immunity from liability for performance of official responsibilities and duties of the compact committee; providing rights and responsibilities of each state that is a party to the compact; providing for construction and severability of provisions of the compact; repealing s. 550.615(9), F.S., relating to limited intertrack wagering license; providing a credit for jai alai permitholders; providing effective dates.

Senate Amendment 2A to House Amendment 1 (with title amendment)—On page 69, between lines 1 and 2,

insert:

Section 46. *Notwithstanding section 563.06, Florida Statutes, the Department of Business and Professional Regulation may adopt rules to establish authorized container sizes for malt beverages sold in this state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 74, line 22, after the semicolon,

insert: authorizing the Department of Business and Professional Regulation to adopt rules establishing certain container sizes;

Representative(s) Bitner offered the following:

(Amendment Bar Code: 024533)

House Amendment 1 to Unengrossed Senate Amendment 2 to House Amendment 1 (with title amendment)—On page 1, lines 18-21,
remove from the amendment: all of said lines

And the title is amended as follows:

On page 1, line 31 through page 2 line 2, of the amendment
remove: all of said lines

Rep. Bitner moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Bitner, the House concurred in Senate Amendment 2 to House Amendment 1, as amended, and Senate Amendment 2A to House Amendment 1. The question recurred on the passage of CS for CS for SB 770 & SB 286. The vote was:

Session Vote Sequence: 629

Yeas—101

The Chair	Cantens	Fuller	Kyle
Albright	Casey	Futch	Lacasa
Argenio	Chestnut	Garcia	Lawson
Argenziano	Constantine	Gay	Levine
Arnall	Cosgrove	Goode	Logan
Bainter	Crady	Gottlieb	Lynn
Barreiro	Crist	Green, C.	Maygarden
Betancourt	Crow	Greene, A.	Melvin
Bilirakis	Diaz de la Portilla, R.	Greenstein	Merchant
Bitner	Dockery	Hafner	Miller, L.
Bloom	Edwards	Hart	Minton
Boyd	Effman	Henriquez	Morroni
Bradley	Eggelletion	Heyman	Murman
Bronson	Farkas	Jacobs	Ogles
Bucher	Fasano	Johnson	Patterson
Bullard	Feeney	Jones	Posey
Bush	Fiorentino	Kelly	Prieguez
Byrd	Flanagan	Kosmas	Pruitt
Rayson	Ryan	Stafford	Wallace
Reddick	Sanderson	Stansel	Wasserman Schultz
Ritchie	Sembler	Starks	Waters
Ritter	Smith, C.	Suarez	Wiles
Roberts	Smith, K.	Sublette	Wise
Rojas	Sobel	Tullis	
Rubio	Sorensen	Turnbull	
Russell	Spratt	Villalobos	

Nays—16

Alexander	Brummer	Hill	Miller, J.
Andrews	Frankel	Kilmer	Putnam
Ball	Goodlette	Lee	Trovillion
Bense	Harrington	Littlefield	Wilson

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HBs 67 & 187; HB 161; CS/HB 215; HBs 295 and 349; CS/HB 389; HB 407; CS/HB 411; CS/HB 439; CS/HB 563; CS/HB 565; HBs 679, 743, 775, 791, 793, 795, 801, 815, 835, 839, 841, 865, 867, 869, 871, 875, 877, and 879; CS/HB 917; HBs 925, 927, 961, 963, 965, 967, 969, 971, 985, 987, 1007, 1013, 1089, 1091, and 1093; CS/HB 1105; HBs 1121, 1141, 1197, 1441, 1443, 1445, 1487, 1489, 1495, 1505, 1507, 1509, 1535, 1543, 1547, 1549, 1551, 1559, 1561, 1563, 1593, 1595, 1603, 1605, 1613, 1615, 1627, 1629, 1635, 1637, 1641, 1649, 1661, 1663, 1665, 1667, 1669, 1671, 1679, 1681, 1683, 1685, 1687, 1689, 1693, 1695, 1697, 1701, 1703, 1705, 1707, 1709, 1711, 1713, 1715, 1717, 1719, 1761, 1765, 1769, 1773, 1777, 1779, 1783, 1787, 1789, 1793, 1799, 1801, 1803, 1805, 1837, 1841, 1843, 1853, 1855, 1919, 1925, 1933, and 1993; CS/HB 2063; CS/HB 2085; HBs 2087, 2127, and 2319; CS/HB 2339; and HBs 2393, 2417, and 2433.

Faye W. Blanton, Secretary

The above bills were ordered enrolled.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in the House amendment and passed CS for SB 850; CS for CS for SB 862; SB 990; CS for SB 1230; CS for CS for CS for SB 1258; SB 1548; CS for SB 1742; SB 1766; CS for SB 1772; and SB 2082, as amended.

Faye W. Blanton, Secretary

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments and passed CS for SB 186; CS for SB 212; CS for SB 220; SB 294; CS for SB 358; CS for CS for SB 386; CS for CS for CS for SB 406; CS for CS for CS for SB 414; CS for CS for SB 770 & SB 286; CS for SB 772; SB 794; CS for SB 840; CS for CS for CS for SBs 852, 2 & 46; CS for SB 1194; CS for SB 1196; SB 1280; CS for CS for SB 1334; CS for CS for CS for SB 1406; SBs 1578, 1756, 1768, 1788, and 1790; and CS for CS for SB 2578, as amended.

Faye W. Blanton, Secretary

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 1429 and HBs 1957 and 1997 by the required Constitutional three-fifths vote of the members of the Senate.

Faye W. Blanton, Secretary

The above bills were ordered enrolled.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has receded from Senate Amendments 1 and 3 and passed CS/CS/HBs

63 & 77 and 891, 995, 2009 and 2135, as amended; concurred in House Amendment 1 to Senate Amendment 1 and passed CS/CS/HB 181, as amended; concurred in House Amendment 1 to Senate Amendment 3 and passed HB 509, as amended; concurred in House Amendment 1 to Senate Amendment 1 and passed CS/HB 701, as amended; accepted the Conference Committee Report as an entirety and passed CS/HB 1721, as amended by the Conference Committee Report; accepted the Conference Committee Report as an entirety and passed HB 2145, as amended by the Conference Committee Report; accepted the Conference Committee Report as an entirety and passed HB 2147, as amended by the Conference Committee Report.

Faye W. Blanton, Secretary

The above bills were ordered enrolled after engrossment.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 to Senate Amendment 13 and receded from Senate Amendments 2, 10, 14, and 14A and passed HB 2125, as amended.

Faye W. Blanton, Secretary

The above bill was ordered enrolled after engrossment.

Remarks from May 4 Relating to Recognition Ceremonies for the Speaker, Speaker pro tempore, Majority Leader, and Democratic Leader

Recognition Ceremony for Speaker, Speaker pro tempore, and Majority Leader

On motion by Rep. Dockery, the rules were suspended and the regular order of business was suspended for a recognition ceremony.

The Speaker appointed Rep. Maygarden to assume the duties of Chair during the ceremony.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

On motion by Rep. Melvin, the privilege of the floor was granted to the Speaker's family.

On motion by Rep. Trovillion, Reps. Crist, Lynn, Pruitt, Feeney, Peaden, Sublette, Bradley, Byrd, and Bitner were appointed to escort the Speaker and his family to the well.

Rep. Jones: Thank you, Mr. Speaker. Speaker Thrasher, Mrs. Thrasher, Members, very special guests, Governor, Lieutenant Governor, it gives me a great deal of pride to stand before you today and present the official portrait of our distinguished Speaker. But first, for the benefit of those who might not know him as well as the rest of us, please allow me a little time to tell you about this true southern gentleman we all had the distinct privilege to serve under the past two years.

John Thrasher is the 81st Speaker of the Florida House of Representatives and a native of Jacksonville. John and his lovely wife, Jean, currently reside in Clay County. John is only the second Speaker of the House from Clay County. He was preceded by Speaker Robert W. Davis, who served us back a few years—in 1885, to be exact.

As most of you probably know, John is a proud graduate of Florida State University. After earning his bachelor's degree in business there, he joined the United States Army. John first served in Germany, where he was awarded the Army Commendation Award and later in Vietnam, where he was decorated with two Bronze Stars. Before his honorable discharge, John had climbed to the rank of Captain. Upon returning home, our Speaker headed back to Tallahassee, once again, seeking and earning a law degree with honors, once again, from his alma mater, FSU.

John Thrasher's career in public life began with an election to the Clay County School Board in 1986. Later, in 1992, he was elected to the Florida House of Representatives.

Today, as his portrait is about to take its place among the other distinguished former leaders of this body, I think it only fitting that we look at the legacy of John Thrasher—our state's largest increase ever in spending for public education; tax reform resulting in the greatest tax cuts Floridians have ever seen—1.2 billion dollars over the last two years—meaningful tort reform legislation; protection of our fragile environment through the Florida Forever Program; a new retirement investment option for our state employees; the largest earmark protection program in the state's history for Florida's Everglades; a new medical school dedicated to serving our rural and senior populations; two new law schools; and a complete update and modernization of the beautiful House Chambers we stand in today.

Mr. Speaker, you did it with a flair, you did it with humor, with abundant fairness, and unquestionable integrity. On a personal note, I want to thank you for your vision, your understanding of leadership, your everlasting friendship, and, yes, the opportunity and privilege to serve at your side.

This is indeed a very proud moment for the Florida House of Representatives. Representatives Wise and Arnall, will you please unveil the portrait. [applause]

Speaker's Portrait Unveiled

The Chair: Members, any Member who would like to make some brief remarks, you are certainly welcome to do so at this time. Representative Bullard, you are recognized.

Rep. Bullard: I just wanted to say that the little old man from Clay County—I remember that is how you always prefaced your debate in committee—who would have thought that the little man from Clay County would stand before us as our Speaker? We were elected the same year, and I want to say that you have really made me proud, as one who came in with you. I appreciate you; I thank you for all that you've done; and I am going to certainly miss hearing "Bullard," and I know you are going to miss hearing "Thrasher." And I do appreciate you, and may God bless you and your family. [applause]

The Chair: Representative Frankel.

Rep. Frankel: First I want to say that all of these good-bye speeches have been very moving, and I just wanted to confess that my schoolgirl crush has been on Howard Futch. I wanted you to know that. [laughter]

Well, I have to say this is a very exciting day for me, because I have been waiting 12 years to say good-bye to Speaker John Thrasher. [laughter] Well, he's only been here 8, but we have a 12-year history. Anyone who may notice, I usually wear glasses, but this year I took off my glasses, and I am much happier, because I don't have to watch the Speaker glaring at me during these sessions. And it's funny because my legislative assistant gets calls all the time from all over the Capitol from other people saying, "Oh boy, that Speaker is mad at your boss today! What did you do?" So I think people would be very surprised to know that, actually, the Speaker and I have been long-time friends. In fact, I'm pretty surprised to know that. [laughter] And it really did not start that way.

Now, later today, if you want to come by my desk, there's a picture here, if you can recognize these people, they are two people and they're pointing their fingers in each other's faces. One is a much younger and thinner me, and the other one is a younger, hairier Speaker Thrasher. [laughter] This picture really epitomizes our relationship over these last 12 years. When I first met him, I was a new member of the Florida Legislature, and he was a lobbyist for the Florida Medical Association. And to say we clashed would be polite. We fought.

When I left in 1992 and I heard that Speaker Thrasher had been elected to the House, I can admit, I winced. I won't tell you all the thoughts that went through my head, because this is a joyous occasion, but you can imagine my absolute horror when, after I was elected in 1994, I come back to this Chamber and find that my seat was next to Speaker Thrasher on the floor. And what had happened is that Speaker Webster, who was at that time the Minority Leader, had thought it

would be funny, would be a prank, to put us next to each other. Now, Representative Lori Edwards I'm sure will attest to this, because she sat right in front of us, and it was quite a two years of debate and arguments. I would stand up to debate a point, and the Speaker, who was not the Speaker at the time, would sit at his desk and tell me to sit down, be quiet, why did I want to say that. He would get up and he would debate in my face. But I think what was most horrifying was I would often leave my desk—you could understand it was hard to be sitting there—and he would vote his conscience, or lack thereof [laughter], with my button. [laughter] [applause] I kid you not, that first session, I got a thank-you letter from the Christian Coalition. [laughter]

But you know something, there's something about sitting next to someone on this floor, and you all know that, because despite your political differences, you know, you get to hear about their families, and their grandchildren, and if they have a headache that day. And all of a sudden you start to understand the bond between us—there is a lot more in common than different. So it has been a strange friendship, I will say. But I will tell you this, that we've heard a lot of people say on this floor how their friends have helped them in different ways. I gave you one vote two years ago, I want you to know that. And I almost have not been able to sleep because of that vote. But I can safely say that I cannot think of one bill, one amendment, one project that you ever helped me with. [laughter]

The Chair: Representative Frankel, the Speaker once told me that if we give you long enough, you'll dig a deep hole. [laughter]

Rep. Frankel: But I want to say something. I have enjoyed every minute of it. You have forced me to clarify my thoughts, I have been able to fight harder and harder for what I believe in, and I am very grateful for that. I just have one request: after November, when you get to Mars, will you send me a postcard so I know that you arrived safely? [laughter]

The Chair: Representative Eggelletion.

Rep. Eggelletion: Mr. Speaker, I guess I didn't get a chance to say this when I was saying my good-bye. I guess I got a little emotional because my parents were here. But I have to tell you, Members, when I first came to the Legislature, one of the committees that I served on early on in the process was Education. Speaker Thrasher was a member of that committee, and that committee was chaired then by Doug Jamerson. Believe it or not, we agreed on a lot of the issues, Speaker Thrasher and I did, and we would sometimes chat about those issues in committee meetings and wonder why even my party was doing some of the things they were doing at that time. I happen to be a person from education, so that has to say a lot.

But beyond that, I have gotten to know Speaker Thrasher away from the process in a little bit better way. I have to tell you, Members, I have served under a few Speakers, and some of them I cared for dearly. But I have to tell you, Speaker Thrasher, you have been very open in this process. You have allowed all of us access to you, and a lot of Speakers have not done that. You have allowed different viewpoints to rise to the top, and I think that that's important.

The most important thing, and I learned this from Dempsey Barron's son prior to his death, and I would ask Steve, I would say, "Steve, when your Dad would come home, and he was such a legend," I'd say, "what would he do?" He said, "Well, sometimes he'll let me put my hands in his drawer and get one of the pocket knives; he had a lot of pocket knives." And I said, "What is it that you learned from your father most of all?" And he said to me that his dad told him to always be an advocate for people, just advocate, advocate, advocate. And I have to say, Mr. Speaker, you have been that sort of advocate. Whatever you wanted, you have been an advocate, advocate, advocate. Members, I think that is the most important thing. As I said before, to me, this process is never about party; it is about people. It is about the people that we serve, and I think you have served your people well, and I think you have done well for your district. So, thank you very much.

The Chair: Thank you, Representative. Representative Willie Logan.

Rep. Logan: Mr. Speaker, Mrs. Thrasher, members of your family, I would like to join that chorus of Members and well-wishers in thanking you for the contributions you've made, not only to this Chamber, but to the people of the state of Florida. It is obvious from the attendees that you have many friends, some a little bit more influential than others, but you have friends of all walks of life.

I would also like to thank the people of Clay County for having the wisdom to send you here to represent them in this body. Your legacy here will be remembered for a very, very long time. When the issues that were talked about, in terms of that have been passed over the past two years, were read out earlier, I just thought back that we've accomplished a lot in the last two years. Much of what we have accomplished will live on forever for our grandchildren to appreciate as well as see.

You know, one of the things that I think we all recognize about the Speaker is that he does care, and he's willing to work hard to demonstrate how much he cares. He's visited my community on two different occasions over the past year. First, to get a first-hand experience and knowledge of the things and the institutions that are important to the community, to get to know the people of the community. And then he saw fit, when my mother had quadruple-bypass surgery last fall, to take the time to come and visit her at her home when she was recovering. This is the kind of man that John Thrasher is; this is the kind of person that he has been as leader of this House. And, Mr. Speaker, I want you to know that I have the utmost respect and love for you and your family, and we thank you for your service. [applause]

The Chair: Representative Kelley Smith.

Rep. K. Smith: Thank you, Mr. Speaker. Mr. Speaker, I've been here for 10 years, I've served under six Speakers, and I can't remember a longer standing ovation than you received just a moment ago from the Members of this body. And even though you were trying to quiet them down and settle them down, they wouldn't. And they were telling you, Mr. Speaker, how much great respect they have for you, Sir, and for the great leadership you provided for this body. And Sir, thank you. I want to say thank you for serving well your part, our part, of Northeast Florida, and for doing such a great job for us. And to your family, who are all special to me, they are all good friends, I say thank you for allowing him, Jean and family, for allowing Mr. Speaker to do the job that he's done. Thank you so much for serving the people of the state of Florida, Mr. Speaker. Thank you. [applause]

The Chair: Representative Sublette.

Rep. Sublette: Thank you, Leader. Wow, it's been a good run, Mr. Speaker, it really has. Mr. Speaker, I came in with you in 1992 and, like I see on the floor today, we came in with a large class of 23 freshmen. I think it's this way with all freshman classes—all 23 of us thought we were going to be Speaker in that class, and all 23 of us wanted to be Speaker in that class with the exception of you, Representative Brown. And it became very apparent, I think, to all of us after that first session there was really only one man that was ready to be Speaker in that class and that one man was John Thrasher. And, John, yesterday a number of us stood up and talked about how you were a father figure to us. Now, I'm still trying to figure out how you gave birth to Lee Constantine at nine years of age [laughter], but I think we feel that way about you because John Thrasher has always exhibited a wisdom that not just comes from experience but that comes from maturity, and that comes from courage and a good heart, and great attributes of leadership.

There is nothing harder, I believe, in this process, than being Speaker of the Florida House, because there are 120 Members on this floor and every one of us view ourselves as leaders, leaders in our community. And for a man to be able to step up and lead 120 other leaders and gain the respect, and garner the respect, that you've garnered from us, Mr. Speaker, is quite an accomplishment.

Also, I want to commend you for your courage. I was talking to Governor Bush the other day, and he mentioned your courage and how you really were willing to go to bat for the Republicans of this state, for the people of this state, for what you believed in. And I think that's a

hallmark of John Thrasher that everybody says when you talk to them about Speaker Thrasher—that he is a man of courage. And something a lot of folks don't know, but coming from a military family, when folks tell you that they've won Bronze Stars in Vietnam, they don't give Bronze Stars for merely doing good work, it is an award of valor. And that courage is something that, clearly, you've had your entire life.

And lastly, Mr. Speaker, the thing that I've always loved about you is your heart. Now I know you stand up there and you give us that steely glare sometimes. I've learned when I'm making a speech that he necessarily doesn't want me to make I just don't look up there. [laughter] Have you ever noticed that I sort of turn my back and make sure I don't glance up there, because even I don't think I can stand that withering glare that you give us. But I'll share a secret with you if you don't know John Thrasher well, that I know about him and that his family certainly knows about him and you can see it in his family up there today in the way they are treating him, which I think is the highest praise you can give a man—to see the love his family has for him. This man has a heart of gold. And he may stand up there, and you may look tough and you may glare down on us, but deep down inside he has a heart of gold. And whatever he's done in this process for eight years that I've had the honor of serving with him, it's always been with the best interest at heart of the people of Florida, what he in his heart believes is best for everybody in the great state of Florida. Thank you, Mr. Speaker, for giving me the privilege of serving with you. [applause]

The Chair: Representative Cantens.

Rep. Cantens: Thank you, Mr. Speaker. Mr. Speaker, you're a gentleman; you're a man of honor and integrity. Many of us came here to try to do things differently. Many amongst us here on this floor, the Governor, the Lieutenant Governor, trying to do things differently. You, Sir, have given us the opportunity to do that. You provided us with not just the opportunity but the encouragement to do things differently and to do the things that have never been done before. I thank you. [applause]

The Chair: Representative Feeney, for what purpose?

Rep. Feeney: Mr. Speaker, I'd like to request permission to approach the well.

The Chair: Permission granted.

Rep. Feeney: Governor, Lieutenant Governor, members of the Thrasher family, and honored guests. Today it's a great privilege to be standing here next to a great, great friend. And I want to tell you one of the things I like most about the wonderful portrait, Mr. Speaker, is that unlike all the other portraits in this House, it's an action portrait. And I think that says a lot about your tenure here in the Florida House of Representatives.

And as I said the other night—we had a conference dinner and we talked a little bit about this. This is a very bittersweet time for a lot of us. The sweet part is easy to deal with. Because of your tenure and your leadership in the state of Florida, violent crime is down 30 percent; taxes are down by almost 2 billion dollars in the last two years alone; welfare rolls are down by a half million people; unnecessary litigation is down and unnecessary regulation—some thousand statutes this year alone we repealed—are down; funding for our students in K-12 is up to historic proportions; health care funding and taking care of the needs of our most needy is up; employment and opportunities are up dramatically; the spirits of Floridians, Mr. Speaker, because of what you've done, are up. And I think the health of this House as an institution is at an all-time high, and you have left us in great, great shape. Thank you for all that you have done for the people of Florida. [applause]

On the other hand, the bitter part of this last week is that there are some things we are going to miss deeply, and I hope you will not be offended if I tell you that I think as much as we are going to miss you, Mr. Speaker, we're going to miss a wonderful first lady. Jean Thrasher, thank you. [applause] We are going to miss the fact in a very often complicated process where things are not as they appear and things that people say are not what they mean, you are a man that throughout your tenure, when you say yes, you mean yes and when you say no, you mean no, and we're going to miss that, Mr. Speaker. We are going to miss your patient leadership, patient with all of us and our frailties and our inabilities, and your enormous patience with 119 Members that you lead and serve with. We are going to miss your guiding hand on legislative policy, and I don't know how we are going to be able to replace that, but that's been important in all of our abilities as we function with our responsibilities. We are going to miss, most deeply in a lot of respects, your firm stand on principle. There's not one time that you've asked us to do something that wasn't based on the principles that you laid out. The principles that people like Jefferson, like Lincoln, like Ronald Reagan stood for, and we're very, very grateful that you never asked us to do anything that wasn't based on principles that you believed in and that we could be excited and proud to follow. We're going to miss your compassion for the less fortunate Floridians and we appreciate how deeply you care, as Representative Sublette just suggested. And we're going to miss, I think, your love, your deep love for Clay County and for the state of Florida. We're going to try to carry that tradition forward. Some of us will miss—I'll be candid, it's going to be a little confusing; for the last two years, in all the difficult interschool rivalries, we've known exactly who to root for here in Florida, we're all committed to Florida State Seminoles right through November, if we have any sense. [laughter] But after that, Representative King—we may be a little confused—we're going to be free agents come November, [laughter] and we're going to miss the fact we didn't have to worry about who to root for the last couple of years.

But I think Bill Sublette summed it up. When I think of John Thrasher, other than the fact you've been a great, great friend and a great, great mentor, as I try to fulfill the duties that you've fulfilled so well, we are going to miss your deep, deep courage. Courage to do what is right. Mark Twain had a comment on courage that I want to share with you, Mr. Speaker, as I close. "It is curious that physical courage should be so common in the world, and moral courage so rare."

And your courage is indeed very, very rare. And the last thing I want to share with you about our deep respect for the courage you've shown is a quote by Robert Louis Stevenson, "Keep your fears for yourself, but share your courage with others." That's what you've done that we admire so much. Thank you very much. [applause]

The Chair: Representative Feeney.

Rep. Feeney: Almost forgot one little thing, Mr. Speaker. We can never fully repay you for all that you've done for us and the people of the state of Florida, but we thought we might have a little bit of fun and, on behalf of the Members of the Florida House, and all of them participated, and we're grateful for all the Members. We wanted to present you a little token and symbol of our deep appreciation for your service to the Florida House of Representatives and the people of Florida. [Rep. Feeney presented Speaker Thrasher with a golf cart decorated with Florida State Seminole flags and insignia.] [applause]

The Chair recognized Speaker Thrasher to approach the well, where he gave brief remarks.

Speaker Thrasher: Governor, Lieutenant Governor, thank you for being here; I appreciate it. Wow, I don't know what to say; and I won't say a lot, because I can't. [laughter] Let me just thank, first of all, thank God for the privilege he has given me to serve the Florida Legislature. I first can't tell you how—what an honor and privilege it has been to meet, work, have fun, fellowship with each and every one of you. The ones that are leaving, you ought to be proud of your service to the state of Florida. You have done a great job. The ones that are staying, do an even better job than the ones who are leaving, and I know you can. You are going to have a great leader in the next two years, and I know that he is going to follow the same kind of traditions that Dan Webster and I have tried to do for this state of Florida. Tom Feeney, I know that you are going to do a great job, and I look forward to your great leadership.

Governor Bush, it has been a great privilege to get to know you even better than I did before you became Governor. And Lieutenant Governor Brogan, I thank you for you leadership in the state of Florida. Florida

is well served by your great stewardship and your great leadership, but most importantly I thank you for the opportunity to get to know you better. And I wish everybody in this room had that opportunity, because Jeb Bush is a great, great Governor of the State of Florida, and a great person, and it has been an honor to get to know you, sir. Thank you very much.

To all of my colleagues here, I know that—I don't know about these two, I am going to have to invoke the rule on them, in a minute. [laughter] Let me get back to my notes, because if I don't, I will lose my place. Let me just thank, first of all, my staff, too. They have been great: Steve, Greg, Jim Roy, Katie Baur, Gaye, JoAn, Diane, Carol, Iragene, all great, great public servants, great people who have supported me in my two years as Speaker. Jim Roy, of course, has been with me for eight years. Jim, I thank you for your great service to the state of Florida.

You know, this last week has been filled with a lot of memories of this body. You know, you think about it: only in this place could you have some of those experiences. Let me just tell you a few that I have had, that I remember. I am from rural North Florida, but I will tell you, first and foremost, I have never owned a gun. I never shot a gun since Vietnam, until I went hunting one day over in West Florida. I was there with Jim King, in suspenders, blue suit pants. He had gotten there late, but he was hunting on one side. Charlie Sembler, in the back of me trying to tell me now what to do with the gun, and Josephus Eggelletion on the other side. I was in the middle, and we were looking for these quail, and they told me they were put in there, somehow, I don't know how they got there, but they were put in there, right. Charlie said, "Now, you see, when you get up close to quail, when you get close, and the dog gets close, the quail will either go that way or go that way, and so you have your gun ready to go and you go that way or that way." And so, it got a little bit closer; I was trying not to look at King too hard because I would have laughed, or I know I'd have probably shot myself. [laughter] Josephus on the other side, and I kept thinking, Here is this old rural North Florida boy being taught to hunt by an African-American guy, you know. Think about that for a minute, that only in the Florida Legislature could those kind of things happen. So here we get close to the bird. The bird, instead of going that way, he goes that way. He comes directly over, and I go that way. I could have actually taken the gun and knocked him down, probably. That is my last time I went hunting. [laughter]

Lois is right, I had a great year back there between Lois and my good friend Tom Warner. They both had the best voting record they will ever have with the Florida Legislature, because neither one of them were ever at their seats, and I got to vote both of their buttons. And, Tom, I thank you for being here; it is a special privilege to have you here.

I thank Ann Canady, who is sitting up there, who has been my legal secretary, legal assistant, in my office for years; worked with me for years. Jennie Bailey, who has been with me for eight years in my legislative office. Two of my law partners, Dick Lewis and Mark Hulsey, who are up there, and I thank them for the patience that they have given me to serve in the Florida Legislature, but I will be back next Monday, actually next Tuesday. I also thank my wife, Jean, for putting up with eight years of this stuff. You know, when you have families, you have to put up with this; it is not easy. It is hard sometimes, and I could not have had a better partner, and a better person for the last 35 years, frankly, in my life. We are looking forward to going home to Clay County and spending a lot more time together. I love you, darling. Thank you very much. [applause]

I have to say something to the press, you know. Martin, I have known you for a long time. Every now and then, you even write something decent about me, but not often. That does not matter. That doesn't matter. And I will tell you all in here, it matters what they do, but you have got to be—you have got to pay attention to what's in your heart and what principles you stand on. They won't agree with you all the time. They won't agree with you all the time, but never, never stand down on the principle that to have a free press in this country is one of the most important things that we have going for us. It is part of our First Amendment rights. I applaud the press for vigilance and the great job you do, most of the time; and it has been a good ride. [laughter] One of the things you have to not worry about too much is what they say about you. If you worry too much about that, then you get off the track, and you need to stay on the track, based upon what's in your heart and what your principles say and what those people from your district say about you. And speaking to those people, I thank the people of District 19 for giving me the privilege and the honor to serve them the last eight years in the Florida Legislature.

I thank also—and I am doing this somewhat randomly, because I—but, I thank another opportunity that I have had to be a legislator, and that's my Cuban friends from Dade County. I recall when I was running for Speaker, I went down—I decided I would go down to Miami and meet with a group of those folks and see if I could convince them that an old North-Florida boy would still be able to understand the problems of South Florida, and the concerns of South Florida. And as a result of that trip, I think we had a better understanding and a better friendship. And as a result of that trip, I proceeded to go back to Dade County about 11 or 12 times during the course of running for Speakership. Every time I went there, or any other place in Florida, like Opa-locka, or like the Panhandle or wherever, I found something else about the state of Florida that I did not know, and I encourage any of you who have that opportunity to do that, because it makes you a better Member when you come in here, if you know something about the concerns, the passions that those folks have for their area. It makes you a better Member if you will do that. I enjoyed that, and I appreciate the great support that my colleagues and the Cuban family have given me, and I admire you for the courage that you all stand on, and the principles that you stand on, for freedom in the United States of America.

And then I say this to my sisters and my brothers, Cynthia, Beryl, Larcenia, and Willie, Josephus, Tony, all my friends in the African-American community, I thank you for your service. Big Al, others that are here, Addie, my good friend Les Miller, all the others that are here, Rudy, I hope I have not missed anybody, but if I have, I apologize. Josephus, you all bring another passion to the Florida Legislature that we sometimes don't understand enough, and I thank you for that passion that you bring, and thank you. Continue to fight for the things you believe in, because that is what matters.

And then let me say to my friends on the outside who are—some of whom I have worked with before I got in here. As the press likes to remind me, yes, I was a lobbyist; I admit it. [laughter] [applause] And I will tell you here and now in about another year I may be one again. [laughter] Start writing about that if you like, but not yet. But clearly we have a relationship with those folks out there, and it ought to be a relationship that is of one of information and support of this process. I think by and large most of those folks out there do a great job in what they do.

So, Representative Miller, I guess last I would say this to you, you have been a great friend, a great partner to work with, and you have supported your caucus, you have supported your principles, you have supported your district in an outstanding fashion. And I thank you for your great service and your friendship that you have extended to me the last two years. It has been an honor and a privilege to work with you, sir. Thank you very much.

There is a verse in Proverbs 13 that I want to read to you: Wise friends make you wise. You will be well rewarded for saying something kind. Keep what you know to yourself and you will be safe; talk too much and you are done for. A good person hates deceit, loves right, and you are safe. I think those are words of wisdom for all of us as we go about our business. Never take each other for granted. Always remember from where we came and always stand on principles. It has been a great honor, a boy from the west side of Jacksonville, who neither parents went further than the eighth grade to have the honor and privilege to be Speaker of this great House of Representatives. As I said the other night, some people bring happiness wherever they go; you all have brought me tremendous happiness. Some people when they go, it is time for me to go. God bless you. [applause] Thank you very much.

The Chair: Speaker, if you would, you and Mrs. Thrasher please remain at the well, while the others depart.

Speaker Thrasher: I agree, a couple of them may need to. They both are asleep now. Thank you. I did not get a chance to introduce my son Jon, his fiancee Millie, my lovely daughter Julie, my other lovely daughter Jennifer, of course Jean and Miss Ashley and little Will, here, my grandchildren. I thank them for all being here.

The Chair: Representative Farkas, you are recognized for a motion.

Rep. Farkas: Thank you, Mr. Speaker. I move that the Speaker pro tem, Representative Dennis Jones, and the Majority Leader, Jerry Maygarden, be invited to approach the well.

The Chair: Before that motion is taken, I will appoint Representative George Crady to assume the duties of the Chair.

REPRESENTATIVE CRADY IN THE CHAIR

The Chair recognized Representative Jones and Representative Maygarden to approach the well.

The Chair: Mr. Speaker, you are recognized.

Speaker Thrasher: Thank you, Mr. Speaker. And George Crady, thank you for your great service to the people of the State of Florida, and your great friendship. I appreciate it very much.

It is my great pleasure now to provide gifts to two great friends of mine for their great service to the Florida Legislature. When you are in the job of Speaker, you have to have, as you know, folks that you can rely on each and every day without question and unconditionally, and I have been blessed to have two of the greatest gentlemen that any Speaker could ever have to serve them. Their loyalty, their dedication, not to me, but to this process, is just incredible; and they both are great public servants. Dennis Jones, of course you know, is leaving the Florida Legislature of the House of Representatives. Jerry Maygarden is staying, and I am thankful for that, that he is staying, because I know that he will continue to provide great leadership to the House of Representatives. So I would like to, at this time, Dennis, thank you personally for all you have done. I think there is going to be something on the screen that will—we don't have it actually in person, but you are going to be given a chair similar to the one that you sit in here for your office in St. Petersburg, and I hope you enjoy many hours in it, reflecting on your great service to the Florida Legislature. In addition to that there is a 1,000 dollars check being given in your name to the St. Petersburg Community College Development Fund. And, Dennis, I thank you for your great service to the people of the state of Florida. But, most importantly, your wonderful friendship to me. Thank you very much. [applause]

Speaker pro tempore Jones: Mr. Speaker, Members, there has been a lot said on my behalf these last couple of weeks. It's been, like I've said before, a long road but a great journey. This is going to be a great first donation to the new joint library of public/private sector—St. Pete JC [Junior College] has a joint-use facility with the college and the public. And this is going to be really proud knowing that this came from all of you because also the appropriations that made it happen came from you in this great budget that we are sending to the Governor. When I came in here and this Chamber had literally been gutted, and I stood in the middle of that floor with nothing but concrete there—my God, and you know, this is strange. When I came back and saw this beautiful place and I knew that when I left that there will always be a little bit of this place with me and, little did I know I'd be able to actually take a piece of it with me and keep it in my new office forever. And I appreciate that. Thank you very much. [applause]

Speaker Thrasher: Please also, Members, welcome Representative Jones' lovely wife, Susan, who is in the Gallery.

Now, Leader, you have taken a lot of arrows for me. I don't know how, but you have got a broad back and big shoulders, and I appreciate that. And I am just simply looking forward to watching you in the next two years in the Florida Legislature being an even greater Leader than you have for the past two years and achieve even greater things for the people of the state of Florida. But I have never asked Jerry Maygarden to do something that he wouldn't do, unconditionally. And that is the kind of friend that he is, not only to me, but to so many of you. I really appreciate it, Jerry, and if you will look around, I think we have one of those for you, too. And you actually will be able to take your chair out of here and still have one here, that is one of the nice things. And, we are also, on your behalf, making a contribution to the Foundation of the University of West Florida, your beloved university, in the amount of 1,000 dollars also. God bless you for all you have done for me. Thank you, Jerry. [applause]

Rep. Maygarden: I've had the great privilege of standing on the shoulders of giants. Just look at him. Jim King was my Majority Leader. And I want to thank all of you for the opportunity to serve; it's been a great blessing for me and for my family. I know I have probably hurt some feelings on this floor from time to time and it was probably deliberate, at the moment, but I certainly intended no malice. It's been a wonderful treat, Mr. Speaker, serving you. I want to thank you for giving me this opportunity. I know when you announced two years ago that Jerry Maygarden would be my Majority Leader, everybody went, Jerry who? Who is this guy? But I appreciate your confidence; it means a lot to me, and it has been a great growing experience for me, and I look forward to another two great years of serving with this House. Thank you very much. [applause]

THE SPEAKER IN THE CHAIR

Speaker Thrasher: All right, Members, once again, thank you for that great honor and for the gift. I didn't say thanks for that—I'm very appreciative of that. I look forward to starting to use that thing on Monday, in fact.

Recognition Ceremony for Democratic Leader

Speaker Thrasher: For what purpose does Representative Wasserman Schultz rise?

Rep. Wasserman Schultz: Thank you, Mr. Speaker, for permission to approach the well and be joined by Representative Les Miller.

Speaker Thrasher: Permission granted. Representative Wasserman Schultz, you are recognized for remarks.

Rep. Wasserman Schultz: Thank you, Mr. Speaker. Members, this is the first time in eight years that I have had the privilege of approaching the well and I couldn't be more proud that it is to make this presentation to my Leader, Representative Les Miller. I want to take a couple of minutes to tell you some of the things you might not know, or if you did know, would like you to internalize them, because I think it says a lot about the man who we are about to honor.

Representative Miller has been through a lot of strife in the last eight years since he became a Member of the Florida House of Representatives. Since joining the House, he has faced the death of his former wife, who was the mother of his children; the death of his sister; the death of an uncle, an aunt; and his father-in-law. Additionally, his son was shot just blocks from this Capitol.

He has also seen joy. Three of his five grandchildren were born since he joined the Florida House of Representatives. He saw his son, that same son that was shot, graduate from FAMU and become a police officer in his beloved City of Tampa.

Most men, facing this strife, would have folded up the tent and gone home. But the most important thing to Les Miller was to represent his constituents in House District 59 in Tampa, the community he grew up in, which is the second poorest district in the state of Florida.

I want to tell you a quick story about something I experienced personally when visiting Representative Miller in his district recently, and it says a lot about him and how the people in his community feel about him. We were both a little bit hungry before we had to go do a television show and we went into McDonald's, of all places, and we are standing in line; and you know, a lot of us, I guess, hope to be recognized when we're in our district, whether we go to Publix or McDonald's or just walking down the street. When we walked into McDonald's in the heart

of Representative Miller's district, he was besieged. There were people coming up to him slapping him on the back, shaking his hand, but the one thing that I noticed the most is a man probably just a little bit younger than Les came up to him, shook his hand, gave him the warmest smile I've seen someone give another person and just talked to him as if he was his oldest friend and thanked him for all the work he was doing for them in District 59. And I was really moved because I think we all wish to be revered the way I think Les Miller is revered by his constituents.

When I asked him what he is proudest of, Les is so humble that he couldn't even think of one thing to tell me. But I know that it is the constituent's service that he is renowned for in Tampa. One thing I do want to tell you that he was able to accomplish—not only for his constituents in Tampa, but for his pride and joy, the Urban Leagues of the State of Florida—was the creation of the Crime Prevention and Intervention Program, which has an annual appropriation of over 3 million dollars for the Urban Leagues across the state. And that's a legacy that you will leave, Les, to the people who the Urban League serves.

Les still lives in the same neighborhood that he was born in, the same neighborhood that he grew up in, and the one that he could have left for greener pastures because he was able to pull himself up by his bootstraps and rise above the strife that he and his family struggled through when he was growing up. And he did that because he wanted to remain and set an example for his constituents to show that you could and you can rise above every challenge that you are faced with from birth to adulthood. He's an incredible example for his own community and for all of us. And Les, from the Democratic Caucus, we owe you more than a tremendous debt of gratitude, we owe you whatever success we have had an opportunity to accomplish this session, even though sometimes it hasn't seemed like much. You took charge of our caucus at its absolute lowest point. You brought us out of oblivion, when we were at the rock bottom, and you made us relevant. You made us a factor in this process and you made us unified, and I think that the Democratic Party, which was literally, 18 months ago, lower than probably at any point in Florida's history, owes our future success—and we will have future success—to Representative Lesley Miller.

On behalf of the House of Representatives, we want to thank you for making us proud and for serving your constituents and the citizens of the State of Florida so well. The presentation that we'd like to make to you today, first, is 1,000 dollars for your beloved Urban League and, additionally, the same chair that we have all had an opportunity and a privilege to sit in as Members of the Florida House of Representatives. Thank you, Les, for making us so proud. [applause]

Rep. L. Miller: Thank you so very much. Whether you all know it, I'm a pretty emotional guy sometimes. You probably don't know that because I do a lot of arms back there. [laughter] But, thank you, Debbie. When I asked Debbie to serve as my pro tem, I knew I did the right thing. I was questioned like I said yesterday, but I did the right thing. I needed someone to watch my back, and Debbie's done just that. A lot of people questioned Debbie; I did when I first met her. She has the tenacity of a bulldog, but she believes in what she believes in, and that's what makes her so very, very important. And, Debbie, thank you so very much for being there for me. I thank you.

I hope I get through this. I really, really do. I made some dear friends in this House, some dear friends down the hall in the other house, some dear friends out in this gallery, dear friends out in the hallway, and dear friends in this whole process, and I thank you for letting me do that. I consider—I see he's gone now—I consider the Governor to be a friend; we just need to talk about it. [laughter] He can invite me down; I won't stay long. [laughter] I promise him that, he still has some time, I plan on being down the hall if at all possible. We can do that. But to all of you in here, I appreciate the opportunity for allowing me to serve with you.

You know, Bill Sublette said the other day that when you walk through the back doors back there that tingling comes about you, and he's absolutely right. When you get off the plane or you drive into Tallahassee, you have that feeling of—I really can't describe it. I remember the first day that I came to this Chamber. I was sitting probably just about where Representative Kilmer is sitting. I was sitting next to Representative Roberts and Representative Bullard. And I was sitting there, and my wife and I looked around this Chamber and knowing that a poor boy like me from Tampa growing up in Belmont Heights in Ybor City—what am I doing here, how did I get here? But I knew I came here to do a job and I took my job very seriously. Some of you I might have made mad with me at times, and there was no intent to do that. I had a job to do, and I took my job very seriously from being the majority whip to being the pro tem, sitting back there and throwing those bombs up this way, and if I hit some of you too hard, I apologize for that. But that's what I had to do, and sitting back there as the Democratic Leader, I appreciate that.

To my colleagues, collectively, it's been one heck of a ride. It really, really has. And something my father, God bless him, always told me, if it doesn't kill you, it makes you strong. And so remember that, for those of you who are going to be around a little while longer.

To my Democratic colleagues, I want to thank you for allowing me to be your Leader. I came in with no grand ideas, just to come in and try to pull us back together when we had hit rock bottom. I didn't try to offend anyone by taking that position, I just thought it was the right thing to do and you allowed me to do that.

Willie, I tried to do the best that I could, I know that you would have done the same thing. There were some problems, and we all know that, but we still love you, my man, and I had some big shoes to fill and those were your shoes, and you all allowed me to do that, and I appreciate that very, very much. Thank you.

Sublette, you're forgiven, my man. I didn't know you kept that that long. But you're forgiven, and I love you very much for that.

So, my Democratic colleagues, thank you so very much.

To the Speaker, didn't get to know him, really know him, until two years ago. I remember he came to Tampa when he was trying to become Speaker, and I was designated the Leader. He came to Tampa; he came to my district, came to my district office. We sat there and talked about working together and a friendship came about from that and it has grown tremendously. We've had our differences at times, I must admit that, but he's a dear, dear friend. I would never forget John Thrasher, he's there, he's been there. We've talked on the phone many times, talked about families, talked about grandchildren. You're a dear friend; I appreciate you. I hope you have a great success at whatever you do and enjoy that golf cart to the utmost. And we'll remain friends; regardless, we'll remain friends. Thanks so very much.

I don't think I've ever had a chance to do this either, I want to thank the citizens of Tallahassee. When my son was shot, that was a real trying time for me and my family. We almost lost Trey, but the good Lord pulled him through. I remember that morning being in that hospital when the doctors basically walked away from him and said we don't expect him to live. One of the first persons I saw walk in there was big Al Lawson and Al said, "Everything is going to be all right." Al, I never forgot that. But the people from Tallahassee came out when my son and the other two of the gentlemen were shot, and they poured their hearts out to us. I mean there was nothing that we wanted that we couldn't have. People that I never met in my life in Tallahassee provided everything we could possibly have. And for those people in Tallahassee who live here, whether they are listening or not, thank you so very much for what you did for me and my family.

Let me thank the hospital I work for, too, Tampa General. I'm not there that much, and I want to thank them for allowing me to serve in this process. It's good—the Speaker and I've talked about this—it's good to have employers that allow you to participate in this process, a process that I love so very, very much.

To my good friend, and I do mean that, my good friend and my aide, Randolph Kinsey, who refused to come down here. If you all know Randolph, he's a—some people look at him and see a grouchy old man—he's the best thing that could ever happen in this process. He's been with me since I got elected. He's my friend, he's my sounding board, he's been there for me for eight years. And every time I make a decision—I try to

make a decision—I call on Randolph—what should I do on this?—and he's always given me, I think, the best advice. So, Kinsey, if you're listening, my man, thanks so very much, and I hope we can go other places.

To my secretary back in Tampa, Wanda, who keeps me in line when I'm there, who's been with me for eight years also—I hope you have the TV on or the Internet. Thank you so very much.

To the best Democratic office staff I've ever seen, Barry and all the rest of them, thank you for allowing me to work with you. I basically work for them because they tell me everything to do. I remember when we lost Lillie Bogan; the lady went on to greener pastures, if you want to say that, and I said what in the world are we going to do? And Barry Kling stepped in, and Barry has carried that office and hired a staff and kept some staff there. He's done an excellent job, and I want to thank them.

And to this entire House staff, we have the best staff in the country. If you travel this country you know that, that Florida's Legislature is looked upon as the best legislature in this country. I want to thank each and every one of the people that work in this House for what they've done from the Clerk's staff, the Sergeant's staff, to the committee staff, to all of you, to Pat in the back who keeps us fat [laughter] from those terrible sandwiches. [laughter] Thank you so very much.

I want to thank my family, thank my wife who is not here. She's sitting in a city council meeting right now. She's a member of the city council in Tampa. You all know that your family must be behind you, and my wife has been there for me every step of the way. When I first ran in 1982 and lost for District 63, at that time, she cried harder than I did. And when I won in 1992, she cried even harder than I did. And the Speaker can tell you when you're trying for leadership positions, you're gone a lot, and we've been gone a lot. And I want to thank her for being there for me. She fixed me, though. She went out and got herself elected to city council, so she's just as busy as I am. So, I want to thank her for all the hours she's spent by herself and taking care of the family and taking care of many things for us.

My children, Trey, my daughter, Le'Jean, who've stuck by me through thick and thin and I'm very proud of—I'm very, very proud of them. Trey is now a police officer in Tampa; my daughter is a school teacher in Tampa, and I want to thank them.

To my grandchildren, all five of them, we don't have much time to spend with grandkids. I admire the Speaker. He is going to have time to spend more time with his grandkids now, and I hope that one day that I will do that also. I have the little cherished time I spend with them. I love every minute of it. I told my kids one time that if I would have known it was going to be this much fun, I would have had them first. But all of them, including the one that is going to be six months old tomorrow that they named after me, Les Miller IV.

To my mother, who lies in a nursing home, her body is shot—but her mind is still sharp—who sends up the timber for me each day. For those of you who come from the black church, you know what that means: sending up the timber, prays for me every day. I want to thank her. I get home to see her as much as I possibly can and try to take care of her.

I lost some people in this process. And one of the ones I lost, I remember the day I was sworn in sitting up there in that Gallery, and it was my sister, who worked so very hard on my campaign. I miss her.

And the guy who probably got me started in this business was a union worker. Tony was my "father."

To the people of District 59, I hope I've served you well. I hope I've worked hard for you and didn't embarrass you and brought everything back I possibly could to you. I want to thank you for allowing me to serve. And you let me come back every year, every two years, without opposition, and I thank you for that. It's been a pleasure serving those people back in District 59, and I hope I can continue to work very hard for you somewhere down the line.

And to my God, I want to thank him for waking all of us up every morning. You know, it's a blessing to be woke up by God, but it's an extra blessing when you take that first step. And he's allowed all of us the opportunity to serve in this Legislature. I love this job. I love what I do. Headaches, yes. I went to the barbershop the other day, and my barber said, "You have more gray hair than you had when you were here the last time." And I said, "Yeah, probably do and I deserve every bit of it." But I love what I do and I want to thank the Lord for allowing me to have this opportunity. I love each and every one of you. I'm going to miss some of you, I'm going to miss all of you. I really am, regardless of party affiliation. I think I told Representative Bucher the day she came that you make friends regardless of what party. We have political differences, but when you walk out that door, those political differences should leave with you. You're friends, you should get to know each other. I've gotten to know a lot of people in this Chamber and the other chamber down the hall. I want to thank you for allowing me to be a part of it. One thing I want to tell those that are going to stay—"You've got to know when to hold them, know when to fold them, know when to walk away, know when to run. You can't count your money when you're sitting at the table. There's time enough for counting when the day is done." God bless you, I love you. [applause]

Speaker Thrasher: Representative Bullard.

Rep. Bullard: Mr. Speaker, I would be remiss to not give equal time. Mr. Speaker, remember when the Senate had one year that we had to split the Democratic President and the Republican President, one year for the Democrat and one year for the Republican? Well, Mr. Speaker, I stand—do you remember that?

Speaker Thrasher: Well, we haven't had a Republican President for a while, Representative Bullard.

Rep. Bullard: Yes, you all know what I'm talking about, right? Pat Thomas and Crenshaw.

Speaker Thrasher: Oh, OK. Now I've got you, Representative Bullard. I'm on point. Go ahead, go ahead.

Rep. Bullard: Do you remember that? All right, now, to the point, we have Mr. Speaker then we have Mr. Leader. So, I want to say to you, Mr. Leader—

Speaker Thrasher: And you voted for both of us, right?

Rep. Bullard: That's right. That's what I was saying, that's exactly right, I voted for both of you. I want to say to Les Miller, I really, to the little boy from Ybor City, I want to say congratulations, and I think that you've done a fantastic job of keeping us together, and may God bless you. Thank you. [applause]

Speaker Thrasher: Representative Henriquez.

Rep. Henriquez: Again, I would also be remiss if I didn't take this opportunity—I'm a little hoarse and a little emotional as well—but Les—Representative Miller—and Mr. Speaker, because I didn't stand to speak with you. Early on, after the election, this little-known Hispanic from West Tampa got a call from Les Miller, the new Minority Leader, and he said, as he often does, "I need you, partner." And I said, "What is it?" He said, "Well, the Speaker is coming down and we're going to Tampa General to take a tour, and I thought it would be a good opportunity for you to get to meet him and get to know him a little bit." Of course, being very professional, "Certainly. Whatever you need, sir, I'll be there." When I hung up, I kind of giggled—you know, like a schoolboy—and I said, "Wow!" And I called my wife and I said, "I'm going to get to be with the Speaker tomorrow, you know, and be with the Minority Leader."

Everything was so new, and quite honestly I was scared to death. I didn't know exactly how to react, how to act around these folks. It was a wonderful day; I'm sure you remember that day. We toured and we talked and we got to know each other. We formed a bond. I told Representative Miller the other day, on a particularly tough day for him—and I don't think any of us can really relate to being in the position that Representative Miller is in; and certainly it has got to be tough to be Speaker. But can you imagine being back here every day? He comes to work every day and he works his tail off; and he comes up with every

scheme in the book to try to stick it to the guys up front a little bit, and, quite honestly, he knows he's going to lose every day.

I have been in the arena a long time and played a lot of sports, and coached, and I am pretty accustomed to winning. I have never been in a situation where I know I'm going to lose every day. I mean, it's a one-legged man in a butt-kicking contest. [laughter] It's not a good situation. I mean, he knows the outcome. I told him—Dwight, that was for you, by the way—I told him, and I hugged him, and I said, "Les," and this goes for you as well, Mr. Speaker, "my first football coach has always been my coach, and my first Leader and my first Speaker will always be my Speaker." And although this is not for any of the ones that will come after, but you have been very, very special in my life, and I have probably benefited more than anyone from having my neighbor in Tampa be the Leader. And I appreciate that. And for all those times that you called me and said, "I need you, partner," we need you, partner. We need you down the hall. We need you in the process. The state of Florida needs you. Mr. Speaker, thank you for this opportunity.

Speaker Thrasher: Thank you, Representative Henriquez. Not many people know this, but Representative Gottlieb, Representative Henriquez, and myself have something in common, something very important in common: we love Steak 'n Shake hamburgers and milkshakes. Unbeknownst to you all, several times this session they've honored me with the opportunity to share a Steak 'n Shake milkshake and hamburger with them. I'm looking forward to buying yours in another year or so, Representative Henriquez, Representative Gottlieb.

Representative Chris Smith.

Rep. C. Smith: Les, a couple of weeks ago we were leaving a restaurant, and I told you something in the parking lot when you were in your car, and I really meant it, because you have the patience of Job. When I first came to Tallahassee, I know I wasn't your number-one Democrat, or if you even knew I was a Democrat. But you had the patience of Job, and you worked with me, and you showed me respect, and we've worked together for two years, and I really appreciate that. I say that you have the patience of Job because, Mr. Speaker, if you think it is rough dealing with Lois on the floor, try dealing with her in pre-Session briefings. Les sits there, and Les takes it, and Les still keeps his professionalism, and he is still a leader. Just like Mr. Henriquez said, Les, you will always be my Leader. You will always be our Leader. And you have shown me how to conduct myself in this process, and I thank you for it. [applause]

Speaker Thrasher: Representative Ritter.

Rep. Ritter: I'm beginning to wonder if I shouldn't become a Republican, since only my own make me cry anymore. Maybe I should be sitting in the front and let you all make me cry for a change. That was a joke.

Speaker Thrasher: I'll try to do that before tomorrow's over, Representative Ritter. [laughter]

Rep. Ritter: Les, I can't thank you enough for believing in me when not many people did. In my whole 39 years, very few people have believed in me the way that you have. One other person comes to mind, and he knows who he is, but you believed in me, and your loyalty was unbending. Your belief in my commitment to our caucus and our party was unwavering. I have never experienced the kind of support, ever, that you have given me in this position. I can't thank you enough for that. In return, I'll give you what little I have: my unwavering loyalty, my support in everything you ever do, particularly this year, in whatever you choose to do. Last, and I suppose it's least, considering I come from Broward County, my love. I love you. I will always love you. You are—I know Debbie's my sister, and Les may have more difficulty becoming a part of my family, especially at Passover, when my mom and dad look and say, What? I don't remember this one. But you are a part of my family. I love you. I have never experienced the kind of—you know. I will always be there for you, and I want to thank you very much for what you've given me. Thank you.

Speaker Thrasher: Representative Arnall.

Rep. Arnall: Thank you, Mr. Speaker. Members, I just wanted to say to you that I get a chance to interact with Representative Miller quite a bit, especially in working on issues that we trade back and forth. And I just want to say what a fine gentleman he is; what a pleasure he has been to deal with, not only upholding the desires of the Democrats but also just being a principled individual. And Les, you've been great. I appreciate you. [applause]

Speaker Thrasher: Representative Eggelletion.

Rep. Eggelletion: Thank you, Mr. Speaker. Thank you, Members. Les, we sort of came in together in '82 and have been there for each other for a long period of time. And I will tell you that if Elder Watson Diggs was here, I'm quite sure he would be proud of you because you certainly exemplify everything that he taught us and that's important, and that's achievement, and that's extremely important. And one of the things that we all know is when we think back—and I think you can clearly understand this from *Invictus* and I won't quote it all, but—"In the fell clutch of circumstance . . . a head is bloodied, but yet unbowed." And I think you exemplified that when you took over our party. A head was bloodied, but you would not bow, and that's important. You stood there, you fought hard, and you did what was right, and that's important. And you've always been fair. And I think, Members, the most important thing in this process is that you're fair; that you're fair to your fellow man, and you're fair to your cause, and you advocate for people. And you certainly advocated for District 59, and that's important. So, Les, we're going to always talk. As you know, we always have our talks, and that's important. So I'll be there for you like I said I would, and I'll always be there. Thank you. It's been a good ride. [applause]

Speaker Thrasher: Representative Bitner.

Representative Bitner: Thank you, Mr. Speaker. Les, I'd like to congratulate you on a fantastic two years. I think you have been a great Leader. But I'd also like to let this Chamber know a little bit of regret that I have, and probably expose you for something that most of the Members may not know. And I want to make sure my wife isn't back up in the stands—she's not. [laughter] You see, one evening we had planned an outing. It would have been Representative Feeney, Representative Arnall, Maygarden, and myself, and we were going to take Les to the wrestling matches. Les is an avid wrestling fan, and I go for the women; he goes for the wrestlers. [laughter] We had planned to do that. We would have had a great time, and we share that common interest. I hope sometime we'll get a chance to do that, Les. I'll come to Tampa. And our guys that were going were saying, Tell me again why we're going and what are we going to do? We would have had a great time. Les, look forward to seeing you in the ring. [laughter] [applause]

Speaker Thrasher: Representative Starks.

Rep. Starks: Thank you, Mr. Speaker. Speaking on behalf of the Black Caucus [laughter], I'd like to say that I was born in Ybor City, and I still go there many times. And I want to tell you I have noticed the difference as a result of your great efforts for your district and what's going on there and the revitalization. And I applaud you for that. And I also want to say that how many times when I needed your help that I walked back there and you always looked me right in the eye and took time with me; you listened to what I said. The other day you helped me on some amendments. If you disagreed with me, you always told me why, and you've always been a gentleman. I know that you are going to continue to be a great leader, and I look forward to watching your future. I stand in honor of all the people of Florida to honor you and to say, "A job well done." Thank you, sir. [applause]

Speaker Thrasher: Representative Gottlieb.

Rep. Gottlieb: This is the first time I'm actually standing to speak about a Member. But before I do, I have to say that Bob and I do love Steak 'n Shake, but we like the Governor's Club, too, Mr. Speaker. [laughter] Now the reason I haven't really stood up to speak about anybody yet is not because they haven't deserved it, because you all have. I just am not a very emotional person. Actually, I'm devoid of emotion, and you might have noticed that. But, I feel, personally, I feel

cheated that I haven't known you longer, Les. The actual first time I remember having a conversation with you was when I got here. I was here for about a week, and I was asked to do something that I shouldn't have. And I went to you because it affected your district—which was a hospital lien bill—and I was asked to pull it off the Calendar. And I went to you, and if you think that the Speaker has a stare, [laughter] there was a very strong one at that moment. But I did take your advice and have ever since. And I really appreciate the fact that you protected me, because not only you would have been mad at me but a bunch of people in this room would have been mad at me. And your protection has not stopped there.

For those of you who don't know, as Debbie alluded to earlier, there were only about three or four people coming to the caucus meetings when I first got here, and the only reason I went was because I had nothing else to do. [laughter] Not much really happened at that moment for the Democratic Caucus. And as Bob has alluded to, it is tough to come here when there's 80 votes against you just for saying hello. [laughter] And it's like hitting your head against the wall, and some would say we have lost. But actually, Les looks at it as a victory. He keeps pounding away, and it's kind of like a drip of water on a rock: eventually there's a hole in the rock. And he has really taught us how to win. And I feel like a winner, actually, especially because of Les's leadership.

He has come to my district and has spoken to my community, and I can honestly say that the Member of District 101 just thinks you're the greatest. The constituents of District 101 feel that way, too. In fact, I was shocked at not only the people in your district that when you go to McDonald's love you, but when you go to a church in my district, they all went to school with you or are cousins with you. And I have to admit that I never had a schoolgirl crush on Les [laughter] and I never thought of him as my father, because quite frankly he's not that old. And I have thought of him as a brother, especially when I needed a loan. [laughter] And I know that you will do a great job over in the Senate. And I really appreciate the fact that you have always made me feel important in the House, even though I am one of the more quiet Members, and probably one of the less aggressive Members. I appreciate you making me feel like I have a real worth. I really appreciate the fact that you have given me direction and protection. And in closing, I'd like to say, you be careful out there. [applause] Thank you.

Speaker Thrasher: Representative Wilson.

Rep. Wilson: Thank you, Mr. Speaker. As most of you know, my job, my task, is to save young boys. Whenever I have the opportunity, I always try to introduce them to very impactual role models. And it was certainly—each time they come here, I always invite Members to speak to them in one of the meeting rooms. Mr. Miller, our Leader, had the opportunity to speak with them. And when I introduced him as the leader of the Democratic Party, I did not realize how impactual that was to the boys until the last time I went home and they were telling everyone that—did you know that the man that leads all the Democrats is a young, young, tall man? I did not have the heart to tell them he just looks young; he's really not a young, young man. But they were so proud of you, and I am so proud of you. When I was first elected, I did not have much idea about how this whole process worked, but I was proud to know that an African-American man was the leader of the Democrats. I knew the whole story about Willie Logan, Representative Logan. I was so proud to watch you as you orchestrated and as you led our party, and I was proud when you named me one of the whips. I appreciate that and I will always remember you and try to work with you when you go to the Senate, so that I can have someone to help me sponsor some of my bills. Thank you so much. [applause]

Speaker Thrasher: Representative Hill.

Rep. Hill: Thank you, Mr. Speaker. To our Leader, Les Miller, first of all I want to thank you for allowing me to serve in your leadership role in your cabinet. And to tell you, on putting on the other hat on behalf of working families and the AFL-CIO, you were there for us and we will be there for you. I'd just like to leave you with a quote from our fraternity brother, Jesse Jackson: "Weeping may last for a night, but joy comes in the morning." [Psalm 30:5] Thank you.

Speaker Thrasher: Thank you, Representative Hill. All right, Members, thank you for great honor. I know I speak for all. Representative Jones, Representative Maygarden, Representative Miller, myself, you have made us very happy today. It has been a warm day, and one that I know we'll remember—that I will and I know that they will—for the rest of our lives. Thank you, Representative Miller, again, for your friendship.

Recorded Votes

Rep. Albright:

Yeas—CS/HB 5; HB 17; CS/HB 21; HB 65; CS/CS/HB 75; CS/HB 143; HB 155; CS/CS/HB 181; CS/HB 205; HB 273; CS/HB 313; CS/HB 405; HB 429; HB 479; CS/HB 599; CS for SB 664; HB 729; HB 1049; HB 1051; HB 1053; HB 1055; HB 1057; HB 1059; HB 1061; HB 1063; HB 1065; HB 1067; HB 1069; HJR 1921; HB 1997; HB 1999; HB 2001

Rep. Argenziano:

Change from Yeas to Nays—CS for CS for CS for SB 1406; HB 2433

Rep. Ball:

Yeas—HB 735; SB 1870

Rep. Bloom:

Yeas—HB 663; CS/CS/HB 1891; motion to consider a late-filed amendment to HB 2427

Nays—CS/HB 397; CS for SB 1300; HB 2087

Rep. Brown:

Change from Yeas to Nays—CS for SB 2050

Rep. Brummer:

Yeas—CS for SB 2368

Rep. Bucher:

Yeas—CS for SB 708

Rep. Bullard:

Yeas—CS for SB 10; SB 58; SB 114; CS/CS/HB 137; SB 160; HB 253; CS/HB 279; CS/HB 293; CS for CS for SB 352; CS/HB 375; CS/CS/HB 383; HB 549; CS/HB 785; HB 801; SB 828; HB 839; HB 847; HB 925; HB 937; HB 943; HB 949; CS/CS/HB 951; CS/HB 955; HB 965; HB 969; CS/CS/HB 1005; HB 1007; CS/HB 1137; HB 1141; HB 1157; HB 1443; CS/HB 1457; CS/HB 1479; HB 1503; HB 1505; HB 1507; HB 1549; HB 1551; HB 1561; HB 1563; CS/HB 1575; HB 1593; HB 1605; HB 1613; HB 1633; HB 1635; HB 1637; HB 1669; HB 1671; HB 1679; HB 1683; HB 1687; HB 1713; HB 1717; CS/HB 1723; CS/HB 1735; HB 1769; HB 1773; HB 1789; HB 1793; HB 1797; HB 1803; HB 1853; CS/HB 1901; HB 1919; HB 1925; CS/HB 1991; HB 2055; HB 2099; HB 2123; HB 2165; HB 2375

Rep. Byrd:

Yeas—CS for SB 10; SB 58; CS for SB 94; SB 114; SB 130; CS/CS/HB 137; SB 156; SB 172; HB 253; CS/HB 279; CS/HB 293; CS/HB 329; CS/HB 339; CS for CS for SB 352; CS/HB 375; HB 377; CS/CS/HB 383; CS/HB 399; HB 407; HB 431; HB 509; HB 549; CS/HB 571; CS/CS/HB 615; HB 625; HB 679; HB 683; CS for CS for SB 714; SB 718; passage of SB 718 after reconsideration; CS/HB 785; HB 801; SB 828; SB 836; SB 838; HB 839; HB 847; SB 902; HB 925; HB 937; HB 943; HB 949; CS/CS/HB 951; CS/HB 955; HB 965; HB 969; CS/CS/HB 1005; HB 1007; CS/HB 1123; CS/HB 1137; HB 1141; HB 1157; CS/HB 1195; CS for CS for CS for SB 1338; HB 1443; CS/HB 1457; CS/HB 1479; HB 1481; HB 1503; HB 1505; HB 1507; HB 1529; CS/HB 1539; HB 1549; HB 1551; HB 1561; HB 1563; CS/HB 1575; HB 1579; HB 1593; HB 1605; HB 1609; HB 1613; CS/HB 1631; HB 1633; HB 1635; HB 1637; HB 1669; HB 1671; HB 1679; HB 1683; HB 1687; HB 1713; HB 1717; CS/HB 1723; CS/HB 1735; HB 1769; HB 1773; HB 1789; HB 1793; HB 1797; HB 1803; HB 1853; CS/HB 1901; HB 1917; HB 1919; HB 1925; CS/HB 1983; CS/HB 1991; HB 2019; HB 2055; HB 2065; HB 2067; HB 2071; HB 2075; HB 2095; HB

2099; HB 2111; HB 2123; HB 2165; HB 2195; HB 2301; HB 2305; HB 2375; CS for CS for SB 2390

Rep. Casey:

Yeas—CS/CS/HB 567; SB 1256; CS for CS for CS for SB 1258; SB 1260; CS for CS for SB 1262; motion to consider a late-filed amendment to Amendment 1 to CS/HB 1659

Rep. Chestnut:

Yeas—Amendment 7 to HB 219; HB 743; CS for CS for CS for SB 806; HB 879; CS/HB 1105; motion to consider a late-filed amendment to Amendment 1 to CS/HB 1659; HB 2035

Rep. Constantine:

Yeas—motion to lay on the table Amendment 1 to SB 268; CS/CS/HB 725; CS for CS for CS for SB 806; CS for SB 840

Rep. Cosgrove:

Yeas—CS/HB 411; passage of CS/HB 607 after concurrence in Senate amendment(s); HB 743; HB 775; HB 879; SB 1280; CS for SB 1412; HB 2283; HB 2361

Change from Yeas to Nays—CS/CS/HB 725

Rep. Crist:

Yeas—passage of CS/CS/HB 181 after concurrence in Senate amendment(s); CS for SB 1300

Nays—motion to consider a late-filed amendment to Amendment 1 to CS/HB 1659

Rep. Crow:

Yeas—CS/CS/HB 725; CS for SB 1016; CS for SB 1212; HB 2329; HB 2433

Nays—Amendment 2 to SB 160; Amendment 3 to SB 160; motion to consider a late-filed amendment to Amendment 2 to CS/HB 975

Change from Nays to Yeas—Amendment 2 to HB 2427

Rep. Edwards:

Yeas—Amendment 1 to CS/CS/HB 221; HB 1157; CS/HB 1849; HB 2089; Amendment 8 to HB 2127; Second Prefile Substitute Amendment 29 to HB 2145

Rep. Effman:

Yeas—CS/HB 389; CS for CS for CS for SB 806; CS/CS/HB 2023

Rep. Fasano:

Yeas—HB 2283

Rep. Feeney:

Yeas—SB 354; SB 1738

Nays—Amendment 3 to HB 161

Rep. Fiorentino:

Yeas—Amendment 3 to HB 2427; motion to consider a late-filed amendment to HB 2427

Rep. Frankel:

Yeas—CS for SB 1266

Rep. Greenstein:

Nays—HB 739

Change from Nays to Yeas—passage of CS/CS/HB 591 after concurrence in Senate amendment(s)

Rep. Harrington:

Yeas—SB 130; CS/HB 917; CS for SB's 1400 & 1224; HB 2377

Rep. Hill:

Yeas—CS for SB 290; SB 674

Rep. Kelly:

Yeas—passage of CS/CS/HB 591 after concurrence in Senate Amendment(s)

Rep. Levine:

Yeas—HB 2433

Rep. Logan:

Yeas—CS for SB 358; CS for SB 1074; CS for SB 1194; CS for CS for SB 1334; passage of HB 1791 after concurrence in Senate amendment(s); CS for SB 2034; passage of HB 2125 after concurrence in Senate Amendments 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 15, 16, and 17, concurrence in Senate Amendment 13, as amended, and refused to concur in Senate Amendments 2, 10, 14, and 14A

Rep. Lynn:

Yeas—HB 161; passage of CS/HB 1129 after concurrence in Senate amendment(s)

Rep. J. Miller:

Yeas—HB 1093

Rep. Minton:

Change from Nays to Yeas—SB 160

Rep. Patterson:

Yeas—HB 743; CS for CS for CS for SB 1338

Rep. Posey:

Yeas—passage of SB 1578 after reconsideration

Rep. Putnam:

Yeas—CS for SB 606; HB 2375

Rep. Ritchie:

Yeas—CS for SB 1956

Rep. Ritter:

Yeas—CS for SB 10; SB 58; CS for SB 94; SB 114; CS/CS/HB 137; CS/HB 143; SB 156; SB 172; HB 253; CS/HB 279; CS/HB 293; CS/HB 329; CS/HB 339; CS for CS for SB 352; CS/HB 375; HB 377; CS/CS/HB 383; CS/HB 399; HB 407; HB 431; HB 509; HB 549; CS/HB 571; CS/CS/HB 615; HB 625; HB 679; HB 683; CS for CS for SB 714; SB 718; SB 828; SB 836; SB 838; SB 902; CS/CS/HB 951; CS/HB 955; CS/CS/HB 1005; CS/HB 1123; CS/HB 1137; HB 1157; CS/HB 1195; CS/HB 1457; HB 1461; CS/HB 1479; HB 1481; HB 1503; HB 1579; HB 1609; CS/HB 1631; HB 1633; HB 1669; CS/HB 1723; CS/HB 1735; CS/HB 1901; HB 1917; CS/HB 1983; CS/HB 1991; HB 2019; HB 2055; HB 2065; HB 2067; HB 2071; HB 2075; HB 2095; HB 2099; HB 2111; HB 2123; HB 2165; HB 2195; HB 2301; HB 2305; HB 2375; HB 2395

Rep. Russell:

Yeas—HB 1555

Rep. Ryan:

Yeas—passage of CS/CS/HB 591 after concurrence in Senate amendment(s)

Rep. Sanderson:

Yeas—CS/HB 57; SB 92; HB 135; HB 295; CS/CS/HB 321; CS for SB 372; HB 377; CS/HB 633; HB 677; SB 842; CS for CS for SB 890; CS/HB

955; CS/CS/HB 991; HB 1089; CS/HB 1123; CS/HBs 1153 & 845; HB 1189; HB 1491; HB 1777; HB 1791; HB 1799; motion to reconsider the vote by which Amendment 2 to CS/HB 1941 was adopted; HB 2263; SB 2316

Nays—Amendment 2 to Amendment 1 to CS/CS/HBs 769 & 1087; Amendment 1 to HB 2263; motion to suspend the closed-bill rule to permit consideration of an amendment to CS/HB 2339

Rep. K. Smith:

Yeas—HB 1451

Rep. Spratt:

Yeas—SB 160; CS/HB 525; HB 735; CS for CS for CS for SB 806; SB 990; CS for SB 1016; CS for SB 1212; HB 1451; HB 1627; SB 2104; CS/HB 2237; HB 2259; HB 2269; HB 2329; HB 2361; CS for SB 2368

Nays—Amendment 1 to SB 160; Amendment 2 to SB 160; Amendment 3 to SB 160; Amendment 1 to CS for SB 1212

Rep. Stafford:

Yeas—Amendment 1 to CS for SB 1212

Rep. Tullis:

Yeas—HB 1089; CS/HB 4011

Nays—Amendment 1 to CS/CS/HB 69; Amendment 1 to HB 117; Prefile Substitute Amendment 28 to HB 2145

Rep. Wallace:

Yeas—SB 2510

Rep. Wasserman Schultz:

Yeas—passage of CS for CS for SB 1114 after concurrence in Senate Amendment 1 to House Amendment 8

Prime Sponsors
CS/CS/HB 591—Fasano
CS/CS/HB 1005—Bloom

Cosponsors
HB 25—Bilirakis, Bloom, L. Miller
CS/HB 39—Lynn
HB 219—Alexander, Bloom, Byrd, Murman
CS/CS/HB 221—Wiles
CS/HB 263—Wasserman Schultz
HB 447—Bucher, Heyman, Lynn
HB 449—Bucher, Heyman, Lynn
HB 557—Argenio, Lynn
HB 583—Fuller
CS/HB 827—Bloom
CS/HBs 911 & 487—Lynn
CS/HB 1039—Murman
HB 1107—Lynn
CS/CS/HB 1163—Bucher, Casey, Frankel, A. Greene, Heyman, Hill, Jacobs, Kosmas, Lawson, Lynn, Ritter, Wasserman Schultz
HB 1171—Bullard, Kosmas, Lynn, Sobel
HB 1193—Lynn
CS/HB 1439—Goode
CS/HB 1607—Crist
HB 1933—Wiles
CS/HB 1955—Crist
HB 1973—Crist, Lynn
CS/HB 2085—Crist
HB 2309—Kelly
HB 2347—Lynn
HB 2377—Crist
HB 2429—Lynn

Introduction and Reference

HR 9195—Adopted earlier today

By Representative Thrasher—

HR 9197—A resolution commending United States Senator Connie Mack for his outstanding service and contributions to the United States of America and to the State of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Chestnut—

HR 9199—A resolution honoring the Alachua County Organization for Rural Needs Clinic.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Starks—

HR 9201—A resolution honoring the accomplishments of Eldrick "Tiger" Woods.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Wilson—

HR 9203—A resolution honoring the recipients of the African American Achievers awards for the year 2000.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Starks—

HR 9205—A resolution commending Pete Sampras for his accomplishments.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Eggelletion—

HR 9207—A resolution honoring Alpha Kappa Alpha Sorority, Inc., on the celebration of its 91st anniversary.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Lynn—

HR 9209—A resolution supporting civic education and declaring the third Friday of September 2000 as Florida's Legislators Back to School Day.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative J. Miller—

HR 9211—A resolution designating the Town of Century as "Florida's Millennium City."

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gay—

HR 9213—A resolution commending the men and women of the Space Shuttle Program for their contributions to the United States Space Program and to the people of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Reddick—

HR 9215—A resolution commending the Gamma Delta Sigma Chapter of Phi Beta Sigma Fraternity, Inc.

First reading by publication (Art. III, s. 7, Florida Constitution).

Ceremonial Resolutions

Adoption by Publication

At the request of Rep. Stafford—

HR 9193—A resolution honoring the life of Robert K. Gross.

WHEREAS, Robert K. Gross was born on June 23, 1958, and

WHEREAS, Robert K. Gross served as an Executive Board member of the National Postgraduate Committee from 1990-1993, and

WHEREAS, Robert K. Gross attended the London School of Economics, and

WHEREAS, Robert K. Gross taught Broward County children at Pine Crest Preparatory School from 1993-1996, and

WHEREAS, Robert K. Gross served on the City of Hollywood's Beach Master Plan Committee from 1995-1996, and

WHEREAS, Robert K. Gross was a research associate at the Florida International University in the College of Engineering and Design program from 1996-1997, and

WHEREAS, Robert K. Gross worked with the Broward Employment and Training Administration to promote transportation, education, and school-to-career programs from 1997-1999, and

WHEREAS, Robert K. Gross was a Broward County Democratic Executive Committee Committeeman from 1994-1999, and

WHEREAS, Robert K. Gross was a member of the Broward Community Involvement Round Table from 1997-1999, and

WHEREAS, Robert K. Gross was on the Executive Board of the Broward County Young Democrats from 1995-1999, served as Treasurer from 1995-1998, served as Vice President for Political Affairs from 1996-1997, served as Executive Vice President from 1998-1999, and served as President in 1999, and

WHEREAS, Robert K. Gross, a dedicated public servant and Democrat, died on December 11, 1999, while attending the Florida Democratic Convention in Orlando, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives joins the citizens of Broward County in honoring Robert K. Gross for his life, dedication to public service, and all of his accomplishments.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Cindy Sheer, the surviving spouse of Robert K. Gross, as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. Thrasher—

HR 9197—A resolution commending United States Senator Connie Mack for his outstanding service and contributions to the United States of America and to the State of Florida.

WHEREAS, Connie Mack was elected in 1982 to the United States House of Representatives to represent the 13th Congressional District of Florida, and served in the House of Representatives for three terms with honor and distinction, and

WHEREAS, Congressman Connie Mack was elected in 1988 to the United States Senate in one of the closest elections in the history of the State of Florida, and

WHEREAS, Senator Connie Mack was overwhelmingly reelected to the United States Senate in 1994, thus becoming the first Republican in Florida to be reelected to the United States Senate since reconstruction, and

WHEREAS, as chairman of the Senate Republican Conference, Senator Connie Mack is the third-ranking member of the Senate Republican leadership, and

WHEREAS, Senator Connie Mack is to be commended for his commitment to the belief that success and prosperity emerge from the spirit of creativity and entrepreneurship that resides within individuals, not government, and to the belief in the principles of less taxing, less spending, less government, and more freedom, and

WHEREAS, because of his commitment to conservative principles, Senator Connie Mack was strongly considered by Republican presidential nominee Senator Robert J. Dole of Kansas to be his Vice Presidential running mate in 1996, and

WHEREAS, Senator Connie Mack is a fervent supporter of efforts to promote freedom, protect human rights, and defend democratic principles both in this county and around the world, and

WHEREAS, Senator Connie Mack believes the Federal Government should play an integral role in furthering medical research, and is to be commended for his efforts to increase federal funding for medical research being conducted at the National Institutes of Health, and

WHEREAS, Senator Connie Mack and his wife, Priscilla Mack, both cancer survivors, have worked tirelessly to promote early-detection cancer programs, cancer-prevention programs, and innovative cancer treatment options, and have been recognized for their efforts by such organizations as the American Cancer Society, the Susan G. Komen Breast Cancer Foundation, the National Coalition for Cancer Survivors, and the Don Shula Foundation, and Senator Connie Mack co-founded the United States Senate Cancer Coalition to heighten public awareness of the importance of cancer research, and

WHEREAS, Senator Connie Mack has fought hard to protect and restore the Everglades as well as safeguard Florida's environmentally sensitive coastal lands and waters from the dangers of oil and natural gas exploration and drilling, and

WHEREAS, Senator Connie Mack is to be commended for his efforts to ensure that the State of Florida receives its fair share of federal funds from Washington, D.C., and has successfully fought for increased federal transportation funding so that our state can keep up with the infrastructure demands caused by our ever-increasing population, and

WHEREAS, Senator Connie Mack has fought for more Major League Baseball in Florida, and his efforts were featured in a 60 Minutes segment, and

WHEREAS, Senator Connie Mack's vision, determination, and commitment have helped make our state a better place to live, work, and raise a family, and

WHEREAS, Senator Connie Mack has been a principled and compassionate leader in Congress for nearly 18 years and has represented the State of Florida in our nation's capital with distinction, honor, and integrity, and, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida commends United States Senator Connie Mack for his outstanding service and contributions to the United States of America and to the citizens of the great State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to United States Senator Connie Mack as a tangible token of the sentiments herein.

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. Chestnut—

HR 9199—A resolution honoring the Alachua County Organization for Rural Needs Clinic.

WHEREAS, the Alachua County Organization for Rural Needs (ACORN) Clinic is a nonprofit organization, begun in 1974 when two area churches funded the VISTA volunteers to provide health, dental, and social services to the rural poor in Alachua, Bradford, and Union Counties, and, in 1976, a medical clinic was established, with a dental clinic to follow in 1987, and

WHEREAS, ninety-six percent of the patients served by the ACORN clinic are at or below 150 percent of the federal poverty guidelines, and

WHEREAS, the clinic serves a large portion of the minority population in the rural areas of North Central Florida, 16 percent of

whom are children, 20 percent of whom are elderly, and 64 percent of whom are middle aged with chronic health issues, and

WHEREAS, the ACORN Clinic provides valuable medical services by relying on the dedicated professionals in the surrounding communities who contribute over 11,500 hours of volunteer time each year, and

WHEREAS, the ACORN Clinic was recognized in 1997 with the Robert Wood Johnson Community Health Leader, 1 of 10 in the United States, and was awarded the National Rural Health Association's Outstanding Rural Health Program of the Year in 1998, recognizing their commitment to the rural poor and their right to quality health, dental, and social services, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives commends the Alachua County Organization for Rural Needs Clinic for its service to the Alachua County community and the State of Florida.

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. Starks—

HR 9201—A resolution honoring the accomplishments of Eldrick "Tiger" Woods.

WHEREAS, since his entry into the world of professional golf in 1996, Tiger Woods has won 22 tournaments, 16 of those tournaments on the PGA Tour, including the 1999 PGA Championship and the 1997 Masters Tournament, and

WHEREAS, Tiger Woods had one of the greatest seasons in PGA Tour history in 1999, earning a tour record of $6,616,585, nearly $3 million more than his nearest competitor, and

WHEREAS, in 1999, Tiger Woods was the first golfer to have eight PGA Tour victories in one year since Johnny Miller won eight tournaments in 1974, a total that has been equaled only six times and exceeded only five times, and

WHEREAS, Tiger Woods won four consecutive PGA Tour events to end 1999, and started 2000 with two more consecutive PGA Tour victories in the Mercedes Championships and the Pebble Beach National Pro-Am, tying Ben Hogan's record of six wins in a row in 1948 and establishing one of the longest winning streaks in professional golf history, second only to Byron Nelson's 11 consecutive wins in 1945, and

WHEREAS, Tiger Woods had 16 top-ten finishes in 21 starts on the 1999 PGA Tour and missed no 36-hole cuts, extending his streak to 39 consecutive events, and

WHEREAS, in addition to the 1999 PGA Championship, Tiger Woods won the Buick Invitational, the Memorial Tournament, the Motorola Western Open, the WGC NEC Invitational, the National Car Rental Classic, the Tour Championship, and the WGC American Express Championship on the PGA Tour, won the Deutsche Bank-SAP Open on the PGA European Tour, and, with Mark O'Meara, won the World Cup individual team title, and

WHEREAS, Tiger Woods has set records for the most victories for a golfer of his age and number of years as a professional with 21 professional victories at age 23, and

WHEREAS, Tiger Woods had 11 victories overall in 1999, the most for any professional golfer of his age in one year since Horton Smith had eight PGA Tour victories in 1929 at age 21, and

WHEREAS, Tiger Woods' two professional major championships and three U.S. Amateur titles brought his total to five major championships at age 23, the same total as Jack Nicklaus at that age, and

WHEREAS, including an eleventh victory in the PGA Grand Slam, Tiger Woods' 1999 worldwide earnings were $7,681,625, and his career earnings to date are $14,641,832, including $11,837,129 on the PGA Tour, and

WHEREAS, among the honors received by Tiger Woods in 1999 were the Associated Press Male Athlete of the Year, the Jack Nicklaus Award for the Player of the Year as selected by the PGA Tour, and player of the year designation by PGA of America and the Golf Writers Association of America, and

WHEREAS, Tiger Woods' adjusted scoring average in 1999 of 68.43 strokes was the lowest scoring average on record and earned Tiger Woods the Byron Nelson Award on the PGA Tour and the Vardon Trophy from the PGA of America, and

WHEREAS, the Tiger Woods Foundation supports the First Tee Program to make golf accessible and affordable for children, especially minority and inner city children, with programs being developed in Jacksonville, Hollywood, and Palm Beach, and in St. Johns County, with the intent to expand the First Tee Program across the state, and

WHEREAS, it is fitting and appropriate that the House of Representatives recognize Eldrick "Tiger" Woods for his numerous outstanding accomplishments, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida hereby applauds Eldrick "Tiger" Woods for his inspirational accomplishments in the world of professional sports and recognizes him as the preeminent professional golfer in the world today and an inspiring standard for athletes, minorities, and the youth of the world.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Tiger Woods as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. Wilson—

HR 9203—A resolution honoring the recipients of the African American Achievers awards for the year 2000.

WHEREAS, selected by an independent panel of distinguished African Americans from Miami-Dade, Broward, and Palm Beach Counties, eight community leaders from among more than 150 nominees are recipients of this year's African American Achievers awards for their outstanding contributions toward enriching the lives of South Floridians, and

WHEREAS, now in its eighth year, the awards program was created by JM Family Enterprises and its subsidiary, Southeast Toyota Distributors, to recognize those who have made especially positive impacts in the community by their selfless commitment to others, and

WHEREAS, the 2000 South Florida African American Achievers, and the category which each represents, are as follows: Dawn Gibson-Brehon, Duncan Theatre Manager - The Arts; Dr. Minnie Lowe-Joyner, Founder of the Dr. M. L. Mitchell Community School - Education; Ted Johnson, President/General Manager of Fort Lauderdale Mitsubishi - Entrepreneurism; Mary B. Hooks, Secretary of Labor and Employment Security - Government; Irma Hunter Wesley, Executive Director of Fort Lauderdale Child Development Center, Inc. - Health and Family Services; Irvin Minney, Project Director of Community Outreach for the Museum of Discovery and Science - Nonprofit Organizations; Sandrell Rivers, Areawide Arts Supervisor for Miami-Dade Metro Parks - The Professions; and Leslie Bailey, student at Plantation High School - Jerome Edmond Gray Youth Achiever, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to congratulate the worthy recipients of the 2000 South Florida African American Achievers awards and to express its sincere gratitude for the commonly held spirit of selflessness that resulted in the service for which each is recognized.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to each award recipient as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. Starks—

HR 9205—A resolution commending Pete Sampras for his accomplishments.

WHEREAS, Pete Sampras is the only tennis player in history to finish a year (1998) as the number one player in the world for a record total of six consecutive years and be ranked as the number one player in the world for a record total of 276 weeks, and

WHEREAS, Pete Sampras has earned many honors during his remarkable career, including being voted as the ATP Tour Player of the Century, ESPN Male Tennis Player of the Decade, Best Male Tennis Player for the past 25 years in 1997 by current and past players and the media, and the Greatest Player of the 20th Century by Tennis Magazine in 1999, and

WHEREAS, in addition to his many other awards and honors, Pete Sampras has won 12 Grand Slam victories which tied Roy Emerson's mark of 12 major titles, he has won six Wimbledon titles, the most titles won in the 20th century and only one short of Willie Renshaw's record seven victories, and he is the only tennis player to qualify every year for the annual ATP Tour Singles Championship since the event was first introduced, and

WHEREAS, Pete Sampras tops the list of the most singles titles won in all current active ATP Tour players, and

WHEREAS, it is fitting and appropriate that the House of Representatives of the State of Florida commend Pete Sampras for his many accomplishments in the game of tennis, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives hereby commends Pete Sampras for his many accomplishments in the field of tennis and wishes him continued success as the number one tennis player in the world.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Pete Sampras as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. Eggelletion—

HR 9207—A resolution honoring Alpha Kappa Alpha Sorority, Inc., on the celebration of its 91st anniversary.

WHEREAS, in January of 1908, with the motto "Service to All Mankind," Alpha Kappa Alpha Sorority, Inc., became the nation's first African American Sorority, and

WHEREAS, since its inception, Alpha Kappa Alpha Sorority, Inc., has become an international organization of college-educated women, boasting a membership of 150,000 members in the United States, Germany, West Africa, the Virgin Islands, Bermuda, Korea, and Great Britain, and

WHEREAS, the primary thrust of the organization has been the promotion of the arts, economic empowerment, the Black Family, education, health, and the IVY AKAdemy, and

WHEREAS, with the theme "Blazing New Trails—The Alpha Kappa Alpha Way," the Zeta Rho Omega, Kappa Kappa Omega, and Upsilon Xi Omega chapters of Alpha Kappa Alpha Sorority, Inc., celebrated the sorority's 91st Founders' Day on March 12, 2000, in Fort Lauderdale, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives extends its heartiest congratulations to Alpha Kappa Alpha Sorority, Inc., for 91 years of "Service to All Mankind," and offers its sincerest best wishes in the sorority's future endeavors.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Dr. Norma Solomon White, International President of Alpha Kappa Alpha Sorority, Inc., as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. Lynn—

HR 9209—A resolution supporting civic education and declaring the third Friday of September 2000 as Florida's Legislators Back to School Day.

WHEREAS, Florida was created as a representative democracy in which all governmental power is inherent in the people who exercise that power through the legislative, executive, and judicial branches, and

WHEREAS, the changing political environment requires an increased knowledge of the citizenry on the role of state legislatures in assuring that the voice of all people will be heard and the issues of public policy will be openly debated, and

WHEREAS, Benjamin Rush, a signer of the Declaration of Independence stated, "There is but one method of rendering a republican form of government durable, and that is by disseminating the seeds of virtue and knowledge through every part of the state by means of proper places and modes of education and this can be done effectively only by the aid of the legislature," and

WHEREAS, the National Conference of State Legislatures (NCSL) has passed a resolution which asserts that the operations of the state legislatures and the roles of individual legislators are often little understood by citizens, and that public understanding of the institutions and processes of the government is critical to building public trust and confidence, and

WHEREAS, the NCSL resolution also declares that state legislatures need to bring about better understanding of the concept of representative democracy and that education about representative democracy should emphasize the importance of compromise and the difficulty of resolving competing interests in a diverse society, and

WHEREAS, civic education is a vital tool to promote greater understanding of the legislative institution and the role of legislators in representative democracy, and

WHEREAS, the NCSL urges the nation's state legislatures to promote civic education about representative democracy, and

WHEREAS, the NCSL has established America's Legislators Back to School Day, a national day on which state legislators across the nation visit schools and classrooms to talk about the Legislature and to observe activities in the schools, and

WHEREAS, legislators will benefit from interacting with students, teachers, and administrators, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida Legislature supports civic education to promote greater understanding of the legislative institution and the role of legislators in representative democracy.

BE IT FURTHER RESOLVED that the Florida Legislature declares that the third Friday in September 2000 shall be designated as Florida's Legislators Back to School Day and urges all members of the Legislature to visit schools on that day.

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. J. Miller—

HR 9211—A resolution designating the Town of Century as "Florida's Millennium City."

WHEREAS, Florida's northernmost city, and the northwestern gate to the Sunshine State, the Town of Century was founded in 1901 by the

Alger-Sullivan Lumber Company after the company had established a sawmill in the area, and

WHEREAS, to celebrate and to usher in the new millennium, a two-day celebration was held, which featured an array of entertainment for all ages, culminating in a fireworks show at midnight on December 31, 1999, and the burying of a time capsule on January 1, 2000, not to be opened until the year 2025, and

WHEREAS, to further emphasize this unique period in its history, Century has won the approval of the United States Postal Service for the issuance of two pictorial postage cancellation stamps, each bearing the Century Millennium Celebration Committee's logo, designed by Deven Walther, a student from Jay, Florida, and the respective dates of December 31, 1999, and January 1, 2000, and

WHEREAS, the Century Millennium Celebration Committee has applied for the national designation of "Millennium Community," which would be conferred by a noncompetitive program of the same name designed to recognize the commitment of communities across the nation to bring citizens together around meaningful millennium projects consistent with the national theme, "Honor the Past - Imagine the Future," and

WHEREAS, it was most appropriate as the new century dawned to celebrate the achievements and growth of the Town of Century and its citizens, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to recognize the Town of Century, Florida, and to designate the town as "Florida's Millennium City."

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. Gay—

HR 9213—A resolution commending the men and women of the Space Shuttle Program for their contributions to the United States Space Program and to the people of Florida.

WHEREAS, the Space Shuttle is the world's most versatile launch vehicle, having carried more than 2.6 million pounds of cargo, more than 700 major payloads to orbit, and more than two-thirds of the humans ever launched to space, and

WHEREAS, the Space Shuttle, with unmatched capabilities and 75 percent of its operational lifetime still ahead, will serve as our nation's bridge to the future well through the first decade of the 21st century, and

WHEREAS, the most adaptable, most capable, and most critical elements of the Space Shuttle Program are the men and women who prepare, maintain, and launch Columbia, Discovery, Atlantis, and Endeavour, and

WHEREAS, their commitment to safety, dedication to mission success, and continual pursuit of excellence provides inspiration to America's youth, and

WHEREAS, the Space Shuttle team will soon launch STS-101 on a mission to the International Space Station, and later this year is scheduled to launch the 100th Space Shuttle mission from the Kennedy Space Center, and

WHEREAS, the State of Florida is today the proud home of more than 10,000 workers in the Space Shuttle Program, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida hereby recognizes and commends the men and women of the Space Shuttle Program for their contributions to the United States Space Program and to the people of the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to representatives of the Space Shuttle Program as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. Reddick—

HR 9215—A resolution commending the Gamma Delta Sigma Chapter of Phi Beta Sigma Fraternity, Inc.

WHEREAS, Gamma Delta Sigma Chapter, established in 1951 under the guidance of esteemed founder Leonard F. Morse, has about 130 local members and is associated with Phi Beta Sigma Fraternity, Incorporated, an international graduate fraternal organization of nearly 100,000 members, and

WHEREAS, committed to the principles of brotherhood, scholarship, and service, Gamma Delta Sigma Chapter is dedicated to bridging corporations with communities via economic and human services, and

WHEREAS, Gamma Sigma Delta's motto, "Culture for Service and Service for Humanity," embodies the organization's commitment which has been demonstrated and implemented through many of its successful national, regional, and local programs, and

WHEREAS, as a result of dedication and diversification, Gamma Delta Sigma Chapter promotes and assists in uplifting the people of its community through local programs focused on mentoring and tutoring African-American children, providing food for the homeless, and providing a social outlet for all in a safe and healthy environment, and

WHEREAS, Gamma Delta Sigma Chapter celebrates its 49-year history by paying tribute to the founders of the Phi Beta Sigma Fraternity, Incorporated, the Honorable A. Langston Taylor, Leonard F. Morse, and Charles I. Brown, who will forever be remembered for their contributions to their chapter and to their nation, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes the contributions of Gamma Delta Sigma Chapter's contributions to the community and commends the fraternal organization for its efforts to better the people of the state.

—was read and adopted by publication pursuant to Rule 115.

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time:

CS/HB 1721 (tobacco settlement proceeds): Rep. Gay, Rep. Gottlieb, Rep. Lacasa

Correction of the *Journal*

The *Journal* of March 7 was further corrected as follows: On page 14, column 2, lines 25 and 26 from the bottom, in the committee referrals for HB 63, after "Education Innovation" delete: Education/K-12

And on page 122, column 1, between lines 24 and 25 from the bottom, in Additional Reference of Bills, insert: CS/HB 63 was further referred to the Committee on Education/K-12.

And on page 151, column 2, line 28 from the top, after the report of the Committee on Environmental Protection for HB 4029, delete "HB 4047 was laid on the table" and insert in lieu thereof: HB 4029 was laid on the table

The *Journal* of March 29 was further corrected as follows: On page 354, column 1, between lines 10 and 11 from the bottom, after HB 2153, insert: Referred to the Calendar of the House.

And on page 357, column 1, between lines 4 and 5 from the top, after HR 9039, insert: Referred to the Calendar of the House.

And on page 362, column 1, lines 11 and 12 from the top, in the sponsors for CS/HB 1677, delete "Merchant and Patterson" and insert in lieu thereof: Patterson and Merchant

The *Journal* of March 31 was further corrected as follows: On page 386, column 1, between lines 10 and 11 from the top, before Prefile Amendment 32, insert: The question recurred on the adoption of Prefile Amendment 31, which was withdrawn.

The *Journal* of April 4 was further corrected as follows: On page 422, column 2, line 32 from the top, in the reconsideration of HB 2147, delete "On motion by Rep. Pruitt" and insert in lieu thereof: On motion by Rep. Feeney

And on page 428, column 2, line 17 from the bottom, in the sponsors for HR 9079, before "K. Smith" insert: Wiles

The *Journal* of April 12 was further corrected as follows: On page 507, column 2, lines 26 and 30 from the bottom, in the motions on HBs 2121 and 1081, delete "Boyd" and insert in lieu thereof: Byrd

And on page 527, column 2, line 1 from the bottom, in the committee referrals for HB 2323, after "Insurance" insert: and General Government Appropriations

The *Journal* of May 2 was further corrected as follows: On page 1391, column 2, line 29 from the top, before session vote sequence 394, delete "The question recurred on the passage of CS/HB 1715." and insert in lieu thereof: The question recurred on the passage of CS/HB 1725.

The *Journal* of May 4 was further corrected as follows: On page 1548, column 1, line 2 from the top, in session vote sequence 482, the vote on a motion to recall CS/HB 1807 from the Senate, delete "Yeas—37" and insert in lieu thereof: Yeas—38

And in the same roll-call vote, in the Yeas, between Henriquez and Hill, insert: Heyman

The *Journal* of May 5 was corrected as follows: On page 1972, column 2, line 16 from the top, after session vote sequence 569, delete "together with HB 2125" and insert in lieu thereof: together with HB 2145

And on page 2056, column 1, line 17 from the bottom, after the title for CS/CS/CS/SB 406, delete "On motion by Rep. Roberts" and insert in lieu thereof: On motion by Rep. Bradley

And on page 2122, column 2, line 1 from the top, through page 2123, column 2, line 10 from the top, delete the title for CS/SB 358 and insert in lieu thereof the following unengrossed title: A bill to be entitled An act relating to substance abuse and mental health services; amending s. 394.455, F.S.; redefining the term "mental illness" for purposes of part I of ch. 394, F.S.; amending s. 394.492, F.S.; redefining the term "child or adolescent who is experiencing an acute mental or emotional crisis" for purposes of part III of ch. 394, F.S.; amending s. 394.493, F.S.; revising the income standard that is the basis for a sliding fee scale adopted by the Department of Children and Family Services for mental health services provided to children and adolescents; amending s. 394.65, F.S.; redesignating part IV of ch. 394, F.S., as "The Community Substance Abuse and Mental Health Services Act"; amending s. 394.66, F.S.; providing legislative intent with respect to substance abuse and mental health services; amending s. 394.67, F.S.; providing additional definitions; creating s. 394.674, F.S.; providing criteria for clinical eligibility and fee-collection requirements for substance abuse and mental health services funded by the Department of Children and Family Services; providing requirements for the department in the provision of crisis services, substance abuse services, and mental health services; specifying requirements for counties in spending certain funds for local substance abuse and mental health services; authorizing the use of funds for activities to prevent substance abuse; requiring that the Department of Children and Family Services adopt rules; requiring the department to establish a sliding fee scale for clients who receive substance abuse and mental health services; amending s. 394.675, F.S.; revising the types of services provided by the department under the substance abuse and mental health service system; creating s. 394.676, F.S., relating to the Indigent Psychiatric Medication Program; requiring the department to adopt rules; amending s. 394.74, F.S., relating to contracts for substance abuse and mental health programs; conforming provisions to changes made by the act; amending s. 394.75, F.S.; requiring district health and human services boards rather than planning councils to prepare substance abuse and mental health plans; providing requirements for the plans; revising the population groups to be addressed in the plans to conform to changes made by the act; amending ss. 394.76, 394.77, 394.78, 394.79, 394.908, F.S., relating to the financing of district programs and services, uniform information and reporting systems, procedures for audits and dispute resolution, and distribution of appropriations; conforming provisions to changes made by the act; requiring the Department of Children and Family Services to submit a master plan to the Legislature for implementing a publicly funded, community-based system of care for mental health and substance abuse services; providing requirements for the master plan; requiring the department to submit a report to the Legislature which describes the compliance of providers with performance outcome standards; providing an effective date.

And on page 2389, column 1, line 12 from the top, through page 2390, column 1, line 13 from the bottom, delete Senate Amendment 15 to HB 2263; and on page 2390, column 2, line 13 from the top, between "14" and "16" delete: 15,

Adjournment

On motion by Rep. Arnall, the House adjourned at 7:21 p.m. *sine die*.

Enrolling Reports

CS/HB 1721 has been enrolled, signed by the required constitutional officers, and presented to the Governor on May 9, 2000.

John B. Phelps, Clerk

CS/HB 2365 has been enrolled, signed by the required constitutional officers, and presented to the Governor on May 10, 2000.

John B. Phelps, Clerk

CS/CS/HB 221; CS/HB 301; CS/CS/HB 991; and HBs 1189, 1957, and 2329 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 16, 2000.

John B. Phelps, Clerk

HB 1777 has been enrolled, signed by the required constitutional officers, and presented to the Governor on May 17, 2000.

John B. Phelps, Clerk

CS/HB 563; CS/HB 565; and HBs 791, 793, 795, 801, 815, 835, 839, 841, 865, 867, 869, 871, 875, 877, 925, 927, 961, 963, 965, 967, 969, 971, 2145, and 2147 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 19, 2000.

John B. Phelps, Clerk

CS/HBs 67 & 187; CS/CS/HB 113; HBs 135 and 161; CS/HB 205; HB 219; CS/HB 389; CS/HB 399; CS/HB 607; HBs 677 and 679; CS/HB 701; HBs 743, 775, 937, 985, 987, 1007, 1049, 1051, 1053, 1055, 1057, 1059, 1061, 1063, 1065, 1067, and 1069; CS/HB 1083; HBs 1089, 1091, 1093, and 1141; CS/HBs 1153 & 845; HB 1197; CS/HB 1439; HBs 1441, 1443, 1445, and 1481; CS/HB 1901; CS/HB 1991; HBs 1993, 2007, and 2125; and CS/HB 2281 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 22, 2000.

John B. Phelps, Clerk

HBs 1487, 1489, 1495, 1501, 1505, 1507, 1509, 1529, 1543, 1547, 1549, 1553, 1555, 1557, 1559, 1561, 1563, 1593, 1595, 1603, and 1605 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 23, 2000.

John B. Phelps, Clerk

HBs 253 and 479; CS/CS/HB 855; CS/HB 955; CS/HB 1037; CS/HB 1039; HBs 1535, 1613, 1615, 1627, 1629, 1635, 1637, 1641, 1649, 1661, 1663, 1665, 1667, 1669, 1671, 1679, 1681, 1683, 1685, 1687, 1689, 1693, 1695, 1697, and 1933; CS/HB 2063; and HBs 2105, 2111, 2319, and 2393

have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 24, 2000.

John B. Phelps, Clerk

CS/CS/HB 181; HB 407; CS/HB 599; HB 683; CS/HB 785; HB 847; CS/HB 917; HBs 1013, 1551, 1701, 1703, 1705, 1707, 1709, 1711, 1713, 1715, 1717, 1719, 1761, 1765, 1769, 1773, 1779, 1783, 1787, 1789, 1791, 1793, 1799, 1801, 1803, 1805, and 2179; CS/HB 2339; and HB 2403 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 26, 2000.

John B. Phelps, Clerk

CS/HB 215; HBs 295 and 879; CS/HB 1105; CS/HB 1129; CS/HB 1429; HBs 1837, 1841, 1843, 1853, 1855, 1919, and 1925; CS/HB 1941; and HBs 1997, 1999, 2001, 2019, 2055, 2095, 2121, 2127, 2153, 2155, 2277, and 2301 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 31, 2000.

John B. Phelps, Clerk

CS/CS/HBs 63 & 77 and 891, 995, 2009, and 2135; CS/HB 439; CS/CS/HB 593; HB 1121; CS/HB 1425; CS/CS/HB 1567; and HBs 2037, 2087, and 2375 have been enrolled, signed by the required constitutional officers, and presented to the Governor on June 2, 2000.

John B. Phelps, Clerk

HBs 349, 411, 509, 1911, 2071, 2085, 2263, and 2417 have been enrolled, signed by the required constitutional officers, and presented to the Governor on June 5, 2000.

John B. Phelps, Clerk

CS/CS/HB 591; CS/CS/HB 1005; HB 2433; CS/HB 4011; HBs 4021 and 4035; CS/HB 4043; HB 4049; and CS/HB 4051 have been enrolled, signed by the required constitutional officers, and presented to the Governor on June 7, 2000.

John B. Phelps, Clerk

HB 2099 has been enrolled, signed by the required constitutional officers, and presented to the Governor on June 9, 2000.

John B. Phelps, Clerk

HB 2377 has been enrolled, signed by the required constitutional officers, and presented to the Governor on June 13, 2000.

John B. Phelps, Clerk

Communications

The Governor advised that he had filed in the Office of the Secretary of State the following bills, which he approved:

May 9—CS/HB 1721

May 16—CS/CS/HB 221; CS/CS/HB 991; and HBs 1189 and 1957

May 17—CS/HB 2365

May 18—CS/HB 301

May 22—CS/HB 563; CS/HB 565; and HBs 791, 793, 795, 801, 815, 835, 839, 841, 865, 867, 869, 871, 875, 877, 925, 927, 961, 965, 967, 969, 971, and 1777

May 23—HB 2125

May 24—HB 219

May 25—HBs 985, 987, 1007, 1049, 1051, 1053, 1055, 1057, 1059, 1061, 1063, 1065, 1067, and 1069; CS/HB 1083; and HBs 1089, 1091, 1093, 1141, 1197, 1441, 1443, 1445, and 2329

May 30—HB 963

June 1—HB 2393

June 2—CS/HBs 67 & 187; HBs 135 and 161; CS/HB 389; CS/HB 399; CS/HB 607; HBs 677 and 679; CS/HB 701; HBs 743, 775, and 937; CS/HBs 1153 & 845; CS/HB 1439; HB 1481; CS/HB 1901; CS/HB 1991; HBs 1993, 2007, and 2147; CS/HB 2281; and HB 2403

June 5—HB 479; CS/CS/HB 855; CS/HB 955; CS/HB 1037; CS/HB 1039; HBs 1487, 1489, 1495, 1501, 1505, 1507, 1529, 1535, 1543, 1547, 1549, 1553, 1555, 1557, and 1561; CS/CS/HB 1567; HBs 1593, 1603, 1605, 1613, 1629, 1637, 1641, 1649, 1661, 1663, 1665, 1669, 1671, 1685, 1687, 1689, 1693, 1695, 1697, and 1933; CS/HB 2063; and HBs 2105, 2111, and 2319

June 6—CS/HB 205

June 7—HBs 1509, 1559, and 1615

June 8—HB 253 and CS/HB 2339

June 14—CS/CS/HB 181; CS/HB 215; HBs 295 and 407; CS/HB 599; HB 683; CS/HB 785; HBs 847 and 879; CS/HB 917; HB 1013; CS/HB 1105; CS/HB 1129; CS/HB 1429; HBs 1551, 1563, 1595, 1627, 1635, 1667, 1679, 1681, 1683, 1701, 1703, 1705, 1707, 1709, 1711, 1713, 1715, 1717, 1719, 1761, 1765, 1769, 1773, 1779, 1783, 1787, 1789, 1791, 1793, 1799, 1801, 1803, 1805, 1837, 1841, 1843, 1853, 1855, 1919, and 1925; CS/HB 1941; and HBs 1997, 1999, 2001, 2019, 2055, 2095, 2121, 2127, 2153, 2155, 2277, and 2301

June 15—CS/CS/HBs 63 & 77 and 891, 995, 2009 and 2135; CS/CS/HB 593; HB 1121; CS/HB 1425; and HBs 2037, 2087, and 2375

June 16—CS/HB 411; CS/HB 439; HB 509; and CS/CS/HB 1911

June 19—CS/CS/HB 591; HB 2071; CS/HB 2085; HBs 2263 and 2417; CS/HB 4011; HBs 4021 and 4035; CS/HB 4043; HB 4049; and CS/HB 4051

June 20—HB 349; CS/CS/HB 1005; and HB 2099

June 21—HB 2433

June 26—HB 2377

The Honorable Katherine Harris June 2, 2000
Secretary of State

Dear Secretary Harris:

I have signed and hereby submit to you with reservations House Bill 1153, relating to the Clean Indoor Act. Although I applaud the efforts of the interested parties, including the Florida Restaurant Association, the American Cancer Society, the American Heart Association, and the American Lung Association in working out modifications to the regulation of smoking in restaurants, I have concerns about mandating the smoking arrangements of privately owned and operated restaurants. In particular, with respect to restaurants that seat 50 or fewer patrons that will now fall under this statute, the additional regulation has the potential to place burdens on small businesses having to accommodate this new standard.

It seems reasonable to me for the proprietor of an establishment to be free to set such standards according to his or her own propensities as well as the preferences of the restaurant's patrons. In my opinion, the marketplace is generally the most appropriate means of addressing such a situation. Individuals can choose to avoid cigarette smoke by patronizing restaurants that have strict no-smoking policies. Of course, those restaurants that have relaxed smoking policies run the risk that they will lose customers based on the proprietor's decision. The marketplace, in these circumstances, will more often than not encourage self-regulation. That is the way it should be in a free society.

Nevertheless, because of the dialogue and common ground reached by those groups that presented this bill, I will respect their efforts.

Sincerely,
JEB BUSH
Governor

The Honorable Katherine Harris June 16, 2000
Secretary of State

Dear Secretary Harris:

I have signed and hereby submit to you with reservations Committee Substitute for House Bill 439.

Article 1, Section 24(a) of the Florida Constitution requires that public records be open to full disclosure and access by any person; however, Section 24(c) provides the Legislature with the authority to exempt such records from disclosure through general law. As a condition of exercising this authority, the Constitution states that any law granting such an exemption "shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law."

The exemption from open public records requirements created by Committee Substitute for House Bill 439 allows the Department of Banking and Finance to keep confidential any information it gathers from a Certified Capital Company (CAPCO) during an administrative investigation or review, while that investigation or review remains open. However, questions have been raised concerning whether a specific section within the legislation provides an overly broad exemption. Specifically, subsection (e) in Section 1 of the bill states that "[a]ll information obtained by the department from any person which is only made available to the department on a confidential or similarly restricted basis shall be confidential and exempt . . ."

After careful review by my legal staff and staff in the Department of Banking and Finance, it appears that the section in question would not result in an overreaching exemption from public records requirements. Although subsection (e) in Section 1 of Committee Substitute for House Bill 439 does not explicitly exempt from disclosure only that information gathered from CAPCOs related to an investigation or review, this language is in fact listed in the bill under the title "Confidentiality of Investigative and Review Information." The intent of the bill's sponsor was for the exemption to apply only to those CAPCO records that are collected as part of an investigation or review. In an effort to bring further clarification to this provision, the Senate sponsor has agreed to work with my office to address this provision in statute during the 2001 Legislative Session.

For this reason, I have decided to sign into law Committee Substitute for House Bill 439.

Sincerely,
JEB BUSH
Governor

Recorded Votes

Rep. Bloom:

Nays—SB 2104

Rep. Boyd:

Yeas to Nays—CS/CS/HB 1911

Rep. Brummer:

Yeas—CS/HB 1725; HB 2089

Nays—Amendment 3 to HB 161

Rep. Casey:

Yeas—HB 4061

Nays—Amendment 1 to CS/CS/HB 221

Rep. Constantine:

Yeas—CS for SB 1604; CS for SB 2664

Rep. Detert:

Yeas—SB 130; SB 268; SB 320; CS for CS for SB 770 & SB 286; HB 1089; CS for SB's 1400 & 1224; CS for CS for SB 1646; CS for SB 1956; passage of HB 2263 after concurrence in Senate amendment(s)

Rep. Dockery:

Yeas—HB 253; Amendment 2 to HB 527; CS for SB 606; HB 739; CS for CS for CS for SB 806

Rep. Edwards:

Yeas—CS for SB 1196

Rep. Farkas:

Yeas—CS for CS for SB 770 & SB 286

Rep. Flanagan:

Yeas—CS/CS/HB 113; HB 135; SB 184; CS/HB 301; CS for SB 358; CS for SB 372; HB 677; SB 718; CS for CS for CS for SB's 852, 2 & 46; HB 1009; CS for SB 1074; passage of CS/HB 1083 after reconsideration; SB 1264; CS for SB 1266; CS for CS for CS for SB 1338; SB 1578; motion to consider a late-filed amendment to Amendment 1 to CS/HB 1659; HB 1777; CS/HB 1941; HB 2053; HB 2077; SB 2084; CS/HB 2085; HB 2087; passage of HB 2105 after concurrence in Senate amendment(s); HB 2121; CS/HB 2217; SB 2250; HB 2263; HB 2319; HB 4019; CS/HB 4025; CS/HB 4027; CS/HB 4029; HB 4063

Nays—Substitute Amendment 1 to CS/HBs 67 & 187; Amendment 1 to HB 117; Amendment 1 to CS/CS/HB 221; motion to consider a late-filed amendment to Amendment 2 to CS/HB 975; Amendment 10 to HB 2125; Amendment 5 to Amendment 1 to CS/HB 2335; Amendment 1 to Amendment 1 to HB 2381

Change from Yeas to Nays—CS for SB 2304

Rep. Frankel:

Yeas—CS/HB 205; HB 2147; HB 2259; HB 2269

Nays—CS/HB 389; CS/HB 411; HB 743; HB 775; CS/HB 1105

Rep. Gottlieb:

Yeas—SB 58; CS for SB 94; CS/CS/HB 137; SB 156; SB 172; HB 253; CS/HB 279; CS/HB 293; CS/HB 329; CS/HB 339; CS for CS for SB 352; CS/HB 375; HB 377; CS/CS/HB 383; Amendment 7 to CS/HB 397; CS/HB 399; HB 431; HB 549; CS/HB 571; HB 625; HB 679; HB 683; Amendment 2 to CS/HB 701; CS for CS for SB 714; SB 718; passage of SB 718 after reconsideration; CS/HB 785; HB 801; SB 828; SB 836; SB 838; HB 839; HB 847; SB 902; HB 925; HB 937; HB 943; HB 949; CS/CS/HB 951; CS/HB 955; HB 965; HB 969; CS/CS/HB 1005; HB 1007; HB 1049; HB 1051; HB 1053; HB 1055; HB 1057; HB 1059; HB 1061; HB 1063; HB 1065; HB 1067; HB 1069; CS/HB 1123; CS/HB 1137; HB 1141; HB 1157; CS/HB 1195; CS for CS for SB 1334; CS/HB 1457; CS/HB 1479; HB 1481; HB 1503; HB 1505; HB 1507; HB 1529; CS/HB 1539; HB 1549; HB 1561; HB 1563; CS/HB 1575; HB 1579; HB 1593; HB 1605; HB 1609; HB 1613; CS/HB 1631; HB 1633; HB 1635; HB 1637; HB 1669; HB 1671; HB 1679; HB 1683; HB 1687; HB 1713; HB 1717; CS/HB 1723; CS/HB 1735; HB 1769; HB 1773; HB 1789; HB 1793; HB 1797; HB 1803; HB 1853; CS/HB 1901; HB 1917; HB 1919; HB 1925; CS/HB 1983; CS/HB 1991; HB 2019; HB 2055; HB 2065; HB 2067; HB 2071; HB 2075; HB 2095; HB 2099; HB 2111; HB 2123; HB 2165; HB 2195; HB 2301; HB 2305; HB 2375

Nays—Amendment 1 to HB 117; SB 1548; motion to reconsider the vote by which Amendment 2 to CS/HB 1941 was adopted; Amendment 1 to Amendment 1 to HB 2381

Rep. C. Green:

Yeas—SB 1756

Rep. Harrington:

Yeas—CS for CS for SB 770 & SB 286; CS for SB 1226; CS for CS for SB 1646

Rep. Henriquez:

Yeas—CS/HB 215; passage of HB 509 after concurrence in Senate amendment(s); CS for CS for CS for SB 1338; CS/CS/HB 1891; Second Prefile Substitute Amendment 29 to HB 2145

Rep. Jones:

Yeas—HB 1139; CS for CS for CS for SB 1338; CS for SB 1956

Rep. Kosmas:

Yeas—HB 1091; passage of CS for CS for SB 1114 after concurrence in Senate Amendment 1 to House Amendment 8; HB 1461; HB 1551; SB 1750; SB 1788; CS for SB 2086

Rep. Kyle:

Yeas—CS/HB 205; HB 627; CS for SB 662; SB 666; HB 1011; HB 1451; HB 2325; CS/HB 4003

Nays—Amendment 2 to Amendment 1 to CS for SB 2050; Amendment 8 to HB 2127; motion to consider a late-filed amendment to HB 2427

Rep. Lee:

Yeas—Substitute Amendment 1 to CS/HBs 67 & 187; CS/CS/HB 75; Amendment 1 to SB 160; Amendment 2 to HB 161; Amendment 3 to HB 161; SB 268; SB 668; CS/HB 1439; HB 1551; SB 1788; Amendment 2 to CS/HB 1807; HJR 1921; Amendment 8 to HB 2127; CS for SB 2346; CS/HB 4023; HB 4059

Nays—motion to lay on the table Amendment 1 to CS/HBs 67 & 187; motion to lay on the table Amendment 1 to SB 268; CS/HB 397; Amendment 2 to HB 527

Rep. Levine:

Yeas—SB 268; passage of HB 1791 after concurrence in Senate amendment(s)

Rep. Ritchie:

Yeas—SB 172; CS for CS for SB 714; CS for CS for SB 1114; CS for SB 1956; Second Prefile Substitute Amendment 29 to HB 2145; HB 2195; CS/HB 4027

Rep. Ritter:

Yeas—passage of CS for CS for SB 1114 after concurrence in Senate Amendment 1 to House Amendment 8; SB 1788

Rep. Rubio:

Yeas—CS/CS/HB 69; HB 295; CS/HB 633; CS/CS/HB 1567; HB 2089; HB 2145; HB 2147; passage of HB 2147 after reconsideration; HB 2149; HB 2151; HB 2153; HB 2155; HB 2157; HB 2159; HB 2161

Nays—Amendment 1 to CS/CS/HB 69; Prefile Amendment 18 to HB 2145; Prefile Amendment 24 to HB 2145; Prefile Substitute Amendment 28 to HB 2145; Second Prefile Substitute Amendment 29 to HB 2145; motion to consider late-filed Prefile Amendment 30 to HB 2145

Rep. Ryan:

Yeas—CS/HB 315; HB 1529; HB 1557; HB 2277; HB 2283

Rep. Stafford:

Yeas—CS for CS for SB 1806

Rep. Sublette:

Yeas—HB 2189; HB 2259; HB 2317

Rep. Villalobos:

Yeas—motion to lay on the table House Amendment 2 to Senate Amendment 1 to CS/HB 701; passage of CS/HB 1439 after concurrence in Senate amendment(s); CS for CS for SB 1806; CS/HB 4051

Nays—Amendment 1 to CS/CS/HB 221; Amendment 2 to Amendment 1 to CS/CS/HBs 769 & 1087; Amendment 1 to HB 2263; Amendment 4 to Amendment 1 to CS/HB 2335; Amendment 27 to HB 2393

Rep. Wallace:

Yeas—CS/CS/HB 137; CS/CS/HB 1911; SB 2510

Rep. Wasserman Schultz:

Yeas—Amendment 7 to CS/HB 397; passage of HB 1063 after concurrence in Senate amendment(s); SB 932; CS for CS for SB 1806; HJR 1899

Nays—motion to lay on the table Amendment 2 to HB 349; Amendment 1 to CS for SB 758; motion to suspend the rules and read CS for CS for SB 1206 the third time

Rep. Wise:

Yeas—HB 117; CS for SB 154; CS for SB 372; passage of CS/HB 599 after concurrence in Senate amendment(s); HB 679; HB 739; SB 836; SB 842; CS/HB 1457; HB 1491; CS/HB 1885; HB 2007; HB 2179; SB 2316; CS for SB 2478; CS for SB 2532

Nays—Amendment 1 to CS/CS/HB 221; Amendment 1 to HB 739; Amendment 1 to CS for SB 1212; Amendment 4 to Amendment 1 to CS/HB 2335

Cosponsors

CS/HBs 67 & 187—Melvin
CS/CS/HB 69—Cantens
CS/HB 111—Boyd
CS/CS/HB 181—Cantens
HB 189—Wasserman Schultz
HB 219—Cantens
CS/CS/HB 221—Ball, Cantens
HB 409—Lynn
HB 585—Wasserman Schultz
HB 637—Wasserman Schultz
HB 679—Wasserman Schultz
CS/CS/HBs 769 & 1087—Posey
CS/HB 887—Kyle
CS/HBs 1153 & 845—Wasserman Schultz
HB 1467—Wasserman Schultz
CS/HB 1571—Henriquez, Lynn
HB 1749—Wasserman Schultz
HB 1877—Wasserman Schultz
HB 1965—Boyd
HB 1993—Cantens
HJR 2059—Wasserman Schultz
HB 2093—Lynn
HB 2253—C. Smith
HB 2329—Levine
CS/HB 2339—Cantens
HR 9019—Kyle
HR 9213—Albright, Alexander, Ball, Bitner, Boyd, Chestnut, Farkas, Fiorentino, Goode, Goodlette, Kyle, Littlefield, Maygarden, Pruitt, Rubio, Russell, Waters

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages numbered 1 through 2459, inclusive, are and constitute a complete, true, and correct journal and record of the proceedings of the House of Representatives of the State of Florida for the 102nd Regular Session since Statehood in 1845, held March 7 through May 5, 2000. Additionally, there has been included a record of the transmittal of Acts and Resolutions and actions taken by the Governor subsequent to the *sine die* adjournment of the Regular Session.

Clerk of the House

Tallahassee, Florida
June 26, 2000